

Policy Title:

Restricted Access to McMaster Property (RAMP) Policy

Approved by:

President and Vice-Presidents

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Persona Non Grata Declarations June 2019

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June 2019

Responsible Executive: **Vice-President, Operations & Finance**

Policy-Specific Enquiries: [Human Resources Services](#)

Disclaimer: If there is a discrepancy between this electronic policy and the approved copy held by the University Secretariat, the approved copy prevails.

General Policy Enquiries: policy@mcmaster.ca

Purpose and Scope

1. The purpose of this Policy is to establish the process for issuing a [Persona Non Grata](#) (“PNG”) declaration as a mechanism to help ensure the health, safety and security of the McMaster University community.
2. This Policy applies to all persons on [University Property](#). A PNG declaration may be issued to limit a person’s access to University Property and/or any of the University’s official off-campus events.

Terms and Definitions

3. For the purpose of interpreting this document:
 - a) words in the singular may include the plural, and words in the plural may include the singular;
 - b) members of the Administration and Decision-Makers in this Policy may, where necessary and appropriate, delegate their authority;
 - c) **Chief Human Resources Officer** means the Associate Vice-President & Chief Human Resources Officer;
 - d) **Dean of Students** means the Associate Vice-President (Students & Learning) & Dean of Students;
 - e) **Decision-Maker** means the Director (Campus Safety), Chief Human Resources Officer (or designate), Dean of Students and/or the Decision-Makers identified in the [Relevant Process](#) who are authorized to approve a PNG declaration.
 - f) **Director (Campus Safety)** means the Director of Campus Safety Services;
 - g) **Employee** means staff (permanent, temporary and or casual employees, non-teaching staff, sessional faculty, post-doctoral fellows, teach assistants, etc.) and faculty (teaching staff as defined in the *McMaster University Act*);

- h) **Incident Report** is a formal document that provides a detailed account of any noteworthy occurrence or event that potentially threatens the safety, security, well-being of individuals or property within the University community. The report typically includes factual information about the incident, such as the date, time, location, and a thorough description of any events that occurred.
- i) **Persona Non Grata (PNG)** means a documented University declaration, which describes official restrictions placed upon an individual who is denied the privilege of entering specific parts of the University or the University as a whole and/or certain off-campus events;
- j) **Provost** means the Provost and Vice-President (Academic);
- k) Relevant Process means the:
- [Code of Student Rights and Responsibilities](#);
 - [Discrimination and Harassment Policy](#);
 - [Sexual Violence Policy](#);
 - [Research Integrity Policy](#);
 - [Policy on Violence in the Workplace](#);
 - [the Criminal Code of Canada](#); and/or
 - applicable collective agreement, employment contract, federal or provincial statute or other legislation.
- l) **Student** means any individual recorded by the University Registrar as enrolled in an educational course of study recognized by the Senate and for whom the University maintains education records;
- m) **Temporary Declaration** is a non-permanent PNG declaration, typically issued under this policy for seven (7) days where the time or circumstances do not permit the issuance of a written declaration.

- n) **University Property** includes all indoor and outdoor spaces owned, operated or leased by or from McMaster University, including all off-campus McMaster locations.

Procedures

Imminent Risk to the Health, Safety, or Property of the Community

4. When Campus Safety Services responds to an incident, it may be necessary for Special Constables to escort an individual off [University Property](#) and/or caution them not to return. An [Incident Report](#) will be created for the incident.

Potential Risk of Future Violence

5. In cases of potential risk of future violence, trained campus individuals representing a cross-section of relevant University departments will assess the risk. If that assessment determines there are reasonable grounds to believe there may be a risk of violence, consultation with the [Director \(Campus Safety\)](#) will occur and a recommendation to declare a PNG will be made to the relevant [Decision-Maker](#).

Incidents and Incident Reports

6. The Director (Campus Safety) reviews all Campus Safety Services Incident Reports:
- a) Incident Reports involving [students](#) are typically directed to the [Dean of Students](#). After reviewing the Incident Report, the Dean of Students may refer the incident to a Relevant Process(es).
 - b) Incident Reports involving [Employees](#) are typically directed to the [Chief Human Resources Officer](#). After reviewing the Incident Report, the Chief Human Resources Officer may refer the incident to a [Relevant Process\(es\)](#).
 - c) Incident Reports involving an individual who is not a student or employee are reviewed by the Director (Campus Safety), who is authorized to issue a [Temporary Declaration](#). Further, the Director (Campus Safety) can recommend a Term-limited PNG to the Dean of Students and/or Chief Human Resources Officer with the

reasons for the PNG declaration. Once approved, the PNG is issued by the Director (Campus Safety).

