

Procedure: Disruptive, Hostile, or Violent Behavior at NIC Sites

Impact: Employees, Students and Members of the Public

Responsibility: Human Resources

Effective Date: 08/25/99

Last Update:

Relates to Policy: 3.03.05

Legal Citation(s):

I. Prohibited Behavior Defined

Disruptive, hostile, or violent behavior includes but is not limited to behavior that is intended to and/or has the effect of threatening, intimidating, and/or harassing NIC employees, students, and/or visitors, or otherwise detracting attention from instructional or other college activities.

- A. Specific examples of conduct that may be considered disruptive, violent, or hostile and are prohibited under this policy include, but are not limited to:
- i. Outbursts, intimidation, repeated interruptions, harassment or any other behavior that disrupts the learning environment.
 - ii. Hitting or shoving an individual.
 - iii. Threatening to harm an individual or his/her family, friends, associates, or their property.
 - iv. The intentional destruction or threat of destruction of property owned, operated, or controlled by NIC.
 - v. Making harassing or threatening telephone calls, letters, or other forms of written or electronic communications.
 - vi. Intimidating employees, students and/or visitors.
 - vii. Attempting to coerce an employee or student to do wrongful acts against the business interests of NIC.
 - viii. Harassing surveillance, also known as “stalking,” the willful, malicious, and repeated following of another person and making a credible threat with the intent to place the other person in reasonable fear for his/her safety.

- ix. Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs whether that discussion takes place on or off campus.
- x. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on NIC property.

B. Coverage

NIC’s prohibition against disruptive, hostile, or violent behavior applies to all NIC employees, NIC students, and visitors to the NIC campus. The prohibition against disruptive, hostile, or violent behavior applies to conduct which occurs in NIC class settings, in instructional environments, on NIC controlled sites, or during NIC sponsored activities.

C. Reporting

- i. Any student of NIC who witnesses an incident of disruptive, hostile, or violent behavior must report the incident promptly to the instructor or person in charge of the event.
- ii. Any employee of NIC who witnesses an incident of disruptive, hostile, or violent behavior must report the incident promptly to the appropriate supervisor and prepare a written record of the behavior.
- iii. Reports and investigation of prohibited behavior shall be as confidential as possible. No employee or student who reports an incident of disruptive, hostile, or violent behavior or participates in an investigation of such an incident shall be subject to retaliation.

II. Steps to Resolve Prohibited Behavior in the Class setting

- A. Step 1: Immediate Action. A student who violates this policy by engaging in disruptive, hostile, or violent behavior in the class setting is subject to discipline up to and including immediate expulsion from the class setting. When prohibited behavior occurs in a NIC class setting, the instructor shall take immediate appropriate action. Appropriate action may include, but is not limited to the following:
 - i. Request the student to leave;
 - ii. Have the student removed by campus security;
 - iii. Suspend the remaining class;
 - iv. Request assistance from local law enforcement to remove the student;
 - v. Students who are asked to leave class or are removed from class will receive a failing grade for the class settings assignment that was disrupted;
 - vi. The instructor may also suspend the student from all future classes of the class that was disrupted.

- vii. The instructor must provide written notification to the student, the appropriate division chair, the vice president for student services and the vice president for instruction within one (1) working day of the occurrence outlining the behavior that took place and actions taken by the instructor.
- B. Step 2: Corrective Action. The vice president for student services shall, within two (2) working days, review the case and the students overall record at the college. Based on that review, the vice president may: concur with the instructors action(s), provide the instructor with additional information about the student for the instructor's consideration to pursue his/her actions, send the student back to class, or impose additional corrective actions. Additional corrective actions include:
- i. Suspension/expulsion from NIC, including forfeiture of all tuition and fees;
 - ii. Removal and/or expulsion from some or all of NIC sites and activities;
 - iii. Referral to the appropriate law enforcement agencies.
 - iv. If corrective action is taken, the vice president for student services must provide written notification to the student, the instructor, division chair and the vice president for instruction. The vice president for student services shall also notify other appropriate NIC personnel including the students other instructors, advisors and other affected departments. The notice of corrective action shall be by the most expedient method available. In cases of referral to the appropriate law enforcement agency, the vice president for student services may abbreviate these procedures.
- C. Step 3: Appeal/Due Process.
- i. Student Appeal. If the student chooses to appeal either the instructors or the vice president's actions, they must do so in writing to the vice president for student services within two (2) working days. Until then the instructor's and vice president's actions shall remain in effect.
 - 1. Upon receipt of the request for appeal, the vice president shall convene a meeting of the Judiciary Council within three (3) working days. The vice president for student services shall provide to the Judiciary Council a copy of the instructor's notification of action, a copy of the vice president for student service's decision regarding the issue, a copy of additional corrective action taken by the vice president and any other information pertinent to the case. A recorded or written record of the meeting shall be made.
 - 2. The student shall provide, in writing, the basis for the appeal and any additional evidence the student may want the Judiciary Council to consider. The Judiciary Council may make a decision based solely upon this record or may call another meeting with the student, the instructor, and others as deemed appropriate (including optional silent advocates accompanying the student and the instructor). The Judiciary Council shall render a decision on the appeal within two (2) working days after their final meeting and their decision shall be deemed final and exhaust internal college remedies for the

