

List of attached documents/exhibits supporting this official letter of complaints from Washington and Idaho human rights groups regarding violations of civil rights and civil liberties at North Idaho College

Exhibit 1: Emails at North Idaho College (NIC) between NIC Trustees, college administrators and others

Exhibit 2. NIC Faculty Resolution (February 2, 2021)

Exhibit 3: NIC Staff Resolution (February 23, 2021)

Exhibit 4: NIC Board of Trustees private censure of a board member (April 8, 2020)

Exhibit 5: Open letter from sixty-seven women addressing the incidents at North Idaho College (published in the Coeur d'Alene Press on February 6, 2021)

Exhibit 6: OP/ED in the Coeur d'Alene Press by the secretary of the Kootenai County Task Force on Human Relations Board responding to some elected officials' attacks on the diversity programs at Idaho colleges and universities (October 2, 2020)

Exhibit 7: Copy of the Kootenai County Republican Central Committee Resolution attacking social justice initiatives, staff, programs, or classes at Idaho's colleges and universities (February 23, 2021)

Exhibit 8: E-mail to NIC Board of Trustees from pastor Stuart W. Bryan of Trinity Church in Coeur d'Alene objecting to support for the LGBTQ+ community at NIC (February 10, 2021)

Exhibit 9: Statement from the North Idaho College Senate (March 3, 2021)

Exhibit 1

From:**Subject:** Re: Request for Assistance from the ACLJ**Date:** January 12, 2021 at 7:55:12 PM PST**To:** Todd Banducci <toddb@haddockins.com>

Will do, Todd!

In regard to the grade, the professors were tricky about it. I had like a 96% in the class and they graded me down to an 89.5 which did round up to an A. So, I got an A but was still graded in a vicious way compared to the rest of the class.

From: Todd Banducci <toddb@haddockins.com>**Sent:** Tuesday, January 12, 2021 6:09 PM**To:****Cc:****Subject:** Request for Assistance from the ACLJ

Hi Please keep me abreast of this ongoing action/situation. I'm pleased to see the ACLJ responded to you. My wife & I support them & even sent them a year-end contribution last month. I'm battling the NIC "deep state" on an almost daily basis. The liberal progressives are quite deeply entrenched. We are registering victories & will register more wins, but it takes time. Hopefully, there will be an opportunity at some point for me to wade into your endeavor & help extract some amount of justice & closure for you It'd even be better if we could also get that poor grade adjusted up. I'll wait to hear back from you & see where this goes. Cheers, todd

Todd M. Banducci

From:**Sent:** Monday, January 11, 2021 7:48 PM**To:** Banducci**Subject:** Fw: Request for Assistance from the ACLJ

Hey Todd!

wanted me to catch you up with what has happened since last meeting.

I had one of my law school buddies attend the meeting and he was one of the people in

the chat who asked to allow me to speak. He also advised that I email the ACLJ which I did. I didn't think they'd get in touch with me but they did. They asked for some documentation and summary of the issue. I have the email here. Let me know if you have any questions or want to chat.

Grace and peace,

From:
Sent: Saturday, January 9, 2021 6:14 PM
To: Michelle Terry <mkterry@aclj.org>
Cc:
Subject: Fw: Request for Assistance from the ACLJ

Hi Ms. Terry,

Thank you so much for your response. The situation has been blown out of proportion for some time and is hard to summarize. I'll do my best. To graduate from North Idaho College (NIC) they require what's called an "integrated course". This is typically taught by two professors from two different disciplines and brought together in one lecture. I registered for "Death and Dying 250" as it sounded the most interesting option and was the most popular option at the school. I began the course in January 2019. The professors told the class that most of the course would focus on a group project. They said that if our topic had to do with death and had scholarly sources then it was acceptable. They even made it a point to tell us that a previous group had done a project on real life zombies as it had some scholarly literature on people being buried alive and being able to escape their coffin. They almost said this in a joking manner to illustrate just how open they are to topics if they deal with death. They also mentioned multiple times how they wanted the students to be in control of what was chosen as they had very few limitations. Our group was assigned by them (I knew no one in the group) and it included me, two other guys, and two girls. One of their first lectures included pictures and video of a genocide in a third world country (I can't remember where). Our group met outside of class time to discuss topics for the project. We ended up placing our ideas in a hat and drawing. My idea ended up being drawn and I had written "abortion". We chit-chatted a bit after it was chosen and started to brainstorm. Everyone agreed on some preliminary terms and we got to work.