- d) Incidents being processed through a Relevant Process may result in an interim or Term-limited PNG being issued while the matter is addressed through its procedures.
- e) Certain Incident Reports may also be related to a Relevant Process external to the University.

Assessment Criteria for Issuing a PNG Declaration

- 7. A person may be issued a PNG declaration if, in the judgement of a Decision-Maker and only for the reasons listed below, there are reasonable grounds to believe that the person is likely to be present on University Property and:
 - a) is or has engaged in, or there are reasonable grounds to believe will engage in violent behaviour (refer to clause 5: [Potential Risk of Future Violence](#));
 - b) has engaged in, or is reasonably likely to engage in, criminal activity that may impact the University or members of the University community; and/or
 - c) is, has, or is reasonably likely to engage in conduct that threatens or endangers the health, safety or property of the University or any person, including issues of domestic violence, sexual assault, discrimination and/or harassment.
- 8. In determining the Term of a PNG, with the exception of a Temporary Declaration, Decision-Makers must consider any applicable aggravating, mitigating and/or contextual factors, which may include but are not limited to, the following:
 - a) the severity of the conduct of the person and/or the offence(s) they have committed or have allegedly committed, including the actual or potential impact on others;
 - b) any extenuating circumstances that may help explain the conduct;
 - c) any record of previous offences known to the University;

- d) the University's commitment to [freedom of expression](#), and
- e) if a person has been charged under the *Criminal Code of Canada* or any federal or provincial statute, depending on the nature and severity of the offence with which the person is charged and the scheduling of criminal proceedings.

Term

- 9. A declaration will typically be in effect immediately for a Term of one (1) year unless an extended Term is authorized. However, Decision-Makers have the discretion to adjust the Term (shorten, lengthen, or impose permanently) depending on the circumstances.

Temporary Declaration

- 10. If time or circumstances do not permit the issuance of a written declaration, a temporary PNG declaration may be made verbally and will remain in effect for **seven (7) calendar days**.
- 11. Written confirmation of the status must be provided as soon as reasonably possible (typically within **seven (7) calendar days**) and approved by the Decision-Maker.
- 12. Temporary PNG declarations shall include a confidentiality notice. These declarations will only be shared with individuals or offices who need to know these details for the performance of their duties or where disclosure is necessary as required under a relevant policy or legislation (e.g., [Occupational Health and Safety Act](#) (OHSA), etc.).

Issuing a Declaration

- 13. A PNG declaration shall be issued to an individual in writing and shall include the following information:
 - a) that they are prohibited from all University Property or parts of University Property specifying the portion or restricted area and/or any off-campus events;
 - b) that declarations are effective immediately and remain in effect for the Term of the declaration unless revoked in writing;

- c) the Term of the declaration;
 - d) the reason for the declaration;
 - e) that if they return to University property (or the designated portion), they may be subject to apprehension and charges under the [Trespass to Property Act](#); and
 - f) that a review/appeal of the declaration is available.
14. The suggested text of a PNG declaration is given in [Appendix 1: Sample Notification Letter](#) and may be modified to address the specific circumstances.
15. A declaration will not restrict access to the McMaster University Medical Centre (or other hospital or health service location affiliated with McMaster) where the sole purpose of the visit is to seek medical treatment for the individual or their family member.

Reporting by Decision-Makers

16. The Decision-Maker must ensure that:
- a) Campus Safety Services is notified immediately, in writing, of all individuals who have been declared PNG;
 - b) the Vice-President, Operations and Finance is notified of all issued declarations; and
 - c) the [Provost](#) is notified of an issued declaration involving a faculty member or faculty visitor.

Violation of the Declaration

17. If an individual who is the subject of a PNG is found or detected in the area they are denied, Campus Safety Services should be notified immediately by dialling 88 from any University phone or by dialling 905-525-9140 ext. 24281. The individual may be subject to apprehension and charge by Campus Safety Services under the *Trespass to Property Act*.

