


<p><b>Name of Procedure:</b> <a href="#">University Access Restrictions</a></p> <p><b>Procedure Number:</b> 3364-61-08.01</p> <p><b>Responsible Department:</b> Office of Public Safety</p> <p><b>Scope:</b> All Campuses</p>	 <p><b>Effective date: September 8, 2020</b></p> <p>Initial Effective date: September 25, 2017</p>
<p>Key words: trespass, persona non grata, access</p>	

(A) Procedure

1. Temporary access restriction

Any person whose behavior is detrimental to the University may be issued verbally and or in writing a temporary access restriction for no longer than 72 hours to all or part of UT campuses by any of the following persons:

- a. The University President or designee;
- b. The Vice President for Student Affairs or designee;
- c. The Director of Residence Life or designee;
- d. Athletic Directors or designee;
- e. Appointing Authority or designee
- f. The physician of record - when the person whose behavior is detrimental to the university is a patient and the physician of record is of the opinion that the patient does not need to remain as an inpatient or continue to receive care for medical reasons;
- g. Facility Managers;
- h. Supervisor – when the person whose behavior is detrimental to the university is the employee who reports to said supervisor.
- i. Any University law enforcement officer.

2. Formal Access Restriction - Students

- a. The Vice President for the Student Affairs or designee may issue an interim suspension to any student in accordance with the Student Code of Conduct policy 3364-30-04.
- b. Pursuant to the Student Code of Conduct, an access restriction to all or part of the University campuses may be a part of a sanction imposed for a violation of the Student Code of Conduct.

- c. Violating any terms of the access restriction is grounds for further sanctions under the Student Code of Conduct up to and including dismissal from a residence hall, expulsion from the University, and/or arrest.
- d. Appeals may be made by following the guidelines outlined in the Student Code of Conduct.
- e. This policy does not modify or create rights beyond those provided for in the Student Code of Conduct.

### 3. Formal Access Restriction - Employees

- a. The authority to dismiss an employee from all or part of the University rests with the Appointing Authority or designee.
- b. An employee suspected of violating a law, university rule or management directive, or who exhibit behavior detrimental to the University may be dismissed from all or part of the university campus.
- c. The directive shall be issued in writing when practical but may be issued verbally. Reasonable efforts will be made to follow up any verbal dismissal from campus with written notification.
- d. A violation of the directive may be subject to further disciplinary action up to and including termination and or arrest.
- e. Appeals will be made in accordance with respective collective bargaining agreements or university policy Corrective Action: non bargaining unit employees 3364-25-111.
- f. This policy does not modify or create rights beyond those provided for in applicable University policy and collective bargaining agreements.

### 4. Formal Access Restriction - non-students and non-employees

A “persona non grata” letter for a period of up to 2 years may be issued by:

- a. The Provost or designee
- b. The Executive Vice President for Finance and Administration or designee
- c. The Vice President for Student Affairs or designee
- d. The Chief Executive Officer, UTMC

to a person whose behavior is detrimental to the University and who poses significant risk of continued behavior detrimental to the university. In extraordinary cases, a longer restriction may be imposed and requires the University President review and signature.

The persona non grata letter will contain:

- i. Name and last known address of the person.
- ii. A statement of the unacceptable behavior supporting the persona non grata order.
- iii. A statement that the respondent is persona non grata and thus is barred from being on the University premises. The respondent will be informed that this status will continue until the date specified or until the order is modified following the hearing provided for in this section.
- iv. A statement that the respondent is entitled to an appeal before the threat assessment members of the University CARES team. Following the hearing the team will make a determination of whether or not to maintain the respondent on persona non grata status.
- v. Instructions on how to file an appeal.
- vi. A warning that the individual's failure to attend a requested appeal hearing shall result in a determination made without the accused individual being present.

## 5. Appeals

- a. The threat assessment members of the University of Toledo CARES team will hear all appeals of unaffiliated persons issued formal access restriction by the University.
- b. It is the sole responsibility of the respondent to file an appeal within 5 business days of receiving written notification of their persona non grata status.
- c. A respondent under the age of 18 who is appealing may be accompanied by a parent/guardian.
- d. At the hearing, the respondent may challenge the grounds for issuing the persona non grata order; may challenge the evidence against him or her; confront any witnesses; and may present evidence including witnesses on his or her behalf.
- e. The respondent may be accompanied by another individual who may serve in an advisory capacity but who may not participate directly in the hearing.
- f. It is the burden of the university to show that the respondent's access restriction is based on a violation of university policy or local, state or federal law, or whose behavior is detrimental to the University.
- g. To continue the respondent on persona non grata status, the threat assessment members of the University CARES team must find by a preponderance of the evidence that the respondent engaged in the behavior alleged and that the alleged behavior is detrimental to the university community.