Since the whole semester was focused on the project, the professors had us turn in weekly, bi-weekly, and monthly assignments which were to keep us on task in getting

everything finished. The end game for the project was for the group to present the topic at the end of the semester with a 15-minute PowerPoint. We were to also prepare for a question-and-answer period from our fellow students and the professors.

Everything seemed to start out okay. Our first assignment was an outline of what we were going to cover. One professor has his PhD in anthropology and the other has his PhD in the Civil War. They also wanted their disciplines included into our projects if we were able to do so. One of the themes I wanted to research and present on were the similarities of early-American slavery and abortion. In brainstorming, I wanted to make the argument that just as we look back on slavery with disdain that we should do the same with abortion if we are going to be logically consistent people as the crossovers between the two topics are eerily similar. I've been personally involved in the pro-life movement for about 10 years, so I had many thoughts and ideas already in my head. I also had some great resources on the topic with my main one being *Slavery, Abortion, and the Politics of Constitutional Meaning* by Justin Dyer. I also was heavily referencing Judith Jarvis Thompson's "A Defense of Abortion" as it is considered one of the best pro-choice arguments ever penned. Dr. Thompson, in one portion of her essay, makes the property argument in defense of abortion which relates exactly with arguments made for slavery. I mention these two sources as they are scholarly, yet the professors not only denied my right and opportunity to pursue this line of thinking and research, but they had the audacity to say the sources were not scholarly.

Pretty soon after we received feedback from our first assignment I felt as if we were getting inappropriate pushback (censorship) from the professors. Because of this I decided to take a slight risk. A semester or two before this, I had taken a Political Philosophy course where we read through various portions of the original works of Aristotle, Socrates, Hobbes, Marx, Smith, etc. and it was a fascinating class. I think one of the reasons I enjoyed the class so much was that the professor taught each view as if he really believed it. This made it so we never knew what his personal views were. He simply taught the view as honestly as possible and would let us come to our own conclusions through essays and discussions in class. I had never spoken with this professor other than asking about assignments, yet I felt that he would have some good advice for me in the censorship situation I was entering. I describe it as a risk since I had no clue what his personal ideals were so in thinking through outcomes, I also thought of the worst-case scenario where he wanted to suppress my research as well. Thankfully, this wasn't the case. We met in his office and talked for about 30 minutes or so. I laid out the fact that I was feeling like I was being censored and stifled as a paying customer at the school. He said he understood what I meant and gave me some commonsense steps to go about fixing the situation. He gave four steps with each successive step increasing the intensity of the situation. The first step was to simply talk through the issues with my professors. He said most of the time it can be miscommunication and fixed with in person meetings. He said if that route doesn't work then my next step is to reach out to

the Dean at the school. He said if that doesn't work then the next step is to reach out to the board of trustees at the school. Finally, he said if none of those options works then my only option to get anything accomplished would be getting legal aid.

I spent the whole semester arguing and discussing the points I wanted to make with the professors yet as I said, the relation of abortion to slavery was simply not allowed (this was one of their most blatant censorings on us as a group). The whole semester we were stifled as a group and had to jump through hurdles that no other group had to. My plan was to just talk to them throughout the semester and see how things turned out. I wasn't going to go to the Dean unless things got out of hand. There are many little details I can go into but for sake of time, things got bad. I came to find out that some staff at the school were eavesdropping on our conversation (me and the professor I sought out for help) and he ended up getting his job threatened by the school because they took our whole conversation out of context and launched salacious accusations at him. They accused this professor of telling me to go straight to the board of trustees (which I didn't do and is not what he advised me). We were also graded unfairly on the project which proved they were just out to get us. Every group had to present in front of the class and do a question and answer. Our presentation was in the top tier and our question and answer was by far the best. Most groups had no question and answer because no one was interested. Our question and answer ignited fervent discussion and debate that could have gone on for 30 minutes or more.

