

I. POLICY

The Adams State University System may prohibit persons who have exhibited, or are exhibiting, behavior considered detrimental to the University community from being present in any University locations and at any University functions. Behavior may be deemed detrimental to the University community if it appears to those with primary responsibility for issuing Persona Non Grata status to violate any University Policy, Federal Law, State Law, County Code, or Municipal law by a preponderance of the evidence.

This policy is in addition to, and does not supersede, student conduct procedures or employee disciplinary procedures properly enacted on campus regardless if those policies pre-date or post-date the enactment of this policy.

POLICY STATEMENT

1. The Adams State University Board of Trustees delegated to the University President authority to adopt policies and procedures as are reasonable and necessary for the proper conduct of the operations and activities of the University. For the purpose of this Persona Non Grata (PNG) policy, the President delegates responsibility for the issuing of a PNG to the Vice President for Student Services. The Campus Health and Safety Committee, by appointment of the President, shall serve as the Office of Appeals
2. This policy applies to non-students and non-employees only.
3. Student disciplinary action will be handled through the procedures described in the Student Code of Conduct outlined in the Student Handbook.
4. Employee disciplinary action will be handled through the procedures described in the Classified Employee Handbook, Professional Personnel Handbook, or Faculty Handbook.
5. A person may be issued a PNG by the Office of the President or the Vice President of Student Services that will be in effect for a period of time and University location(s) specified in the PNG Notification as a consequence of the following behaviors:
 1. Use of University facilities in a manner inconsistent with the University's mission;
 2. Disruption of University programs, services or activities;
 3. Interference with the educational mission of the University;
 4. Threats or other behaviors that pose a risk to the safety and security of the University community;
 5. Engaging in illegal activities;
 6. Violation of a specific University policy.

Consequences of Non-Compliance - The individual in violation of the terms of the PNG may be subject to arrest and charged with trespass under State or Municipal law.

II. PURPOSE

This policy is designed to maintain a safe environment for the University community. Individuals who disregard University policy or law on the University campus may be barred from all, or part, of the University.

III. DEFINITIONS

Abuse of Discretion: The Office of Appeals can issue a judgment of "abuse of discretion" if the Office of Primary Responsibility has failed to exercise sound, reasonable, and policy based decision-making.

Detrimental Behavior: Behavior may be deemed detrimental to the University community if it is decided by those with primary responsibility for issuing Persona Non Grata status to violate any Federal Law, State Law, County Code, Municipal Law or University Policy.

Employee: The term "employee" means any person who is currently employed by or is a bona fide volunteer by Adams State University.

Guest: Any person on campus who is not a student, faculty member, or employee. This shall include, but not be limited too, athletic camps, Knowledge Bowl participants, and FFA participants.

Office of Primary Responsibility: Office of the President, or the Office of Student Services.

Office of Appeals: Campus Health and Safety Committee.

Persona Non Grata Status: For the purposes of this policy, “persona non grata (PNG) status” refers to the subject of a PNG notification who has exhibited behavior that has been deemed detrimental to the University community and thus is no longer permitted to be present in any, or specified, University locations.

Persona Non Grata Notification: For purposes of this policy, “persona non grata (PNG) notification” refers to the document served to the subject by the ASU PD or their designees, describing the University facilities to which the subject is denied entry and the terms and duration of those restrictions.

Preponderance of the Evidence: degree of evidence necessary for the Office of Primary Responsibility to lean to one side as opposed to the other during a review of the factual basis establishing whether or not an individual has previously engaged in, is planning to engage in, or is continuing to engage in, detrimental behavior.

Served: A PNG shall be “served” under this policy when it is physically handed to the subject of the PNG or any adult over the age of 18 who resides in the household with the subject. Any uninterested adult may serve the PNG including any member of the ASU PD staff. The party “serving” the PNG shall sign a witnessed and notarized attestation describing the document served and acknowledging the time, date, and location that service took place.

Significant Change of Circumstances: The Office of Appeals can issue a judgment of “significant change of circumstances” if the subject of the PNG can demonstrate during a timely appeal that there has been a significant change in the factual basis upon which the PNG was issued.

