

THE UNIVERSITY OF ARIZONA®

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Policy Title: Exclusionary Order Policy

Effective Date: June 15, 2006

Approved By: President Likins

Contact: UA Police Department

PREAMBLE

The University of Arizona is a community of scholars and students. One of the requirements of a scholarly community is to be free of disruptive, threatening and illegal behavior. The University of Arizona has rules for the conduct of faculty, staff, students and invited guests while on campus, in part to provide an environment conducive to scholarly activities. With regard to faculty, staff and students, the University has in place mechanisms to enforce these rules, such as the disciplinary provisions of the Handbook for Appointed Personnel, Classified Staff Manual and similar provisions in the University Code of Conduct. However, with regard to members of the general public, the University needs specific procedures to enforce its rules of conduct and use of University grounds and facilities. This policy, together with state statutes (e.g. A.R.S. 13-2911, which requires adoption of rules for the maintenance of order on campus and criminalizes certain serious and disruptive behavior) and other University policies, provides that mechanism.

In accordance with A.R.S. 13-2911 (D), the University of Arizona adopts the following policy regarding excluding persons from campus grounds and properties.

I. Policy

From time to time, it becomes necessary to remove members of the public from the University of Arizona campus, which includes all land and buildings owned or under the control of the University of Arizona. The grounds of the University of Arizona are not places of unrestricted access, and it is the policy of the University to exclude persons who engage in illegal behavior or disrupt the University's educational mission (hereinafter "Disruptive Persons").

II. Purpose

The purpose of this policy is to define when and how the Exclusionary Order (hereinafter "Order") procedure may be implemented. This policy shall not be construed to limit the authority of administrative officials to take any other action that may be warranted by the circumstances.

An Order is issued as a means of intervention to remove Disruptive Persons from specific areas or the entire campus either temporarily or permanently.

III. Definitions

- a. Threaten, threat or threatening behavior for purposes of this policy means: Words or actions that reasonably convey to the recipient an immediate intent to harm the person or property of the individual to whom the words or behavior are directed.
- b. For purpose of this policy, "illegal or disruptive behavior" means actions by an individual which threaten or cause offenses against persons or property, disruption of University processes or programs, violation of a previous order given by a University official, a continuing pattern of violation of University rules and regulations after actual notice of the rules, or falsification or misrepresentation of self or other information to a University office or official.
- c. "University business day" means a day that is not a Saturday, Sunday, or University holiday.

IV. Applicability

This policy may be implemented against any natural person or organization physically present on campus. This Policy does not apply to University students, faculty and staff.

V. Who May Request the Exclusionary Order?

- a. The University President, Dean, Director or Department Head, or any other official designated as the person in charge of a specific area/building, facility, activity, or event.
- b. Law enforcement officers under conditions described in Section VI below.

VI. Procedures

The following procedure will be used in ordering Disruptive Persons to immediately leave certain University of Arizona areas, special events or facilities, or all University of Arizona grounds and property (the "campus"). Disruptive Persons who receive an Order are prohibited from returning for a presumptive period of six (6) months unless otherwise specified.

- a. In all cases of emergency (imminent bodily harm or imminent destruction of property), individuals should immediately call 911 for assistance.
- b. University of Arizona Police Department (UAPD) law enforcement officers may initiate an Order:
 - i. Upon request from any of the listed individuals in paragraph V; or
 - ii. Upon witnessing illegal or disruptive behavior, or to maintain campus security.
- c. UAPD law enforcement officers will provide written notice through use of the Order form, completed in full, which must include the following information:
 - i. First and last name of the individual;
 - ii. Address, if known;
 - iii. Date of the incident;
 - iv. Specification of the illegal or disruptive behavior;

- v. Specific location(s) the individual is prohibited from entering;
 - vi. Length of prohibition if longer than the presumptive six months;
 - a. If the prohibition is longer than the presumptive six months, the issuing officer shall include on the Order a brief summary of the reason(s) for the length of the prohibition, including permanent or indefinite (until permission to return is granted) terms.
 - vii. Consequences should the individual violate the Order;
 - viii. A notice that the Disruptive Person may obtain a review pursuant to paragraph VII of this policy.
- d. A copy of all notices issued pursuant to this policy will be kept on file at UAPD.
- e. All Orders issued by UAPD law enforcement officers will be reviewed internally by UAPD. Any Order found to have been issued without sufficient facts or information to support the action will be subject to rescission.

VII. Review

The Order remains in effect during any review procedure.

- a. Since neither a property nor a liberty interest is involved, the University provides the opportunity for a review as a courtesy to the affected persons.
- b. Persons wishing to have their exclusion from campus reviewed must contact the University of Arizona Police Department, 1852 E. First Street, P.O. Box 210100, Tucson, Arizona 85721-0100, (520) 621-8273 to request a review within five (5) University business days of receipt of the Exclusionary Order.
- c. Failure to request a review within the designated period constitutes a waiver of any review.
- d. Within fifteen (15) University business days of receipt of the request, the Senior Vice President of Campus Life, or designee, will provide notification of the receipt of the request for review via certified mail, or any means reasonably available that provides written confirmation of the transmission and, if possible, receipt of the notice. The review will occur within thirty (30) University business days following the initial request.
- e. The Senior Vice President for Campus Life, or designee, shall review any written material provided by the person subject to the Order and may provide an opportunity for an interview in the reviewer's sole discretion if the person subject to the Order so requests and the reviewer believes it appropriate. The interview may be telephonic or by any other means deemed appropriate by the reviewer.
- f. A written or recorded record of the review shall be kept.
- g. The review and interview, if any, will be conducted in an informal manner without formal rules of evidence or procedure.

- h. Notice of the review results will be provided to the affected person within fifteen (15) University business days of the review via certified mail. No further review is available.
- i. Any time limit required or provided for in this policy can be extended or shortened by the Senior Vice President for Campus Life, or designee, in his or her sole discretion on a written determination that good cause exists for such action.