Based on the whole semester of being academically stifled topped with a poor grade and the fact that the professor I reached out to was being threatened, I emailed the Dean. Her and I had a few emails back and forth and we met in person. From where I stand now, it seems she was just trying to be polite with me and sweep this under the rug. Nothing was ever done to correct the situation.

My next step was the board of trustees. This unfortunately wasn't a good option at the time because the board was filled with members that were okay with what happened to me and the censorship. There was only one board member who said it was wrong, yet he was always out voted on any policy the board took up. As of November 2020, the board got 2 more members who sympathize with my situation and stand for freedom and speech and academic inquiry. Now was a good strategic time for me to bring my issue to the board.

They have public meetings and comments must be submitted and approved before the public can be allowed to speak. I thoroughly read the meeting items and had many ways to address my situation based off the meeting agenda they had. I submitted my request and was refused the ability to make comment. The President's secretary is who receives the requests and gives the yes or no. One of the board members told me that right when they reviewed my email request for comment that they immediately got in touch with

their legal counsel to see if they could prevent me from speaking. Their lawyer told the board chair that I was not allowed to speak (which goes against their own policy which I have attached). The meeting was held over Zoom and I had a few of my law school buddies join the call since it was a public meeting. Three or four of us typed in the chat box to try and get them to allow me to speak yet it was to no avail. They ended up disabling the chat function.

That's the situation in a long nutshell. Regarding evidence and documentation, I have tons of emails between myself, the professors, and the Dean. I also put together a 150 document when I went to speak with the Dean which outlined how the professors broke NIC policies, their own syllabus policies, and censored me. Along with this I drafted a one-page resolution form which included things like wanting an apology and a retraction of the threats against the professor that I sought help from. They agreed to none of my resolutions and have simply continued to sweep this under the rug. My law school buddy is the one who recommend that I email you. I didn't explicitly state this, but the professors had us meet with them outside of class time for about 6 hours which no other group had to do. I have all these meetings audio recorded. I also have my meetings with the Dean audio recorded. The 150-page document has the syllabus and multiple NIC policies that were broken on their end. I have all these highlighted and/or annotated. It also includes some of my class notes to prove some of the things they said throughout the semester. It also includes most of the sources that I used for the project.

As I said, there are more details, but I just wants things to be made right. It's so unfortunate that I must ask for legal aid to simply get my community college to do the right thing. Academic inquiry and freedom of speech should not be stifled at colleges in America. It's also a disgrace that they threatened a tenured professor with his job for simply giving a student good advice. I'll attach the 150-page document and resolution page. If you have any questions or need anything else, please let me know. Classes start this week for me, but I'd love to get this rolling and fixed. I'm also open to a phone call or Zoom session if that speeds things up. I'm going to Cc , who is the professor who I sought help from. I believe he has copies of the outrageous letters that the administration sent him with the threats.

PS. I'm sending the NIC Board Meeting Comments/Proof in a separate email as it's not letting me attach it due to the size.

Hoping to talk soon!

Sincerely,

From: Michelle Terry <mkterry@aclj.org>
Sent: Wednesday, January 6, 2021 8:05 AM
To:
Subject: Request for Assistance from the ACLJ

Mr.

Thank you for contacting the American Center for Law & Justice. I received the information you submitted on our website, and would like additional information about your situation. Could you please send me a summary of your situation, as well as any documentation, correspondence, school policies, etc., that would be relevant to your matter.

I hope to hear from you soon. As for now, please understand that the ACLJ is not representing you in any legal matter.