Student: term “student” means any person who is currently enrolled in undergraduate and/or graduate courses, whether full-time, part-time, or on-line or was enrolled in the previous semester and/or is registered for a future semester, or is a new student at Orientation. Participants in the SSS Bridge program and Upward Bound are “students” for the purpose of this policy.

VPSS - Vice President for Student Services

PNG - Persona Non Grata

IV. PROCEDURES

When considering the issuance of a PNG the President and/or Vice President of Student Services will review the available information supporting the PNG in accordance with this policy. When the President and/or VPSS determine(s) that a PNG Notification shall be served to an individual, the President and/or VPSS will issue the Notification. A PNG Notification will include the terms and duration of any restrictions. A PNG Notification shall be served upon the party against which it was issued, or any adult residing in the same household.

Temporary Modification Request:

Any request to temporarily modify the PNG to permit the subject limited and temporary access to campus for a specified purpose shall be directed to the Office of the President. Whether the request is granted is at the sole discretion of the Office of the President or their delegate.

Appeal Process:

The Campus Health and Safety Committee (CHS), shall act as the Office of Appeals for any PNG. Should there be a conflict of interest with the use of any member of the CHS that member shall recuse themselves. The CHS shall be a valid Office of Appeals so long as 3 members of the CHS are able to hear the appeal. The CHS is made up of the following members:

Ken Marquez, Vice President for Student Services (standing conflict)

Gina Willis, Program Assistant for Student Services

Lis Tomlin, Director of Counseling and Career Services

Paul Grohowski, ASUPD Chief

Tracy Rogers, Director of Human Recourses

Bruce Deltondo, Director of Auxiliary Services

The burden of proof during any appeal shall rest with the appealing party and shall be Abuse of Discretion or Significant Change of Circumstances.

The recipient of the PNG Notification shall have 10 business days to Appeal the PNG Notification to the CHS. The recipient of the PNG must request, in writing, that the CHS committee issue a ruling of either "Abuse of Discretion" or "Significant Change of Circumstances" based upon the information provided in the appeal. Further, the burden of proof supporting that ruling must be provided by the recipient. The recipient of the PNG Notification must attach any documentation supporting the appeal to the appeal when the appeal is filed. The CHS will make a ruling regarding the request by reviewing the Appeal, and any attached documentation, and the initiating PNG file. The CHS will have 30 days to render a decision in writing.

After 10 business days have expired the recipient of the PNG Notification shall be prohibited from filing an appeal of the PNG until one calendar year from the date of service of the PNG has elapsed. A PNG cannot be appealed more than one time every calendar year.

Appeals should be submitted to:

Office of the Vice President for Student Affairs
Richardson Hall Suite 2-1800
719-587-7221
studentaffairs@adams.edu

V. RESPONSIBILITY

OFFICE OF PRIMARY RESPONSIBILITY:

1. Office of the President
2. Office of Student Services
3. Any office to whom PNG authority is delegated by the Office of the President.

VI. RELATED POLICIES:

NON-STUDENT POLICY – Student Handbook pg. 19

Persons on campus who are not students or employees of the University are required to adhere to the Student Code of Conduct (<http://www.adams.edu/sa/student-handbook.pdf>) when on the campus or grounds of the University or participating in University sponsored activities. All persons on University property are required, for reasonable causes, to identify themselves upon the request of a University official acting in the performance of official duties. The University reserves the right to exclude those persons deemed detrimental to its well-being or incompatible with its functions as an educational institution. Violations of University policies by non-students may bring about sanctions, including but not restricted to:

1. Persona non grata status: An order by the University, either permanent or of specified duration, not to enter the grounds or buildings of the campus, after reasonable attempt to notify the individual of the basis for the order and an opportunity to be heard on the matter by a designated University official, and/or
2. Restitution for any damages to the property of the University, student, faculty or staff, and/or
3. Civil legal action, and/or
4. Referral of charges to the Office of the District Attorney or to a court of record.

VII. AUTHORITY

Authority regarding the issuance of any PNG lies with the Office of the President and Student Services