

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LEGAL)

Trespass and Damages

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state, including a college district, or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. *Education Code 51.204*

Disruptive Activities

A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of an institution of higher education, including a college district. For purposes of this section, disruptive activity is:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.

An offense under this section is a Class B misdemeanor.

Education Code 37.123(b), 51.935(a)–(c)

Periods of Disruption

A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility. *Education Code 51.231*

Identification of
Persons on
Campus

During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education, the

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chief administrative officer, or an officer or employee of the institution designated by the chief administrative officer to maintain order on the campus or facility of the institution, may require that any person on the campus or facility present evidence of identification, or if the person is a student or employee of the institution, the student or employee official institutional identification card or other evidence of the person's relationship with the institution.

If any person refuses or fails upon request to present evidence of identification, or if the person is a student or employee of the institution, the person's student or employee official identification card, or other evidence of relationship with the institution, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

Education Code 51.232

Withdrawal of
Consent to Remain
on Campus

During periods of disruption, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by the chief administrative officer to maintain order on the campus or facility, may notify a person that consent to remain on the campus or facility has been withdrawn whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and that the person's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility.

In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn. Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, the officer or employee shall submit a written report to the chief administrative officer within 24 hours, unless the authorized officer or employee has reinstated consent for the person to remain on the campus. The report must contain all of the following:

1. The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and
2. A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by the officer for this purpose, upon reviewing the written report described in Education Code 51.235, finds that there was reasonable cause to believe that the person has willfully disrupted the

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orderly operation of the campus or facility, and that the person's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, the officer or designee may enter written confirmation upon the report of the action taken by the officer or employee.

If the chief administrative officer, or in his absence, the person designated by the officer, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

Education Code 51.233, .235-.236

Notice

When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. The written notice must contain all of the following:

1. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;
2. The name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
3. A brief statement of the activity or activities resulting in the withdrawal of consent; and
4. Notification that the person from whom consent has been withdrawn is entitled to a hearing on the withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

Education Code 51.234

*Request for a
Hearing*

A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The chief administrative officer shall grant a hearing not later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.

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The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the institution in accordance with Education Code 51.243. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

Education Code 51.237

*Hearing
Procedures*

A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn is entitled, in addition to the procedures set out in Education Code 51.234, to the following:

1. To be represented by counsel;
2. To the right to call and examine witnesses and to cross-examine adverse witnesses;
3. To have all matters upon which the decision may be based introduced into evidence at the hearing in the person's presence;
4. To have the decision based solely on the evidence presented at the hearing;
5. To prohibit the introduction of statements made against the person unless the person has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
6. To have all findings made at the hearing be final, subject only to the person's right to appeal to the president and the governing board of the institution.

Education Code 51.243

*Reinstatement of
Consent to
Remain on
Campus*

The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. *Education Code 51.238*

Entering or
Remaining on
Campus After
Withdrawal of
Consent

Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Education Code 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the

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campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Education Code 51.244.

This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

Education Code 51.239

Students and
Employees Barred
from Campus After
Suspension or
Dismissal

Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility of the institution, as a condition of the suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of the suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which the person has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 51.244. *Education Code 51.241(a)–(b)*

Refusing or Failing
to Leave Building
Closed to Public

No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate that the individual or individuals have no apparent lawful business to pursue. *Education Code 51.242*

Fireworks

A person may not explode or ignite fireworks within 600 feet of an institution of higher education, including a college district, unless the person receives authorization in writing from that organization. *Occupations Code 2154.251(a)(1)*

Note: For information regarding the possession and display of firearms and other weapons, see CHF.

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**Tobacco and E-
cigarettes**

Unless subject to an exception under law, an individual who is younger than 21 years of age commits an offense if the individual:

Possession and
Use Prohibited

1. Possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or
2. Falsely represents himself or herself to be 21 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

Health and Safety Code 161.252

Sale Prohibited

A person commits an offense if the person, with criminal negligence, sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 years of age, or to another person who intends to deliver it to someone who is younger than 21 years of age. *Health and Safety Code 161.082(a)*

Regulation
Prohibited

A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by Health and Safety Code Chapter 161, Subchapter H.

Health and Safety Code 161.089(b) [See FLBD]