Best,

Michelle K. Terry

Senior Litigation Counsel

American Center for Law & Justice

625 Bakers Bridge Ave., Ste. 105-121

Franklin, Tennessee 37067

Tel. 800.296.4529

Fax. 615.309.8832

Admitted in South Carolina, Tennessee, and the District of Columbia

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From: Rick MacLennan

Subject: Concern Regarding Board/President Relationship

Date: January 18, 2021 at 9:28:34 AM PST

To: Christie Wood <cdwood@NIC.EDU> , Gregory McKenzie <gmmckenzie@nic.edu> , Ken Howard <khoward@NIC.EDU> , Michael Barnes <mhbarnes@nic.edu> , Todd Banducci <tmbanducci@NIC.EDU>

Cc: Marc Lyons (marc@lyonsodowd.com) <marc@lyonsodowd.com>

Greetings Everyone,

I am sending this email to you, in part, out of concern regarding five email communications I received on January 15, 2021, from current board chair, Todd Banducci. These emails addressed a variety of topics including Mr. Banducci's interpretation of my contractual responsibilities, board agenda, a directive to constrain student speech, admonishment for my performance, and other items directing my activities. With respect to my contract, I will, of course, continue complying with its terms however directed by the board. To clarify, it is my understanding that the board delegated responsibility for monitoring presidential leave and expenses to the college units charged with administering those procedures for all college employees.

I am also concerned about, and am documenting here, a pattern of behavior I have witnessed and experienced as aggressive and intimidating by Mr. Banducci. In my first communication with him after the November election, after the initial greetings, he commented how disappointed he was that I had not called to congratulate him on winning his recent election. During this conversation he disparaged my wife, saying, "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." During this conversation, he indicated he and I would be meeting more frequently for him to give me my "marching orders". He added that he intended to change college operating decisions he considered "unconstitutional" regarding the institution's COVID-19 response and related limitations to the college's athletic program - specifically wrestling. I respectfully pushed back saying these were operational decisions for which I, as president, have responsibility. He responded by saying, "that's right, the board only has one employee - I guess we can go down that road." I understood this to mean that he would seek to terminate my employment if I did not cooperate with him.

I received a recent report from a college employee that Mr. Banducci, after reviewing a publicly available list of political donors and their contributions, confronted this employee about their decision to provide a financial contribution to Dr. Joe Dunlap's political campaign. He wanted to know

why this employee had supported a political rival. While information regarding political contributions is public information, the intimidating impact of this inappropriate communication with a college employee is unacceptable.

On December 10, 2019, I witnessed Mr. Banducci's physical assault of a female college employee at a college sponsored event, not initially recognizing it as such, but subsequently learning of the intensity of that assault, the verbal assault that accompanied it, and the ongoing traumatizing impact it has had on this employee. As the board knows, Mr. Banducci's aggressive and intimidating behavior against this and other college employees has been well-documented over the time he has been a college trustee.

While I don't believe the series of emails I received from Mr. Banducci on January 15 rise to the level of the pattern of aggressive and intimidating behavior referenced above, their tone and content demonstrate his intent to inappropriately direct me without full board involvement and knowledge. As I consider these communications within the context of his stated intent to give me my "marching orders" and the implied threat of termination, they are very concerning to me.

I am grateful for the positive relationship the board and I have built since my arrival in 2016, including the board as currently composed with its two newest members. This relationship has been key to the successes we have achieved together and is documented in the board's consistently positive evaluation of my performance and NIC's recent exemplary accreditation evaluation report. By communicating my concerns about Mr. Banducci's behavior, I am aware that a door is being opened that cannot be easily closed. These concerns are not shared lightly, but out of my deep commitment to North Idaho College, its mission and the students and communities NIC serves. I am requesting that the board review Mr. Banducci's documented behavior, including the issues I have identified in this communication, and address what I believe is an untenable situation.

Respectfully,

Rick MacLennan

From: Christie Wood

Subject: Board Members.pdf

Date: January 18, 2021 at 11:20:40 AM PST

To: Ken Howard <khoward@NIC.EDU> , Gregory McKenzie <gmmckenzie@nic.edu> , Michael Barnes <mhbarnes@nic.edu> , Todd Banducci <tmbanducci@NIC.EDU> , Rick MacLennan <rmaclennan@NIC.EDU> , Shannon Goodrich <sgoodrich@NIC.EDU>

Attachments: Board Members.pdf (109.6 KB), ATT00001.txt (21 bytes)

January 18th 2021

Board Members,

After receiving the President's email this morning once again this Board finds itself dealing with a clear pattern of abusive and aggressive behavior by Trustee Banducci. This has gone on for over eight-years. During this time the Board has attempted to persuade, model, and suggest proper conduct from a duly elected official. Board members, faculty, staff and students have either been subject to, or witnessed inappropriate, aggressive, or threatening behavior from Trustee Banducci. During this time we have done our level best to continue to work with him. He continues to act ALONE without the permission of all board members which is not appropriate or legal.

