

**FLORIDA ATLANTIC UNIVERSITY  
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: March 4, 2010

**REGULATION TITLE AND NUMBER:** Trespass and Loitering (7.006).

**SUMMARY:** Regulation 7.006, Trespass and Loitering, was last amended January 30, 2008. This proposal clarifies which administrators are responsible for decisions regarding the issuance and revocation of trespass notices. This proposal also implements a formal appeal and reconsideration process to insure due process is afforded to affected persons.

**FULL TEXT OF THE REGULATION:** The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at [www.fau.edu/regulations](http://www.fau.edu/regulations). In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

**AUTHORITY TO AMEND THE REGULATION:** Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:**  
Dennis Crudele, Interim Senior Vice President of Financial Affairs

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

**THE PERSON TO BE CONTACTED REGARDING THE AMENDMENT/REPEAL OF REGULATIONS IS:** Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

# PROPOSED

## Florida Atlantic University

### **Regulation 7.006 Trespass and Loitering**

(1) Florida Atlantic University is a member of the State University System. The President, as the chief executive officer of the University, has the responsibility for the operation and administration of the University, ~~and. The President, or the President's designated authorized personnel,~~ may issue trespass warnings ~~pursuant to Florida law. The Vice President for Financial Affairs is designated as the representative of the President to implement and enforce this regulation set forth below.~~

(2) Definitions.

~~(a)~~ University persons~~students.~~ Those persons who are currently enrolled at the University or have been admitted, registered for upcoming classes or completed at least one credit at the University during the current academic year.

~~(A)~~(b) University persons. Those persons who are faculty, staff, ~~students~~ or other employees, volunteers or agents of Florida Atlantic the University, and persons on campuses University property fulfilling contractual obligations or acting as authorized members of registered University organizations.

~~(B)~~(c) Non-University persons. All other persons who are not classified above as University persons~~students or University persons including, but not limited to, visitors, invited guests, students of other institutions and employees of other entities, and persons who have applied but have not been admitted to the University.~~

~~(d)~~ Authorized~~President's designated authorized personnel.~~ Any University business. Activity which furthers the mission Police officer and purposes all Vice Presidents, Provosts, and Deans of the all levels.

~~(e)~~ Trespass warning. A warning that a person is not authorized to be on University and which has been approved property, or a portion thereof, and may be subject to arrest, criminal sanctions and civil penalties without further warning if he or she refuses to leave or returns at any time in the future. Trespass warnings are permanent and remain in full force and effect unless revoked by the appropriate applicable appeal or reconsideration process herein.

~~(C)~~(f) Common areas. University officials.~~areas generally open to non-~~

University persons including, but not limited to, the library, food/vending areas, and bookstore/retail areas.

(3) Non-University persons are allowed to use the publiccommon areas of the University during normal business hours ~~or when present on campus for authorized University business,~~ and are allowed to attend lectures, plays and other activities on the University campus in the designated buildings or areas when such attendance is permitted by the sponsoring organization. ~~It is the responsibility~~ Non-University persons are permitted in non-common areas of the ~~Vice President for Financial Affairs~~ University, including offices and administrative areas only when invited or ~~his/her designee to control the use of all campus areas on~~ authorized University business. Non-University persons are not allowed on ~~campus~~ University property except as authorized by this regulation. ~~Non-University persons on campus for other than authorized University business, or if their continued presence on the campus is deemed by the Vice President for Financial Affairs or his/her designee to be disruptive to the orderly conduct of the University, may be asked to leave.~~

~~(4) The presence of non-University persons in offices~~ students may access all common areas of the University ~~is permitted when on and~~ other University property open and available to students for authorized University business. ~~The supervisor of each office as the designee of the Vice President for Financial Affairs is delegated the authority to warn those persons present not on University business that they must leave the campus or be subject to arrest for trespassing. The~~ Only ~~University Police is to be notified of any such incidents.~~

~~(5)~~ (4) ~~Only~~ students registered for a class may be in attendance in instructional areas unless permission of the ~~Instructor is given. The Instructor as the designee of the Vice President for Financial Affairs is authorized to warn non-students that they are trespassing and must leave the area of instruction or be arrested for trespass. Any such incident will be reported to the University Police. Non-University persons are not allowed in classroom buildings unless present on authorized University business~~ instructor is given.

~~(6)~~

~~(7) — No person to warn all unauthorized persons found at these facilities that they must leave the campus or be subject to arrest for trespassing. Any such incidents will be reported to the University Police.~~

~~(8)(7) Residence halls are considered to be the home of students. No one is allowed is permitted in a residence hall except authorized University ~~personnel~~persons, resident University students, and resident University students' guests according to ~~published~~ University Housing visitation and guest policies. ~~The Director of Housing or his/her designee is designated by the Vice President for Financial Affairs to warn all other persons to leave the residence hall facility and to have such persons arrested for trespassing if they do not comply~~~~



(12) It is not the intent of the University nor does the University create any additional rights by the implementation of this Regulation or any changes thereto that are not otherwise available by law.

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706, 1001.74, 1012.97 FS.; Law Implemented 1001.74, 810.08, 810.09, 856.021, 856.031, 1012.97 FS. History—New 9-14-81, Formerly 6C5-7.08, Amended 11-11-87, Formerly 6C5-7.008, Amended 1-30-08, - - -10.*