



Ohio Administrative Code

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

Effective: September 29, 2021

(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, which shall not be construed to limit the authority of university officials to take other action as may be warranted by the circumstances.

(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. An individual who is persona non grata is subject to prosecution for trespass should they 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 also includes former employees. The term "visitor" does not include any person who is subject to the jurisdiction of the code of student conduct or to disciplinary processes applicable to employees. If a person's status is in doubt the university may commence action under this policy and 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 disrupt or interfere with university operations or programs or pose a reasonably foreseeable risk of doing so; are offenses against persons or property; violate a previous legitimate direction given by a university official; or are a violation, after notice has been given, of any



university policy or rule or regulation. It does not include the exercise of free speech or the right to assemble peaceably or other constitutionally-protected conduct.

(2) Authority and delegation

Only the university president or their designee has the authority to declare a person persona non grata. The university president delegates authority to administer this policy to the vice president for finance and administration ("VPFA").

(3) Initial determination, notice, and hearing

(a) Upon receiving a report that a visitor has engaged in behavior detrimental to the university community, the VPFA may make an initial determination of persona non grata status.

(b) After making an initial determination of persona non grata status, the VPFA shall cause the visitor to be served with notice that they are barred from the university premises for the period stated in the notice. Service shall be made by the best means available. The restrictions imposed by persona non grata status shall take effect upon service of the notice or five business days after service is attempted, whichever comes first.

(c) The notice must be reviewed by the office of general counsel before it is served. It shall contain:

(i) The name and last known address of the visitor.

(ii) A statement of the behavior warranting the persona non grata notice and a copy of this policy.

(iii) A statement that the visitor is persona non grata and barred from being on the university premises. The visitor shall be informed that this status shall continue until a date specified (not to exceed two years).

(iv) A statement that the visitor is entitled to a hearing to be conducted before the VPFA who may, based on the evidence presented, revoke or modify the visitors persona non grata status or extend it for up to five years.



- (v) The name, office phone, office location, and email address of the VPFA.
- (vi) A statement that the visitor must contact the VPFA to request a hearing within ten business days of the date of the notice.
- (vii) A warning that the visitor's failure to timely request a hearing will result in a continuation of persona non grata status for the period specified in the notice.
- (d) After receiving a timely request, the VPFA shall schedule a hearing at a time and place of the VPFA's choosing and give the visitor written notice of it (email is sufficient).
- (e) The hearing shall be conducted by the VPFA, who will hear and weigh all information presented. Formal rules of evidence shall not apply. The hearing shall be audio recorded. The recording shall be the property of the university and kept until the completion of any review under this policy. The following procedures shall be used at the hearing:
 - (i) If the visitor is not present or chooses not to participate, they may be deemed to have waived the hearing or it may proceed at the discretion of the VPFA.
 - (ii) A representative of the university shall explain the initial determination and the reasons for it. The representative may present additional evidence (including witnesses) and ask relevant questions of any witnesses.
 - (iii) The visitor may challenge the grounds for the initial determination and the evidence against them; present evidence (including witnesses) on their own behalf; and ask relevant questions of any witnesses.
 - (iv) The visitor may be accompanied by another individual who may serve in an advisory capacity but not participate directly in the hearing.
 - (v) For good cause, the VPFA may adjourn the hearing and resume it on another day chosen by the VPFA.



(vi) If the VPFA finds by a preponderance of the evidence that the visitor engaged in the behavior alleged and that it was behavior detrimental to the university community, the VPFA may continue the visitor on persona non grata status.

(vii) The VPFA may take into consideration the nature of the behavior, the reasons for it, and the likelihood of its recurrence. The VPFA may continue the visitor on persona non grata status for a period of up to five years subject to conditions (if any) that the VPFA finds reasonable.

(f) Notification of hearing outcome.

The VPFA shall send the visitor prompt written notification of the hearing outcome, usually within ten business days of the hearing. Receipt of the notification should be verified when practicable.

(4) Review of the hearing outcome

(a) A visitor on persona non grata status 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 VPFA's notification of hearing outcome.

(b) The review shall be made by the president or a designee.

(c) The review shall be limited to the hearing record developed before the VPFA and the notification of hearing outcome. The president or designee shall not consider any facts not presented to the VPFA at the hearing unless it is shown that the facts could not have been discovered by the visitor through reasonable diligence in time for the hearing.

(d) The president or designee shall consider whether there is adequate factual support in the record to support the conclusion reached by the VPFA. The president or designee shall also consider whether any procedural error(s) identified by the visitor in their written request for review reasonably may have affected the outcome of the hearing.

(e) The visitor's persona non grata status shall remain in effect pending a decision on the review. The



president or designee shall promptly render their decision, usually within ten business days of receipt of the request for review. That decision shall be final.

(5) Duration and modification of persona non grata status

Persona non grata status, whether based on an initial determination or the outcome of a hearing, will continue without interruption for the stated period unless modified in writing by the president or the VPFA.

On their own initiative or upon request and for good cause shown, either the president or the VPFA may rescind persona non grata status or modify it to allow the visitor to enter designated university location(s) for a specified purpose and limited period of time. The decision whether to rescind or modify persona non grata status is final.