Now we find ourselves AGAIN in an untenable position with his behavior and this time it's with the College President, employees, and even the President's spouse. I am stunned to hear his veiled threats toward the President, and that he contacted an employee about their political contributions. This kind of behavior must be dealt with immediately. Trustee Banducci has used intimidation, threats, and possibly violated individual civil rights toward our employees within two months as a sitting Board Chair. Last Saturday I sent all of you a long email detailing his complete distortion of the duties of the Board Chair. This new information from the President shows an even worse violation of ethics and Board standards than we were aware of.

It's important to review with all of you a snap shot of his egregious behavior. Early last year we dealt with a Title 9 complaint against Trustee Banducci for a verbal and physical assault of a female employee. The Board instructed college attorney Mark Lyon to investigate the matter and report back to the Board. Through this investigation we learned of other conduct toward female employees that consisted of illegal action of sexual harassment on the part of Trustee Banducci. These females had declined to come forward when the incident occurred out of fear of reprisal from Trustee Banducci.

After being questioned by the Board about these incidents Trustee Banducci was defiant and expressed no remorse or accountability for his actions. These incidents were witnessed by other employees.

Both myself and former Trustee Judy Meyer have experienced physically threatening and verbally abusive behavior from Trustee Banducci. His shouting and physical aggression toward both of us was witnessed by our fellow trustees Ken Howard, Ron Nielson, the President at the time, and our college attorney. In one incident in 2012 in a meeting with the Board he became upset at my input into a college matter. He stood up across from me, pointed his finger directly at me and said "I ought to take you outside right now and kick your ass." A separate incident was similar in nature toward Judy Meyer in which he towered above her as she was sitting, and proceeded to shout and point his finger at her. After each incident it was made very clear to him by myself that we would not tolerate it.

Another incident occurred while the Board hosted a meeting in Sandpoint at our Education Center. I was serving as Board Chair. Trustee Banducci was upset that we were having the meeting at all. He said that because it was out of Kootenai County the meeting was not lawful. He shouted at me prior to the start of the meeting that he was waiting for a call from Senator Nonini to verify our meeting was illegal

and I was not to start the meeting. I told him our legal counsel was Mark Lyon not Senator Nonini and to take his seat because the meeting was starting. I later spoke with former Senator Nonini about this outburst and he had no knowledge of the phone call nor expressed any support for Trustee Banducci's actions. After the meeting I approached Trustee Banducci to tell him to have a safe drive home as we were experiencing a serious snowstorm. He shouted at me to "Get away from him." I said "What is wrong with you?" He said "I am not even speaking to you, in fact my wife is going to Bitch slap you." I immediately told him I would not tolerate his behavior. As I left and was driving home I called him and made it very clear again that I would tolerate a physical threat from either him or his wife. His wife was in the car with him and he claimed that "I am just a blonde and I must have heard him wrong, that he did not imply his wife would assault me." At this point I also informed him I would also not tolerate lying and ended the phone call. Trustee Banducci and I did not speak for several months after that incident, and I made it clear to staff I would not be seated next to him in Board meetings.

During the Title 9 investigation of the assault committed by Trustee Banducci the Board also learned of his behavior toward staff who are employed with the NIC Foundation. Trustee Banducci abused his position and authority on a regular basis pertaining to Foundation fundraisers. He habitually called staff and demanded a specific kind of alcohol (Moose Drool Beer) and food be served for he and his wife at various events that was not on the regular menu. Mind you the Foundation raises money for scholarships for students in need. People in our community donate their hard earned dollars to help our students succeed. They do not exist to spend precious dollars to entertain Trustee Banducci. This kind of repugnant behavior has never occurred with any other trustee.

