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Policy Information

Effective Date:
June 15, 2006
Last Revised Date:
August, 2014
Policy Number:
Fin-401
Responsible Unit:
UA Police Department
Phone:
(520) 621-8273

Purpose and Summary

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 governing 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 and Classified Staff Human Resources Policy 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 relative to conduct on 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.

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.

Scope

This policy may be implemented against any natural person or organization physically present on campus. The University of Arizona campus includes all land and buildings owned by or under the control of the University of Arizona.

This policy does not apply to University students, faculty, and staff.

Definitions

"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.

"Illegal or disruptive behavior," for purposes of this policy, means actions by an individual that 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.

"University business day" means a day that is not a Saturday, Sunday, or University holiday.

Policy

From time to time, it becomes necessary to remove members of the public from the University of Arizona campus. 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"). In accordance with A.R.S. § 13-2911(D), the University of Arizona adopts the following procedures regarding excluding persons from campus grounds and properties.

I. Who May Request an Exclusionary Order

An exclusionary order may be requested by

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

II. Procedures

The following procedures 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 9-1-1 for assistance.

B. University of Arizona Police Department (UAPD) law enforcement officers may initiate an Order
    1. Upon request from any of the individuals listed under Section I; or
    2. 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:
    1. First and last name of the individual
    2. Address, if known
    3. Date of the incident
    4. Specification of the illegal or disruptive behavior
    5. Specific location(s) the individual is prohibited from entering
    6. Length of prohibition if longer than the presumptive six (6) months
    7. If the prohibition is longer than the presumptive six (6) months, the issuing officer shall include on the Order a brief summary of the reason(s) for the length of the prohibition, which may include permanent or indefinite (until permission to return is granted) terms.
    8. Consequences should the individual violate the Order
    9. A notice that the Disruptive Person may obtain a review pursuant to Section III 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.

III. 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 Disruptive Person(s).
B. Disruptive 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 Vice President for Business Affairs and Human Resources, 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 Vice President for Business Affairs and Human Resources, or designee, shall review any written material provided by the person subject to the Order and may provide an opportunity for an interview at 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 Disruptive 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 Vice

President for Business Affairs and Human Resources, or designee, at his or her sole discretion, on a written determination that good cause exists for such action.

Related Information*

A.R.S. 13-2911. Interference with or disruption of an educational institution; violation; classification; definitions [1]

Revision History*

Revised August 15, 2014, to align with the University's organizational structure.

Titles updated August 25, 2016

Source URL: http://policy.web.arizona.edu/ethics-and-conduct/exclusionary-order

Links
[1] http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/02911.htm&Title=13&DocType=ARS