



## Ohio Administrative Code

### Rule 3349-10-05 Administrative rule regarding persona non grata status.

Effective: October 28, 2010

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#### (A) Purpose

To establish a rule to identify persons whose presence on the university campus may be detrimental to the university community and to provide a mechanism for limiting the person's access to the main university campus and any other facilities owned or operated by the university and any official off campus events of the university. This rule shall not be construed to limit the authority of university officials to take any other actions that deem warranted by the circumstances.

#### (B) Scope

Applies to all persons.

#### (C) Definitions

(1) "Persona Non Grata" means a person who has exhibited behavior which has been deemed detrimental to the university community and thus is no longer permitted to frequent or be present in any university locations or specific locations as set forth in the notice.

(2) "Visitor" means any person who is not a student or an employee acting within the scope of his or her employment or his or her role within a university educational program.

(a) As a general rule, persons who had been enrolled at the university but who have graduated or transferred are classified as visitors. Persons who have been admitted to the university, but are not currently enrolled, are to be classified as visitors.

(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, and students who are present on university premises and who are subject to the university or separate component college student



honor codes.

(3) "Behavior Detrimental to the University Community" includes, but is not limited to, actions by a person which result in offenses against persons or property; disruption of university processes or programs, violation of a previous order given by a university official or a court of law, a continuing pattern of violation of university rules and regulations after notice of the rules or regulations or falsification or misrepresentation of self or other providing other false or misleading information to university offices or officials.

(4) "University Premises" means any building or land owned, or operated by the university.

(D) Body of the rule

(1) A visitor who has been deemed to be persona non grata will no longer be permitted to frequent or be present on the main university campus or at any other university sponsored events that are held at other locations.

(2) Warning notice.

(a) A visitor accused of behavior detrimental to the university community shall be served with a warning notice that the visitor's behavior is not acceptable and may result in that person being denied, on a permanent basis, the opportunity to frequent or be present on university premises and university sponsored events.

(b) The warning notice shall contain:

(i) Name and last known address of the individual;

(ii) The title of the university official who will make the determination of whether or not to place the individual on persona non grata status;

(iii) Contact information of that official;



- (iv) A specification of the alleged unacceptable behavior;
  - (v) A warning that failure to arrange a meeting with the official within the limit will result in a determination as to permanent persona non grata status being made without the accused being present;
  - (vi) A warning that the individual is temporarily persona non grata and as such not allowed on the university premises or at university sponsored events until the meeting referenced above occurs and a formal determination is made or the meeting is waived by failure to request the meeting within the time limit specified above.
- (3) The warning notice will be issued by the general counsel or the public safety and security associate.
- (4) Meeting to determine persona non grata status.
- (a) At the meeting the visitor is entitled to know the nature and source of the evidence against him/her, and to present evidence including witnesses on his/her behalf. If the accused chooses not to be present or participate, the process may nonetheless proceed.
  - (b) All meetings shall be held in private. 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 official conducting the meeting shall hear and weigh all evidence presented. To place the accused on permanent persona non grata status there must be a finding by the university official 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 university official may take into consideration the reasons for such behavior and the likelihood of its recurrence. Based on these findings and considerations, the university official may place the visitor on permanent persona non grata status for a period of up to two years.
- (5) If a university visitor fails to arrange for the meeting within the time limit provided, the university official sending the original warning notice, may assume the validity of all evidence



against the visitor and send notification of permanent persona non grata status to the visitor for a period of up to two years.

(6) Notification of permanent persona non grata status.

(a) Notification shall be sent via regular and certified U.S. Mail.

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

(7) During the time that the temporary or permanent persona non grata status is in effect, permission may be granted by a member of the university's senior administration, to allow the visitor to enter university premises or events for a specified purpose and time. The general counsel and the public safety and security associate must be notified in advance of such access.

(8) Review.

A written request for review of persona non grata status may be made to the general counsel after six months have elapsed from the date of the initial determination.

(9) The review shall be limited to evidence which would clearly demonstrate that the person's behavior will no longer be detrimental to the university community.

(10) The persona non grata status shall remain in effect pending the decision on the review. The general counsel shall render his/her decision within ten working days of receipt of the request for review. The decision shall be final.