



Ohio Administrative Code

Rule 3337-2-02 Banning.

Effective: April 20, 2023

(A) Overview

This policy identifies circumstances that may preclude a person's continued presence on property owned, leased, or operated by Ohio university, and establishes a process to be used for their immediate removal and to forbid their return for a specified period of time. This process need not be followed in cases of student conduct adjudicated by the office of community standards and student responsibility, or persons prohibited from entering Ohio university property pursuant to criminal or civil sanctions of a court of law.

(B) Forbidden contact

Students, faculty, staff, and visitors assume an obligation to conduct themselves in a manner compatible with Ohio university's function as an educational institution. Therefore, a person's continued presence on property owned, leased, or operated by Ohio university may be restricted provided their conduct is in violation of any one or more of the following:

- (1) Active or passive, willful or deliberate obstruction, disruption, or occupation of building entrances, walks, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone, etc.), or any other space that impedes implementation of authorized programs and functions of Ohio university;
- (2) Detaining, holding, intimidating, injuring, or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by Ohio university;
- (3) Theft, malicious destruction, damage, or injury to property not personally owned;
- (4) Conduct which creates a substantial risk of injury to a person or damage to property;



(5) For purposes of student conduct, the prohibitions contained in the "Student Code of Conduct" are incorporated into this policy by reference thereto. Student behavior and adjudication of inappropriate behavior is governed by the "Student Code of Conduct." This policy is not intended nor shall it be used as a mechanism to circumvent procedures associated with the "Student Code of Conduct."

(C) Authorized officials

The following Ohio university officials will be authorized to order persons to immediately leave Ohio university property and forbid their return for a specific period of time, including indefinitely:

- (1) President of Ohio university
- (2) Executive vice president and provost of Ohio university
- (3) Ohio university police officers
- (4) Vice president for finance and administration
- (5) Vice president for student affairs
- (6) General counsel
- (7) Regional campus deans (for regional campuses)

(D) Banning

The following procedure will be followed in ordering persons to immediately leave Ohio university property and forbid their return for a specified period of time, including indefinitely.

- (1) A verbal notice may be given when needed and appropriate.
- (2) A written notice will be, where practical, personally sent to the person by the official initiating the action directly or after a verbal notice.



(E) Written notice

A copy of all notices issued pursuant to this policy will be forwarded to the Ohio university police department and the office of legal affairs. If the person being banned is a student, a copy of all notices will also be forwarded to the dean of students office. The written notice will include the following:

- (1) Name and last known address of the person.
- (2) Process for an appeal.
- (3) Specification of the alleged unacceptable behavior.
- (4) Notification that the person is prohibited from being on Ohio university property, including while an appeal is pending, until the ban expires, and is subject to arrest for trespassing during this period of time.

Example wording:

"You are not to enter Ohio University property until such time has expired per the ban dates indicated on this notice or the ban is modified by a review. You are subject to arrest and criminal prosecution for trespassing during the period of time you are banned."

- (5) Location(s) the individual is prohibited from entering.
- (6) Inclusive dates prohibition is in effect.

(F) Appeals

Persons forbidden to enter Ohio university property pursuant to this policy may file for an appeal with the chief of Ohio university police department, 118 Ridges circle, Athens, OH 45701. Within thirty calendar days of receiving the appeal, the chief or their designee shall convene a review; the



person banned will be notified of the date, time, and location.

Failure to file for a review will result in a determination that the prohibition will be sustained and the banned person will be subject to arrest and criminal prosecution for trespassing during the specified period of time.

(1) Composition

The review committee shall have the following composition:

- (a) Ohio university police department (chair), one representative;
- (b) Legal affairs, one representative;
- (c) Vice president for finance and administration, one representative.

(2) Review

The review shall be conducted according to the following:

- (a) A written record of the review shall be kept.
- (b) The banned person who files for an appeal can be accompanied by a person who may assist but not play an active role in the review.
- (c) Notice of final disposition of the appeal will be provided to the affected person within thirty days of the review.