One would think all of the information uncovered during this investigation would be a final straw. But instead the Board agreed to a private censure of Trustee Banducci (I still have that document and can provide it), and our employee agreed to a non-financial settlement agreement that instructed Trustee Banducci to have no further contact with this victim employee. Trustee Banducci acknowledged and signed the binding agreement with the college attorney Mark Lyon. Once Trustee Banducci was elected to the Chair position he immediately attempted to assign himself as a Board liaison to the Foundation Board. I sent him a very strongly worded email that you all received. I tried to intervene to keep the college from being subject to him violating the agreement he signed. Our attorney also intervened and reminded him of the binding agreement. Had there been no intervention I am convinced Trustee Banducci would have willingly violated a civil agreement and put the college at financial risk. At the last Board meeting he finally saw fit to ask Trustee McKenzie to serve in the Foundation role.

After the civil agreement signed by Trustee Banducci was in place the Board quickly set about adopting much needed policy on Board behavior and ethics that would encourage better behavior from Trustee Banducci, and also limit the legal liability to tax payers if he continued in his terrible pattern of behavior. Trustee Banducci was against this policy immediately and would not support it. It was passed by the majority of the Board at the end of last summer.

At the last Board meeting on December 16th 2020 Trustee Banducci acting as Chair put the Board Conduct Policy on the agenda as an action item. He spoke strongly about removing the policy and managed to convince Trustee McKenzie and Trustee Barnes to vote to do so.

Prior to that Board meeting that day in a separate meeting both Trustee McKenzie and Trustee Barnes witnessed for themselves Trustee Banducci's aggressive and inappropriate behavior toward me. During a discussion on college business in which he was chairing the meeting he became upset at me, said "You are a loser from a small town, with no knowledge, no experience, and your Air Force background means about as much as having a cup of coffee." He went on to say that he has traveled the world as a military officer, is currently in a position of authority in the military and knows way more on any subject than I ever have. I did not respond to his first verbal attack. Instead later in the discussion I implored him to be honest with our new trustees and tell them exactly what he had done to our female employees. He became enraged and shouted that "I am a dog with a bone." At that point I strongly spoke over the top of him and demanded he quit speaking to me that way. This incident was also witnessed by the College President Rick MacLennan and college attorney Mark Lyon.

There are many other incidents of his aggressive and intolerable behavior toward others that I have not documented today. This the very reason he was never elected by past Boards to serve in any officer capacity let alone as Chair. It is only with this new Board of Trustees who are not aware of his past behavior that he received the nomination for Chair. Trustee Banducci regularly disparages his fellow Trustees in community meetings. He has convinced citizens that he is a victim, and the Board does not work with him due to his ideology of conservatism. This could not be further from the truth. The Board agenda has never included a political platform. We serve in non-partisan positions. No Trustees have ever attacked Trustee Banducci for his ideology because we simply don't care. His belief systems are his own business and do not pertain to college business. The Board has strongly objected to his personal behavior not his beliefs. He embarrasses us with his behavior, threatens our accreditation standards with violations of good governance requirements, violates college policy on governance, and sets the college up for possible litigation. He has repeatedly violated his oath of office and the trust of our citizens.

Trustee Banducci has created a hostile work environment for the employees of NIC that negatively impacts the entire environment on campus. I refuse to be complicit and allow his behavior to continue unchecked. For decades in my career as a police officer and as a human rights advocate I have worked to protect victims from criminal behavior. I will not be a silent witness to harassing, threatening behavior that leaves a life-long damaging impact on victims. I am calling for the immediate resignation of Trustee Todd Banducci from the North Idaho College Board of Trustees by Tuesday Jan 19th 2021 at noon. This time I will not agree to a private censure if he does not comply. Improper conduct by men in powerful positions is often covered up. It seems this is especially true on college campuses. I agreed to a private censure once but I will not do it again. As the only female on a five member Board of Trustees there is literally nothing any of you can say to me to keep me from exposing his behavior and demanding accountability. Every member of this Board is complicit if this is not addressed and we are personally subject to actions and penalties. Our employees and our community deserve full transparency and they shall receive it from me.

Christie Wood

North Idaho Board of Trustees- Zone 1