

3344-90-03 Policy regarding “persona non grata” status for campus visitors.

(A) Definitions

For the purposes of this rule:

- (1) “Persona non grata” means the status assigned to a visitor after a hearing determining the visitor has exhibited behavior which is detrimental to the university community. Visitors who have been designated as persona non grata are not permitted to be present in any university locations.
- (2)
 - (a) “Visitor” means any person who is neither a student, as defined in the student code of conduct, nor an employee of the university.
 - (b) It is intended that this policy provide a means for regulating the behavior of all persons, except students and university employees, who are present on university property and who are not subject to the jurisdiction of the student conduct code or disciplinary processes applicable to employees. Where doubt exists as to a person’s status as a student, the individual may be charged under this policy and later referred to the office of judicial affairs if the person is determined to be a student.
- (3) “Behavior detrimental to the university community” includes but is not limited to actions by a visitor which result in offenses against persons or property, disruption of university processes or programs, violation of a legitimate order given by a university official, a continuing pattern of violation of university rules and regulations, falsification of

documents submitted to the university, or misrepresentation of oneself to a university office or official.

- (4) “University official” means an employee of the university acting within the scope of her employment.
 - (5) “Hearing officer” means the assistant vice president of facilities and safety, or other university officials designated to serve as hearing officers by the vice president for business and finance or the assistant vice president of facilities and safety.
 - (6) “Preponderance of the evidence” is the standard of proof used to determine whether persona non grata status should be assigned to a visitor. To meet the preponderance of the evidence standard, the evidence presented must establish for a reasonable person that it is more likely than not that the conduct occurred.
- (B) This policy shall not be construed to limit the authority of university officials to take action as may be warranted by the circumstances.
- (C) Only hearing officers have the authority to make a determination as to persona non grata status pursuant to this rule.
- (D) Procedure
- (1) The process to designate a visitor as persona non grata may be initiated by the president, the provost or a vice president. To do so, the president, the provost or a vice president shall make a request in writing to the assistant vice president of facilities and safety, providing information regarding the visitor and a description of the conduct believed to require persona non grata status. The president, provost or vice

president may also designate a university official to present the case for persona non grata status at the hearing.

- (2) Upon receipt of the request to designate a visitor as persona non grata, the assistant vice president of facilities and safety or designee shall schedule a hearing to determine whether persona non grata status should be assigned to the visitor, and shall prepare a hearing notice to be served on the visitor. All hearing notices must be reviewed by university legal counsel before they are sent or delivered.
- (3) The hearing notice shall contain specific information regarding the hearing, including a description of the behavior for which persona non grata status is being considered. It may be served in person, by email or through U.S. mail.
- (4) The hearing notice shall also inform the visitor that, except for attending the hearing at the specified time and location, the visitor may not be present in any university location pending the outcome of the hearing.
- (5) All hearings 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 hearing.
- (6) At the hearing, the university official designated to present the case for persona non grata status has the burden of proof to show that the visitor has engaged in conduct detrimental to the university community. Both parties may present witnesses and exhibits. If the accused chooses not to be present or participate, the process may nonetheless proceed.

- (7) Based on a preponderance of the evidence presented at the hearing, the hearing officer shall determine whether the alleged behavior occurred and is detrimental to the university community. If so, the hearing officer may take into consideration any mitigating or aggravating circumstances to determine whether the visitor should be placed on persona non grata status.
- (8) The hearing officer shall issue a decision in writing within five working days of the hearing. The decision shall specify the length of time that persona non grata status shall last, and provide information as to how the visitor may appeal the decision, as set forth in paragraph (E) of this rule. If the designation of persona non grata status is indefinite, the decision shall provide information as to when and how the visitor may petition for removal of persona non grata status, as set forth in paragraph (F) of this rule.

(E) Appeal

- (1) The visitor may appeal the hearing officer's decision by submitting a written request for review to the Vice President for Business and Finance within ten working days after the hearing officer's decision is issued. The written request shall set forth the grounds for appeal.
- (2) Grounds for appeal shall be limited to:
 - (a) Procedural error that resulted in material harm or prejudice to the visitor, or
 - (b) A hearing outcome that was grossly disproportionate to the nature of the behavior determined to be detrimental to the university community.

- (3) The vice president for business and finance or designee shall review the record of the hearing and make a determination on the appeal within ten working days of receipt of the request for review. The persona non grata status shall remain in effect pending the decision on the review. The decision shall be final.

(F) Removal of persona non grata status

- (1) If a visitor is placed on persona non grata status for a definite period of time, the persona non grata status shall automatically expire at the end of that period.
- (2) If a visitor is placed on persona non grata status for a period of more than two years or for an indefinite period of time, the visitor may request removal of the persona non grata status after a period of two years from the date of the hearing officer's decision or, if the decision was appealed, the date of the vice president for business and finance's decision on appeal.
- (3) To request removal of the persona non grata status, a visitor must submit a request in writing to the president, describing the reasons that the visitor requests to be allowed on campus.
- (4) The president or his designee shall review the record of the persona non grata designation and the request for its removal. On the basis of this review, the president or his designee shall determine whether the persona non grata status should be removed, should remain in place as originally decided, or should remain in place for a period of time that is less than it was originally decided.
- (5) The president's or his designee's determination shall be communicated in writing to the visitor requesting removal

of the persona non grata status. The president's or his designee's decision is final.

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