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March 12, 2021

**TO: Civil Rights Division of the United States Justice Department
Northwest Commission on Colleges & Universities**

From:

The Kootenai County Task Force on Human Relations
Spokane County Human Rights Task Force
Bonner County Human Rights Task Force
Boundary County Human Rights Task Force

RE: Official Complaint of Civil Rights and Civil Liberties Violations at North Idaho College (NIC)

During the November 3, 2020 general election, Kootenai County voters selected three members to the non-partisan, five-member North Idaho College Board of Trustees. The new majority elected as chair Todd Banducci, an eight-year board member, who has had a troubled history and behavior toward some NIC female employees. Mr. Banducci and the new Board majority have engaged in conduct that is counter to the civil and human rights and civil liberties protected by the United States Constitution, Federal laws, Idaho laws, and NIC policies for all NIC employees and students.

In a legislative town hall meeting held in Kootenai County on September 19, 2020, several Idaho state legislators strongly criticized the NIC Diversity Council and diversity programs as well as diversity efforts at other Idaho state colleges and universities. Stating, "we need to take back control of the NIC board," as the legislators advocated for the re-election of Mr. Banducci and two other new candidates aligned with Banducci who were elected in November partially based on the idea of eliminating tax-based diversity initiatives at North Idaho College and other Idaho colleges and universities (see at the bottom of this letter the https YouTube address for the town hall meeting).

One of the first official actions by the new majority during their second NIC board meeting was to repeal the board conduct code that governed trustees' behavior and decorum.

After three months under Chairman Banducci, we learned more about his past serious misconduct plus recent escalating acts in violation of the employees and students' constitutional rights. Our findings are based on the release of college emails obtained under public records' requests, written statements from NIC board member Christie Wood, a letter to the board by NIC president Rick MacLennan, a resolution from the NIC Faculty Assembly, and statements from campus employees showing a hostile climate that has included bullying, intimidation, threats toward employees' job security, sexual harassment, and verbal/physical assault.

Among the many violations we have attached as evidence with this letter, we wish to highlight some of the most grievous acts:

In an email to an NIC student on January 12, 2021 (6:09:49 p.m. PST), Chairman Banducci stated: “. . . I’m battling the NIC ‘deep state’ on an almost daily basis. The liberal progressives are quite deeply entrenched. We are registering victories and will register more wins, but it takes time. . . .” Many employees fear that Chairman Banducci will target them for harassment or seek to interfere in the day-to-day operations of the college to impede the academic freedom of faculty if he believes they do not align with his personal extreme political views.

In a letter to the NIC Board of Trustees via email on January 18, 2021 (9:28:34 a.m. PST), NIC president MacLennan provided deeply troubling evidence regarding Mr. Banducci’s behavior. We wish to share four incidents from Dr. MacLennan’s letter.

(A) Mr. Banducci referring back to Dr. MacLennan’s 2016 campus visit as a presidential candidate, he disparaged the president’s wife stating: “I remember when you interviewed for the job and you didn’t bring your wife out, which is a good thing since I think she’s a Hillary supporter and I couldn’t stand for that.”

(B) Mr. Banducci confronted an NIC employee, intimidating the employee over a personal political contribution to Dr. Joe Dunlap, a trustee candidate in the 2020 election.

(C) On December 10, 2019, at an NIC Foundation social event, Dr. MacLennan witnessed Mr. Banducci’s verbal and physical assault of an NIC female employee resulting in ongoing trauma for the employee. According to one of the released emails obtained from a public records request, Mr. Banducci signed a non-financial settlement with the employee agreeing to have no contact with her.

(D) Mr. Banducci has demonstrated a very aggressive and intimidating behavior toward other NIC employees over the years.

A specific example of Mr. Banducci’s infringement on free speech occurred in an email Chairman Banducci sent to NIC President MacLennan on January 15, 2021 in which Banducci objected to the NIC Associated Student Body president omitting the phrase, “under God,” while reciting the Pledge of Allegiance at the May 2020 NIC graduation. In the email, Banducci said: “I expect that this institution will work hard to see that should never happen again.”

NIC Trustee Christie Wood in a letter to her fellow trustees on January 12, 2021 registered similar complaints toward Mr. Banducci. Ms. Wood indicated that the NIC Board over the past eight years had on numerous occasions attempted to persuade, model, and suggest proper conduct by trustees. But she indicated that faculty, staff, and students have been either subject to or witnessed inappropriate, aggressive, or threatening behavior from Trustee Banducci. Finally, on April 8, 2020, the NIC Board of Trustees issued a private censure of Mr. Banducci.

In her letter, Ms. Wood related two occasions following board meetings when she experienced verbal abuse and threats from Trustee Banducci. The first incident involved Banducci shouting at her, “I ought to take you outside right now and kick your ass.” The second incident involved Mr. Banducci yelling at Ms. Wood, “I am not even speaking to you, in fact my wife is going to bitch slap you.”

One of the latest troubling developments from the new board majority has been a discussion on whether to overrule the NIC president's mandate that everyone must wear a facemask on campus to protect against COVID-19.

On February 2, 2021, the North Idaho College Faculty Assembly adopted a resolution asking Chairman Banducci to step down as Board chair and called on the trustees to reinstate the board conduct code.

Based on the data provided in this letter and attachments, we believe that at least three criteria required by the Northwest Commission on Colleges and Universities for full accreditation have been severely violated including:

- #5 STUDENT LEARNING (e.g., global awareness, cultural sensitivity-diversity);
- #7 NON-DISCRIMINATION;
- #16 ACADEMIC FREEDOM.

In cases when elected officials abuse their power by denying the rights of their fellow citizens, employees, or show no concern for victims, it reminds us of the Army-McCarthy hearing on June 9, 1954. Boston attorney Joseph Welch, representing the Army, having become frustrated from the badgering by Senator Joe McCarthy responded, "Have you no sense of decency."

We file this complaint with both the Civil Rights Division of the United States Justice Department and the Northwest Commission on Colleges and Universities requesting a full investigation of what we believe is a pervasive pattern violating the civil rights, academic freedom, and civil liberties of the employees and students at North Idaho College. It has become crystal clear under the new NIC board majority that there is no opportunity internally to address the harm to the victims or protect the civil rights and civil liberties of the employees and students of North Idaho College. While we do not seek to undo the election, we do expect all members of the NIC board to follow the law.

As long-time human rights organizations that have as one of our major missions to support and give assistance to victims of malicious harassment, sexual harassment, or physical assault, we urge you to fully investigate these serious allegations.

Please find enclosed supporting documents for the allegations that are made in this letter of complaints.

Respectfully Submitted,



Kootenai County Task Force on Human Relations Board
Tony Stewart, secretary
208-765-3932 & tony.stewart@roadrunner.com
Mailing address: P O Box 2725, Coeur d'Alene ID 83816



Spokane County Human Rights Task Force Board
Dean Lynch, president
509-280-3326 & dlynch10@comcast.net



Bonner County Human Rights Task Force Board
Brenda Hammond, president
208-290-7961 & brand1844@hotmail.com



Boundary County Human Rights Task Force Board
Craig Kelson, president
208-669-2252 craig.kelson1@gmail.com

See Kootenai County legislative town hall, September 19, 2020 at:

<https://www.youtube.com/watch?v=zlmA-oZWuhs&t=39s>