

**Cochise College
Administrative Policy**

**Category: Administration
Policy Number: 1002**

Title: Use of, and Conduct Upon, Properties of Cochise College

Policy 1002 is presented as stated within a resolution filed with the Secretary of State as provided under ARS 41-1002. The Board met on the first regularly scheduled Board meeting which fell 20 days from the date of filing, to-wit: October 8, 1970, at 3:00 p.m., at Cochise College. At that time and place the Board heard any interested persons, and adopted rules as Board Policy Number 1036, Cochise College Governing Board Policy Manual. The rules took effect on that date (in compliance with Senate Bill 174).

As a result of legislation eliminating the State Board of Directors for Community Colleges, signed July, 2002, real property formerly held by the State of Arizona, through the State Board of Directors for Community Colleges, was conveyed to the local district Board of Trustees. Any reference to the State Board of Directors for Community Colleges in the following resolution is obsolete.

Resolution as adopted October 8, 1970

The grounds and properties of Cochise College are owned and dedicated by the State through the Arizona Stated of Directors for Community Colleges for the use and benefit of the institution, are devoted to and maintained by the Cochise College Governing Board for the sovereign function of supplying higher education, and are places of qualified public access.

The State of Arizona and the state and local governing boards, no less than a private owner, have power to preserve and maintain such grounds and properties for the use to which they are lawfully dedicated, as aforesaid. The Cochise College Governing Board intends to and will so preserve and maintain such properties; and in pursuit of its purpose to do so hereby authorizes and requires the President of Cochise College to take prompt, reasonable, and even-handed measures to effectuate the foregoing and following principles upon the Cochise College campus, and thereon to administer and apply all other provisions of this ordinance.

Cochise College cannot perform its vital functions in the search for and the ascertainment of truth and the imparting and preservation of knowledge in an atmosphere that exalts the struggle for power over the rule of law and reason, or physical confrontation over rational discourse. Those who desire to express opinions or protests through violation of law or this ordinance must be prepared to accept the due processes and penalties thereof. However, the institution must exercise restraint and diligence to avoid confusion of peaceful protest and petition with violent disruption, and to distinguish between the non-conformity of youth and the abusive or terror tactics of extremists. In any instance of disruption or upheaval which can be adequately controlled by on-campus or institutional measures, those measures shall

be firmly and promptly pursued; but in a case where it is clear that such measures may be ineffective, or where substantial doubt may exist, the President shall not hesitate to call upon the processes or agencies of the law, civil or criminal, or both.

The Cochise College Governing Board is not obligated to furnish or supply, nor will this Board supply, in such grounds and properties a forum or locale for the commission of crime, disorders, violence, injuries to persons or property, or the incitement or encouragement thereof, or breaches of the regulations of the College, or any conduct or activity whatsoever which will interfere with or is harmful, disruptive, or inimical to the educational function aforesaid.

The laws of the State of Arizona and of the United States of America, civil and criminal, apply upon and throughout such grounds and properties, as do the legally established means for enforcing them; likewise applicable are the ordinances and regulations of the Cochise College Governing Board. This Board hereby states that all administrators, faculty, students, employees, and all other persons in or upon such grounds and properties shall abide by such laws, ordinances, and regulations and hereby further requires all persons under its authority and control promptly to pursue all reasonable measures to assure compliance therewith, including both initiation and support or procedures to guarantee compliance (a) with such laws or to penalize infractions thereof, or (b) with such ordinances and regulations, or (c) with both the laws and such ordinances and regulations, as the case may be.

Accordingly, in the light of the foregoing and in the exercise of the jurisdiction and control vested in it by law, the Cochise College Governing Board hereby formally adopts and promulgates the above and the following ordinance and regulation:

No person or persons may enter upon the grounds, buildings, roadways, or properties of Cochise College, nor may a person or persons there be or remain, for the purpose of or in the actual or threatened commission of, any one or more of the following: a breach of the criminal laws (state or national); a breach of the rules or regulations of this Board; violent, obscene, or disorderly conduct; injury to or destruction of property; interference with free access, ingress, or egress; injury to person or persons or interference with his or their lawful activities; interference with the free and lawful movement or passage of persons or vehicles; seizure or exercise of unpermitted control or properties of the institution, real or personal, or any part thereof; trespass, conduct harmful, obstructive, or disruptive to, or which interferes with the educational process, institutional functions, contractual arrangements, or the public peace and tranquility; conduct likely to foment uproar or violence; or the incitement, support, encouragement, aid, or abetment of any or all of the foregoing. Access to, enjoyment of, and presence upon or within the areas aforesaid are conditioned upon compliance with the foregoing ordinance and regulation. Any and all persons not in compliance with the foregoing, or in threatened or actual violation thereof, will be denied entry to or upon such areas, or will be evicted there from, as the case may be, or treated as elsewhere herein provide.

All persons in violation of this ordinance (1) may be removed or ejected from the properties of Cochise College by the security personnel of the institution, or by public peace officers, or, in grave or emergency instances, by persons especially appointed for the purpose by the President of the institution or his designee, or (2) may be subjected to the civil or criminal processes of the law where law has been violated, or where violation is threatened, or (3) may be removed or ejected and subjected to such processes.

Recourse to the injunctive and related processes of the law is also authorized.

In addition, or in the alternative, students, officers, faculty and staff members, and employees of Cochise College may further be punished or disciplined for violation of this ordinance. Punishment or disciplinary measures shall be in proportion to the gravity of the violation and may include, but are not limited to, the following: (1) as to students: warning, censure, admonition, reprimand, probation, suspension, interim suspension pending final determination, loss of privileges, or dismissal; (2) as to the others in this paragraph above enumerated: warning, censure, admonition and reprimand, recommendations of termination of employment, termination of employment, and refusal to re-employ, as well as giving weight to violation or violations in the establishment of pay or salary in later contracts of employment, if any.

The law of Arizona (ARS 15-679(7)) vests in the Cochise College Governing Board the power to remove any officer or employee when in the Board's judgment the interests of education in the State so require. A substantial breach of this ordinance would be deemed by this Board as a basis for removal under the law just mentioned.

The President of Cochise College is hereby directed and empowered to implement this ordinance upon the campus under his jurisdiction.

Adoption of this ordinance shall be governed by and consistent with the provision of Arizona Revised Statutes, Title 13, Chapter 3.