



Ohio Administrative Code

Rule 3342-5-12.7 Administrative policy regarding persona non grata status for nonstudent visitors.

Effective: January 1, 2016

(A) Purpose. This administrative policy and procedure is established to provide a fair and objective process by which to resolve nonstudent visitor behavior deemed detrimental to the university community.

(B) Definitions.

(1) Persona non grata. For the purposes of this rule, "persona non grata" means that an individual is no longer permitted to be present on specified university property facilities.

(2) Nonstudent visitor. For the purposes of this rule, "nonstudent visitor" means any individual who is not a student subject to paragraph (C)(1) of rule 3342-4-02 of the Administrative Code nor an employee of the university acting within the scope of his or her employment.

(a) Persons who had been enrolled at the university but who have graduated or transferred are classified as nonstudents. Persons who have been admitted to the university either for credit or noncredit, but are not currently enrolled are to be classified as students.

(b) It is intended that this rule provide a means for regulating the behavior of all persons, except university employees acting within the scope of their employment, who are present on university property and who are not subject to the jurisdiction of the student conduct policy. Where doubt exists as to a person's status as a student, the individual may be charged under this rule and then later referred to student conduct if determined to be a student. In such instances, the notice herein, shall be used as the student conduct incident report.

(3) Behavior detrimental to the university community. For the purpose of this rule, "behavior detrimental to the university community" includes but is not limited to actions by an individual which result in offenses against persons or property, disruption of university processes or programs, violation of a previous order given by a university official, a continuing pattern of violation of



university rules and regulations after actual notice of the rules or falsification or misrepresentation of self or other information to a university office or official.

(4) Notice. Certain university officials have been granted authorization to issue a notice of persona non grata status. This notice serves to initiate the persona non grata status. This notice informs the nonstudent visitor of the temporary persona non grata status from all university property and facilities pending a hearing and informs the nonstudent visitor of the rights and responsibilities pertaining to this procedure.

(5) University hearing officer means an individual appointed by the vice president of student affairs to adjudicate and preside over the hearing provided for in this rule. Such position holds the sole authority as to the persona non grata determination as provided for in paragraph (D)(2)(c) of this rule.

(C) Scope. This policy applies to all nonstudent visitors who have demonstrated behavior detrimental to the university community. This rule shall not be construed to limit the authority of administrative officials from taking action as may be warranted by the circumstances.

(D) Procedure.

(1) Notice.

(a) A nonstudent accused of behavior detrimental to the university community shall be provided with notice that such behavior is not acceptable and may result in that person being denied the opportunity to be present on specified university property or facilities pending a hearing.

(b) The notice shall contain:

(i) Name, address, telephone number and email address of the nonstudent visitor.

(ii) The university department or office who will arrange for the hearing to determine whether or not to place the nonstudent visitor on permanent persona non grata status.



- (iii) The location and phone number of that department or office.
 - (iv) A specification of the alleged detrimental behavior.
 - (v) The time limit within which a meeting with that department or office must be arranged.
 - (vi) A warning that failure to arrange a meeting with the specified department or office within the limit will result in a determination as to persona non grata status being made without the accused being present.
 - (vii) A warning that the nonstudent visitor is on temporary persona non grata status on all property or facilities of the university until the date and time, and pending the outcome, of the hearing.
- (c) The notice may be issued by the following university officials or their respective designees within the scope of the specified authorization contained herein:
- (i) The associate vice president of facilities planning and operations is permitted to issue notice of persona non grata status for behavior detrimental to the university demonstrated on university property of facilities;
 - (ii) Facility curators are permitted to issue notice of persona non grata status for behavior detrimental to the university community demonstrated within their respective facility;
 - (iii) Director of intercollegiate athletics is permitted to issue notice of persona non grata status for behavior detrimental to the university community demonstrated during an athletic event within or in the contiguous grounds of athletic facilities;
 - (iv) Director of recreational services is permitted to issue notice of persona non grata status for behavior detrimental to the university community demonstrated within recreational facilities or at a sponsored event on university property;
 - (v) Director of residence services is permitted to issue notice of persona non grata status for behavior detrimental to the university community demonstrated in residence services facilities;



(vi) The director of public safety and all university policy officers are permitted to issue notice of persona non grata status for behavior detrimental to the university community;

(vii) The dean of students is permitted to issue notice of persona non grata status for behavior detrimental to the university community;

(viii) The regional campus deans are permitted to issue notice of persona non grata for behavior detrimental to the university community demonstrated on their respective campus or facilities;

(ix) The Title IX coordinator is permitted to issue notice of persona non grata status for behavior detrimental to the university community pertaining to rule 3342-5-16.2 of the Administrative Code;
and

(x) The appointing authority of a suspended or separated employee of the university under Chapter 3342-6 of the Administrative Code is permitted to issue notice of persona non grata status for behavior detrimental to the university community.

(2) Hearing.

(a) At the hearing arranged under paragraph (D)(2)(b) of this rule, the accused is entitled to know the nature and source of the evidence against the accused, to question any witnesses, and to present evidence including witnesses on behalf of the accused. If the accused chooses not to be present or participate, the process may nonetheless proceed.

(b) All hearings shall be held in private. All hearings shall be recorded and the recording maintained as the official record of the meeting. The accused may be accompanied by another individual who may serve in an advisory capacity, but who may not participate directly in the meeting.

(c) The university hearing officer shall hear and weigh all evidence presented. To place the accused on persona non grata status there must be a finding by the hearing officer based on a preponderance of the evidence that the alleged behavior occurred and that such behavior is detrimental to the university community. If such a finding is made, the hearing officer may take into consideration the



reasons for such behavior and the likelihood of its recurrence. Based on these findings and considerations, the hearing officer may place the nonstudent visitor on persona non grata status for a period up to five years.

(3) Notification of persona non grata status.

(a) Notification shall occur, when possible, at the time of determination of such status. If not given at the time of determination of persona non grata status, notification should occur at the first opportunity by the best means available.

(b) The restrictions imposed by persona non grata status shall take effect upon receipt of notification.

(E) During the time that persona non grata status is in effect, permission may be granted by the vice president for student affairs (or designee) for entrance of the person on such status to the specified university locations for a specified purpose and time.

(F) Appeal.

(1) A written request for review may be made to the vice president for enrollment management and student affairs (or designee) at any time after a determination to impose persona non grata status has been made.

(2) The review shall be limited to:

(a) An examination of procedural errors which occurred in the persona non grata process; or

(b) New evidence which became available after the hearing.

(3) The persona non grata status shall remain in effect pending the decision on the review. A decision shall be rendered within thirty days of receipt of the appeal. The decision shall be final.