student. (Refer to the Student Code of Conduct, Board Policy 5.06.) If it is determined that the student be allowed to return to class, both the student and the instructor must be notified verbally or in person as soon as possible so the student can avoid missing additional class time.

3. Copies of all documents, including decisions regarding any appeals, shall be maintained by the office of the vice president for student services as part of the student's file.
- ii. Instructor Appeal. If the student is sent back to the instructor's class settings by the vice president for student services, the instructor shall have the right to appeal the decision in writing to the Judiciary Council within two (2) working days. Upon receipt of the request for the appeal, the chair of the Judiciary Council shall convene a meeting of the Judiciary Council within three (3) working days. The vice president for student services shall provide all records of the previous meetings and decisions to the Judiciary Council. The Judiciary Council may make a decision based solely upon this record at its initial meeting or may call another meeting with the instructor, student, and others as deemed appropriate (including optional silent advocates accompanying the student and instructor).

The Judiciary Council shall render a decision on the appeal within two (2) working days after their final meeting and their decision shall be deemed final and exhaust internal remedies for the instructor. Until the Judiciary Council rules upon such appeal, the instructor's and/or the vice president's corrective action shall remain in effect.

III. Prohibited Behavior in Non-Class Room Settings

A. Step 1: Immediate Action:

Any NIC employee or student who violates this policy by engaging in disruptive, hostile, or violent behavior on an NIC site or during an NIC sponsored activity is subject to discipline. When prohibited behavior occurs, the person in charge of the event or site shall take immediate appropriate action. Appropriate action may include, but is not limited to the following: (1) requesting the employee or student to leave; (2) having the employee or student removed by campus security; (3) suspend the remaining activity; and/or (4) requesting assistance from local law enforcement to remove the employee or student.

B. Step 2: Disciplinary and/or Corrective Action

Employees: Disciplinary and/or Corrective Action. Any employee of NIC who violates this policy by engaging in disruptive, hostile, or violent behavior is subject to discipline as deemed appropriate by the employee's supervisor up to and including dismissal. Dismissal and suspension are matters that should be considered under the employee grievance procedures. (Refer to Policy 3.02.07.)

- i. Student: Disciplinary and/or Corrective Action. The vice president for student services may impose corrective actions upon a student who violates this policy, including, but not limited to:
 1. Removal from the disrupted event;
 2. Suspension/expulsion from NIC, including forfeiture of all tuition and fees;
 3. Removal and/or expulsion from some or all of NIC sites and activities;
 4. Discipline as determined by the vice president for student services;
 5. Referral to the appropriate law enforcement agencies.
- ii. If corrective action is taken, the vice president for student services must notify the student in writing within one (1) working day of the disruptive, hostile, or violent event that corrective action has been taken. The vice president for student services shall notify the student's other instructors and advisors. The notice of corrective action to the student shall be by the most expedient method available. In cases of referrals to the appropriate law enforcement agency, the vice president for student services may abbreviate these procedures. The student shall have the right to appeal the vice president for student service's decision within two (2) working days from receipt of the decision by filing a written appeal to convene the Judiciary Council.

The vice president for student services shall provide to the Judiciary Council a copy of the notice of corrective action, a copy of the vice president for student services decision regarding the appeal, all other evidence presented at the meeting, and the recorded or written record of the meeting. The student shall provide, in writing, the basis for the appeal and any additional evidence the student may want the Judiciary Council to consider. The Judiciary Council may make a decision based solely upon this record at their initial meeting or may call another meeting with the student, the instructor, and others as deemed appropriate (including optional silent advocates accompanying the student and the instructor). The Judiciary Council shall render a decision on the appeal within two (2) working days after their final meeting, and their decision shall be deemed final and exhaust internal college remedies for the student. (Refer to the Student Code of Conduct, Policy 5.06.)

- iii. Visitors to NIC: Visitors to NIC controlled sites and/or NIC activities who violate this policy may face action which includes, but is not limited to the following:
 - A request to leave the scene/campus immediately;
 - Removal by Campus Security;
 - The visitor be banned from NIC sites and activities;
 - Any other relief deemed appropriate by NIC administration; and/or

- A referral to the appropriate law enforcement agencies.