- h. If such a finding is made, the threat assessment members of the CARES team may take into consideration the reasons for such behavior and the likelihood of its recurrence.
  - i. All past incidents and relevant information may be considered and weighed in the decision.
  - j. The threat assessment members of the CARES team may continue the persona non grata status for a period of up to two years subject to conditions that the team finds reasonable to allow the university's operations or programs to be conducted free from undue disruption or interference or modify or remove the access restriction as deemed appropriate.
  - k. A written decision to the respondent will be issued by the chair within **7 business days** after the completion of the hearing; any delays in response does not compromise the response.
  - l. The decision of the threat assessment members of the CARES team is final.
  - m. A person violating an active access restriction order is subject to arrest.
  - n. Should a person with an active access restriction desire to matriculate into the university community, the Senior Vice President of the Student Affairs or designee will consider the application in the appeal process.
- 6. Separate from the University process, a court may issue a court ordered access restriction to some or all of the University. The length of a court ordered access restriction is determined by the court. The University has no authority to hear an appeal of a court ordered access restriction.
- 7. Records
  - a. Records shall be maintained with the corresponding office:
    - i. Students – Office of the Vice President for Student Affairs or designee.
    - ii. Staff – Office of Human Resources and Talent Development
    - iii. Faculty - Office of the Provost
    - iv. Unaffiliated Persons – Office of Public Safety
  - b. The Office of Public Safety shall receive copies of all access restrictions
- 8. Definitions
  - a. *Behavior detrimental to the university*: 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 or continuing pattern of disruption after actual notice of the rules or disruptive conduct, or falsification or misrepresentation of self or other information to a university office or official.

- b. *Persona non grata*: an individual no longer permitted to be present on specified university property or facilities.
- c. *Interim suspension*: the immediate removal of a student from university premises.
- d. *Formal access restriction*: an access restriction to all or part of the university campuses issued for a period of time greater than 72 hours but no longer than 2 years.
- e. *Temporary access restriction*: an access restriction to all or part of the university campuses issued for a period of time no longer than 72 hours.
- f. *Facility Manager*: is a person who is managing a facility or business on the property of the University.
- g. *Respondent*: the individual alleged to have violated university policy accused of a policy violation

(F) References

- 3364-25-25 Administrative Leave (With Pay)  
<http://www.utoledo.edu/policies/administration/humanresources/pdfs/3364-25-25%20Administrative%20leave%20with%20pay.pdf>
- 3364-25-111 Corrective Action: non bargaining unit employees  
[http://www.utoledo.edu/policies/administration/humanresources/pdfs/3364\\_25\\_111.pdf](http://www.utoledo.edu/policies/administration/humanresources/pdfs/3364_25_111.pdf)
- 3364-25-01 Standards of Conduct  
[http://www.utoledo.edu/policies/administration/humanresources/pdfs/3364\\_25\\_01.pdf](http://www.utoledo.edu/policies/administration/humanresources/pdfs/3364_25_01.pdf)
- 3364-30-04 Student Code of Conduct  
[http://www.utoledo.edu/policies/main\\_campus/student\\_life/pdfs/3364\\_30\\_04\\_Student\\_code\\_of\\_conduct.pdf](http://www.utoledo.edu/policies/main_campus/student_life/pdfs/3364_30_04_Student_code_of_conduct.pdf)
- 3364-5-10 Use of University Facilities  
[http://www.utoledo.edu/policies/administration/general\\_admin/pdfs/3364-5-10%20%20%20Use%20of%20University%20facilities.pdf](http://www.utoledo.edu/policies/administration/general_admin/pdfs/3364-5-10%20%20%20Use%20of%20University%20facilities.pdf)
- 3364-25-67 Workplace Violence  
<http://www.utoledo.edu/policies/administration/humanresources/pdfs/3364-25-67-workplace-violence.pdf>

Reviewed/approved by:

/s/

Jeff C. Newton  
Chief of Police

September 8, 2020

Date

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*Public Safety, Student Affairs, HRTD*

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