



Ohio Administrative Code

Rule 3341-6-36 "Persona non grata" status for campus visitors.

Effective: [March 17, 2015](#)

(A) Policy statement and purpose

BGSU is authorized by law to regulate the use of university premises so that the university's educational objectives and programs can be pursued in an orderly manner. Accordingly, BGSU adopts this policy.

(B) Policy

(1) Definitions

(a) Persona non grata means a visitor whose behavior has been determined to be detrimental to the university community and who is not permitted to be present on the university premises. A person who is persona non grata is subject to prosecution for trespass should he or she be found on the university premises.

(b) Visitor means any person who is neither a currently enrolled student nor an employee. This definition includes persons enrolled at the university in the past but who have graduated, transferred, or who are not enrolled for the current academic term. It includes former employees. The term visitor does not include any person who is subject to the jurisdiction of the student code of conduct or the disciplinary processes applicable to employees. Where a person's status is in doubt the university may commence action against that person under this policy and then later refer the matter to the appropriate procedure if the person is later determined to be a student or employee.

(c) Behavior detrimental to the university community includes but is not limited to actions by a visitor which (i) disrupt or interfere with university operations or programs or which pose a reasonably foreseeable risk of doing so, (ii) are offenses against persons or property, (iii) violate a previous legitimate order given by a university official, or (iv) are a continuing violation of university rules and regulations after notice of the rules has been given. The actions listed above do



not include the exercise of free speech or the right to assemble peaceably.

(2) Authority and delegation

Only the university president or his/her designee has the authority to declare a person persona non grata. For purposes of this policy the university president delegates responsibility for issuing persona non grata orders to the vice president for finance and administration (hereafter the vice president).

(3) Determination, notice, and hearing

(a) Notice of persona non grata status.

A campus visitor engaging in behavior detrimental to the university community shall be served with notice that such behavior is not acceptable and as a consequence the person is barred from the university premises for the period specified in the notice. A notice of persona non grata status may be approved only by the university president or the president's designee who is the vice president. The restrictions imposed by persona non grata status shall take effect upon service of the notification on the visitor being placed on persona non grata status.

(i) The notice shall contain:

(a) Name and last known address of the visitor.

(b) A statement of the unacceptable behavior necessitating the persona non grata order.

(c) A statement that the individual is persona non grata and thus is barred from being on the university premises. The person shall be informed that this status shall continue until the date specified or until the order is modified following the hearing provided for in this section.

(d) A statement that the person is entitled to a hearing to be conducted before the university vice president. Following the hearing the vice president shall make a determination of whether or not to maintain the visitor on persona non grata status.



(e) The name, office phone, and office location of the vice president.

(f) That individual must contact the vice president to request a hearing date and to confirm attendance at the hearing within five business days of the notice.

(g) A warning that the individuals failure to confirm attendance at a hearing with the vice president within five business days of the notice may result in a determination as to persona non grata status being made without the accused individual being present.

(h) Notices must be reviewed by university general counsel before they are issued.

(b) Hearing and procedure

(i) A visitor subject to a persona non grata order may request a hearing before the vice president. The hearing may be held at any convenient place selected by the vice president. At that hearing the visitor may challenge the grounds for issuing the persona non grata order; the evidence against him or her; confront any witnesses; and present evidence including witnesses on his or her behalf. If the visitor chooses not to be present or participate, the visitor may be deemed to have waived the hearing or the process may proceed at the discretion of the vice president.

(ii) The visitor may be accompanied by another individual who may serve in an advisory capacity but who may not participate directly in the hearing.

(iii) The vice president shall hear and weigh all evidence presented. To continue the accused visitor on persona non grata status the vice president must find by a preponderance of the evidence that the accused visitor engaged in the behavior alleged and that the alleged behavior is detrimental to the university community. If such a finding is made, the vice president may take into consideration the reasons for such behavior and the likelihood of its recurrence. Based on these findings and considerations, the vice president may continue the visitor on persona non grata status for a period of up to two years subject to conditions that the vice president finds reasonable to allow the universitys operations or programs to be conducted free from undue disruption or interference.

(c) Notification of hearing decision.



Notification shall occur, when possible, upon the conclusion of the hearing. If not given at the conclusion of the hearing, notice of the hearing outcome shall be given within ten business days. Notice shall be provided by the best means available to the last known address on file with the university. Receipt of the notice should be verified when possible.

(d) Review by the president.

(i) Following a hearing, a visitor subject to a persona non grata order may submit a written request for review to the president. The request must be submitted to the president within ten business days of the date on the notice of decision by the vice president.

(ii) The presidents review shall be limited to a review of the record developed before the vice president. The president shall not consider any facts not presented to the vice president at the hearing unless it is shown that these facts were not available to the visitor at the time of the hearing and could not have been discovered by the visitor through reasonable diligence in time for the hearing. The presidents review of that record shall be limited to:

(a) Determining whether there is adequate factual support in the record to support the conclusion reached by the vice president.

(b) An examination of procedural errors which may have occurred in the persona non grata determination process.

The persona non grata status shall remain in effect pending the presidents decision on the review. The president or designee shall render his or her decision within ten business days of receipt of the request for review. The presidents decision shall be final.

(4) Modification of a persona non grata order:

Persona non grata status continues without interruption until modified in writing by the university vice president. During the time that the persona non grata status is in effect, the vice president may in his or her sole discretion modify or rescind the order to grant permission for entrance of the person



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declared persona non grata to enter onto specified university location(s) for a specified purpose and limited period of time. The decision whether to modify or rescind an order during its original effective period shall be final and not subject to review or appeal under this policy.

Date: September 1, 2014