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

Responsible Division/Office: University Relations/General Counsel

Responsible Officers: Chief of Police; Vice President and General Counsel

Revision History: June 1999; September 2009; September 2012; March 2018; June 2022

Board Committee: University Affairs

**Effective Date:** **June 23, 2022**

Next Review: 2027

(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 identity 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 currently enrolled in or registered for a future term at the university either for credit or noncredit 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:

(a) A person who had been enrolled at the university but who has graduated or transferred.

(b) A person who has been admitted to the university but is not currently enrolled.

(c) 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.

(F) Process.

(1) Determination of persona non grata status.

(a) Any person believing that a visitor has exhibited detrimental behavior as defined in paragraph (D)(5) of this policy should report the behavior to the university police department.

(b) The university police will review the information reported, collect and/or review evidence of the alleged detrimental behavior (e.g., police reports, witness statements, reports of previous incidents), and determine:

(i) Whether the evidence supports a finding that the visitor has engaged in detrimental behavior; and

(ii) Whether the visitor should be declared a persona non grata.

(c) The university police will issue findings in writing.

(2) Notice of persona non grata status.

(a) If the university police determine that a notice of persona non grata should be issued, the university police will issue a persona non grata notice to that visitor containing the name and last known address of the individual; current email address if notice is to be sent via email.

(b) The persona non grata notice must advise the visitor of the following:

(i) The reasons why the visitor is being declared persona non grata;

(ii) That the visitor’s permission to be on campus is revoked for a period of up to two years;

(iii) That the visitor has the right to appeal the persona non grata determination within five business days of the visitor’s receipt of the persona non grata notice by sending a letter of appeal to the office of general counsel.

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

(3) Appeals.

(a) Any visitor who wishes to challenge their persona non grata status must submit a letter of appeal to the office of general counsel that includes an explanation of why the trespass notice should be revoked together with any evidence in support of the appeal.

(b) The letter of appeal must be submitted to the office of general counsel within five business days of the visitor’s receipt of the trespass notice.

(c) Within ten business days after receipt of the letter of appeal, the office of general counsel will hold a hearing to address the appeal.

(d) Hearing.

(i) The general counsel or designee will conduct the hearing, which hearing is not a public meeting.

(ii) The chief of police or designee will present evidence supporting the persona non grata finding.

(iii) The visitor may question any witnesses and present evidence, including witnesses, on their behalf. If the visitor chooses not to be present or to participate, the process will nevertheless proceed.

(iv) The visitor may be accompanied by another individual who may serve in an advisory capacity but who may not participate directly in the hearing.

(e) Findings.

(i) The general counsel or designee conducting the hearing will hear and weigh all evidence presented and shall apply a preponderance of the evidence standard (more likely than not).

(ii) To uphold the determination of persona non grata status, the general counsel or designee 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.

(iii) If such a finding is made, the general counsel or designee may take into consideration the reasons for such behavior and the likelihood of its recurrence; and based on the findings and these considerations, may continue the individual on persona non grata status for a period of up to two years. If such a finding is not made, the persona non grata status will be removed and the notice of trespass revoked.

(iv) The decision of the general counsel or designee is final.

(f) Notification of findings.

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

(ii) Any new restrictions imposed following the hearing will take effect upon receipt of the notification.

(iii) In those instances where the persona non grata status has been upheld, general counsel or designee will forward a copy of the findings to the appropriate parties on campus and the chief of police.

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

(G) Records. Records of the persona non grata process will be retained in the office of the general counsel.

(H) Violation of persona non grata status. A person who violates the terms of their persona non grata status will be deemed a trespasser, removed from the university, and prosecuted accordingly.

(I) Extension. In appropriate circumstances, the university may extend a visitor’s persona non grata status for an additional time period.