

3356-7-45 Persona non grata status for campus visitors.

- (A) Policy statement. Pursuant to section 3345.21 of the Revised Code and in order to pursue its educational objectives and programs in an orderly manner, the board of trustees of Youngstown state university (“university”) is authorized to regulate the conduct of visitors to university owned or controlled property and to university programs and activities.
- (B) Purpose. To identify visitors whose presence on the university campus or at university programs or activities may be detrimental to the university community and to provide a mechanism to limit the access of such visitors to university owned or controlled property and to university programs and activities.
- (C) Scope. This policy applies to visitors who are accused of demonstrating behavior detrimental to the university community.

This policy does not apply to university students or to university employees acting within the scope of their employment. When doubt exists as to a person’s status as a student, the person may be charged under this policy and then later referred to student conduct if determined to be a student.

- (D) Definitions for purposes of this rule.
- (1) “Employee.” Any person on active employment status with the university.
- (2) “Student.” Any person admitted to the university either for credit or noncredit and currently registered for classes.
- (3) “Visitor.” Any person who is not a student or an employee acting within the scope of their employment. A visitor includes but is not limited to:
- (i) A person who had been enrolled at the university but who has graduated or transferred.
- (ii) A person who has been admitted to the university but is not currently enrolled.

(iii) A former employee no longer on active employment status with the university.

(4) “Persona non grata.” A visitor whose behavior has been determined to be detrimental to the university community and who is no longer permitted to be present on university owned or controlled property or to have access to university services, activities, or events.

(5) Behavior detrimental to the university community includes but is not limited to:

(a) Disruption of university processes, services, or programs.

(b) Actions which result in offenses against persons or property, including the use of university facilities, in a manner inconsistent with the facility’s purpose.

(c) Threats or other behaviors that pose a risk to the safety of the university community.

(d) Violation of a previous order or directive given by a court of law, a university official, the university police or other law enforcement agency or officer, or a court of law acting in performance of their duties.

(e) A continuing violation of university policies, rules, or regulations after notice of the policies, rules, or regulations has been given.

(f) Misrepresentations of self or providing other false or misleading information to a university office or official.

(E) Parameters.

(1) This policy will not be utilized to restrict freedom of speech or the right of persons to peaceful assembly.

(2) This policy will not be construed to limit the authority of university officials from taking actions, such as arrest and/or criminal prosecution, as warranted by circumstances.

- (3) If necessary, the president, or designee, or the university chief of police may seek the assistance of other appropriate law enforcement agencies.
- (4) Any university student or employee may bring concerns regarding possible detrimental behavior of a visitor to the attention of the university police department or to the office of student experience/student affairs.
- (F) Process. The process to designate a visitor as a persona non grata is initiated by the issuance of a notice of persona non grata status. Only the president, the provost, a university vice president, the chief of police, or their designees, have the authority to issue a notice of persona non grata status.
- (1) Notice. A visitor accused of behavior detrimental to the university community will be served 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, facilities and/or university programs or activities.

 - (a) The notice will contain:

 - (i) Name and last known address of the individual; current email address if notice is to be sent via email.
 - (ii) A specification of the alleged detrimental behavior.
 - (iii) A warning that the individual is on temporary persona non grata status and is not allowed on university premises or at university sponsored programs or activities until a meeting regarding persona non grata status occurs and a formal determination is made.
 - (iv) The name, title, and contact information of the university official who will make the persona non grata determination and a time limit in which the accused must contact the university official to

schedule a meeting to determine persona non grata status.

(v) A warning that failure to arrange a meeting with the university official within ten days from receipt of the notice or failure to attend a scheduled meeting will result in a determination as to persona non grata status being made without the accused individual being present.

(b) The notice may be delivered via U.S. mail, U.S. mail return receipt requested, email with delivery receipt, or in person by the university police department.

(2) Meeting to determine persona non grata status.

(a) University officials designated to conduct a persona non grata meeting are:

(i) The vice president of student affairs or designee.

(ii) The director or associate director of student conduct.

(iii) A university associate or assistant general counsel.

(b) The university administrator that issues the notice of persona non grata status will designate the university official who will conduct the persona non grata meeting based on the official's availability to conduct the meeting in a timely manner.

(c) A university official who will present evidence at the hearing may not conduct the persona non grata meeting.

(d) All meetings will be held in private.

(e) At the meeting, the accused individual is entitled to know the nature and source of the evidence against him/her, to question any witnesses, and to present evidence, including witnesses, on his/her behalf. If the accused individual

chooses not to be present or to participate, the process will nevertheless proceed.

- (f) The accused individual may be accompanied by another individual who may serve in an advisory capacity but who may not participate directly in the meeting.

(3) Findings.

- (a) The university official conducting the meeting will hear and weigh all evidence presented and shall apply a preponderance of the evidence standard (more likely than not).
- (b) To place the accused on persona non grata status, the university official conducting the meeting must find that it is more likely than not that the alleged behavior occurred and that such behavior is more likely than not detrimental to the university community.
- (c) If such a finding is made, the university official conducting the meeting may take into consideration the reasons for such behavior and the likelihood of its recurrence; and based on the meeting findings and these considerations, may place the individual on persona non grata status for a period of up to two years.

(4) Notification.

- (a) Written notification of the findings of the university official will be sent within ten business days of the meeting. If the finding is that the individual is deemed to be on persona non grata status, the notification will indicate the time period and parameters of persona non grata status.
- (b) The restrictions imposed by persona non grata status will take effect upon receipt of the notification.
- (c) In those instances where an individual has been placed on persona non grata status, the hearing officer will forward a copy of the findings to the university's president, vice

presidents, provost, associate vice presidents, associate provosts, deans, chief human resources officer, executive director of facilities, director of the Maag library, and the chief of police. These university administrators will inform faculty and staff of an individual's persona non grata status as appropriate.

(d) The university police department will maintain a current list of persona non grata status and enforce sanctions of persona non grata.

(5) Review.

(a) A written request for review of persona non grata status may be made to the general counsel or his/her designee at any time after a determination of persona non grata status has been made.

(b) The review will be limited to an examination of procedural errors which may have occurred in the process or an examination of new evidence which became available after the finding. The review may only determine if the persona non grata status will remain in effect or be voided.

(c) The persona non grata status will remain in effect during the review process.

(d) The general counsel or his/her designee will render a decision within ten business days of receipt of the request for a review.

(e) An individual who was a witness at the persona non grata meeting is disqualified from reviewing persona non grata status.

(f) The decision of the general counsel will be sent to the accused individual via U.S. mail, U.S. mail return receipt requested, email with delivery receipt, or in person by the university police department.

- (g) In those instances in which persona non grata status is voided, those university administrators noted in the notification paragraph (4) (c) of this policy will be informed of this action.
- (h) The decision of the general counsel or his/her designee is final.
- (G) Records. Records of the persona non grata process will be retained in the division of student experience.
- (H) Violation of persona non grata status. A person who violates the terms of his/her persona grata status will be deemed a trespasser, removed from the university, and prosecuted accordingly.

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