Request for a Review/Appeal

18. A review of the declaration does not act as a stay of the original decision.
19. The declaration **remains in effect** during and after the review process unless the declaration is modified or withdrawn.

Review Procedures for Relevant Process Declarations

20. An individual who is the subject of a PNG declaration through a Relevant Process must use the appeal/review procedures of that process/policy.

Review Procedures under Declarations under this Policy

21. An individual who is the subject of a PNG outside of a Relevant Process may make a written request to have the decision to issue the declaration reviewed by directing correspondence to the Vice-President, Operations & Finance. The request must include:
 - a) the reasons for the review request;
 - b) an explanation for the conduct that precipitated the declaration;
 - c) the reason(s) for the individual's requirement to be on University Property; and
 - d) any other information the person wishes to be considered during the review.
22. Normally, a substantive determination on the request will be made and communicated in writing within **thirty (30) calendar days** of receipt of the request.
23. The [Reviewer](#) will be the Vice-President, Operations & Finance and/or the Provost, depending on who has not been involved in the original decision to issue the declaration.
24. The Reviewer will be informed of any relevant decisions through any other University processes involving the individual.

25. The Reviewer may defer the request for review pending the outcome of an investigation by the University, including the filing of a grievance or similar steps. A deferral of the review shall be communicated in writing to the individual who is the subject of the PNG declaration.

Record Keeping

26. Campus Safety Services shall retain declarations for a period of seven (7) years from the date of issuance or renewal of issuance.

Related Legislation and Policies

27. This Policy is to be read in conjunction with the following policies, legislation, and collective agreements. Any question about the application of this Policy or related policies shall be answered by the Vice-President, Operations & Finance, as appropriate, and in conjunction with the Office of Legal Services and the administrator of the other policy or policies. The University reserves the right to amend or add to this list from time to time (this is not a comprehensive list):

Legislation

- Criminal Code of Canada
- Employment Law
- [McMaster University Act](#), 1976
- [Occupational Health & Safety Act](#)
- [Trespass to Property Act](#)

Policies

- [Code of Student Rights and Responsibilities](#)
- [Discrimination and Harassment Policy](#)
- [Employee Labour Relations](#) – Collective Agreements and applicable employment contracts

- [*Faculty Code of Conduct*](#)
- [Freedom of Expression at McMaster](#) (Office of the President)
- [Professional Behaviour Code for Graduate Learners, Health Sciences](#)
- [Professional Behaviour Code for Undergraduate Learners, Health Sciences](#)
- [*Sexual Violence Policy*](#)
- [*Violence in the Workplace Policy*](#)

Appendix 1: Sample Notification Letter

This document contains suggested wording that must be reviewed and adjusted by the issuing department to address the specific details of each case.

PRIVATE AND CONFIDENTIAL

[Date]

[Name and Address]

Re: Persona Non Grata

Dear [...]:

McMaster University is currently involved in an ongoing (incident) investigation of matters related to [...].

As the (*Position title*) [...] for McMaster University, I am advising that you are not permitted to be on the properties of McMaster University. This directive is made in the interest of safeguarding yourself, the University and all Community Members. As such, this *Persona Non Grata* declaration will be in effect immediately for a period of one (1) year unless a temporary or extended term is authorized.

Effective immediately, you are denied the privilege of attending any McMaster University property with the exception of McMaster [Department XXX for the purpose of XXX].

A declaration will not restrict access to the McMaster University Medical Centre or other health services locations for the sole purpose of accessing medical treatment unless specifically identified for you or a family member. Please contact [...] to make arrangements to have your declaration temporarily lifted during the date/times that you plan to attend specific appointments.

As an individual declared, if you are found on McMaster University property, you may be subject to a charge by McMaster University Campus Safety Services under the *Trespass to Property Act*, which may result in your arrest and charges being laid.

A copy of this declaration is filed with McMaster University Campus Safety Services and shall remain in effect for the specified term or until revoked in writing.

If you wish to have this decision declaring you PNG reviewed, please contact the Vice-President (Operations & Finance) at (905) 525-9140 ext. 24755 or by email at vpof@mcmaster.ca.

We seek your willing compliance with this directive and look forward to your cooperation.

Thank you,

