



Threat Management and Behavioral Intervention Team Procedures

OPERATIONS | 500.545

Last Evaluation

3/11/24

Executive Staff Approval

3/11/24

1. Procedure Statement

This procedure outlines the reporting and review process for incidents involving violent behavior, threats to physical safety, or disruptive conduct that may impact individuals on campus or college operations. This procedure is intended to implement the authority and responsibilities of the college president and does not confer any additional rights

2. Procedure

- 2.1 The MTECH President, as the Chief Administrative Officer, has authority to order a person to leave property owned, operated, or controlled by MTECH as further described in state law and this procedure. This procedure delegates that authority (as specified below) as it relates to threats, violent conduct, and/or conduct that substantially disrupts college operations.
- 2.2 Examples of conduct that include threats, violent conduct, and/or conduct that substantially disrupts college operations include, but are not limited to:
 - 2.2.1 Situations where there is reasonable cause to believe that the person intends to, or does act to:
 - 2.2.1.1 Cause injury to a person;
 - 2.2.1.2 Cause damage to property;
 - 2.2.1.3 Commit a crime;

- 2.2.1.4 Interfere with the peaceful conduct of activities involving the college;
 - 2.2.1.5 Violate any rule or regulation of the institution, including violation of the Student Code of Conduct, if that rule or regulation is not in conflict with state law; or
 - 2.2.1.6 Interferes with MTECH operations or student rights and responsibilities.
- 2.2.2 When the conduct is reckless or will cause fear for the physical safety of another individual or individuals;
- 2.2.3 If the person willfully:
- 2.2.3.1 denies to a student, employee, or visitor lawful:
 - a. freedom of movement;
 - b. use of the property or facilities; or
 - c. ingress to or egress from MTECH's physical facilities;
 - 2.2.3.2 impedes an employee in the lawful performance of the employee's duties; or
 - 2.2.3.3 impedes an student in the lawful pursuit of the student's educational activities.
- 2.2.4 This procedure implements the President's authority and prohibits threats to physical safety, violent conduct, and conduct that otherwise substantially disrupts college operations. It sets out the process to address reported conduct that is prohibited, as set out below. This procedure applies to all conduct regardless of where it occurs to the extent it poses a risk to MTECH property, operations, or to persons on MTECH property or while otherwise in MTECH programs and activities.
- 2.2.5 Conduct prohibited by this procedure may also be prohibited by other MTECH policy. As such, the applicable Vice President or designee may review conduct under one or more policies, either simultaneously or sequentially, as determined by those responsible to implement policies.
- 2.2.6 Since MTECH conduct processes are entirely separate from criminal or civil litigation, legal outcomes do not affect MTECH processes nor will pending criminal or civil litigation stop or delay those processes.
- 2.3 Prohibited Conduct: MTECH prohibits students, employees, and visitors from engaging in threats to physical safety, violent conduct, and conduct

that substantially disrupts college operations. Such conduct is subject to sanctions and/or risk management measures/boundaries, which are tailored to the circumstances. These may include, but are not limited to, being ordered to leave or remain away from MTECH property or a part of MTECH property, being prohibited from contacting employees or other persons on campus or in MTECH programs, restrictions on status as a student or employee, or participation in college activities. Generally, any measures and sanctions will be coordinated with applicable behavioral and conduct codes to the person whose conduct is at issue, if available and as described below. Additionally, retaliation against someone for participating in any of the processes or collecting information under this procedure is prohibited.

2.4 Reporting Required

2.4.1 Employees are required to report threats to physical safety, violent conduct, and conduct that substantially disrupts college operations that they learn about, or is in any way related to their job duties. Employees shall make the report in person, over email, or through other designated reporting forms to the MTECH Safety and Security Department at campusecurity@mtec.edu or through the MTECH Alert Line (801-753-4199).

2.4.2 Reporting Protection Order: Each employee and/or student who receives a protective or restraining order (i.e. a cohabitant protective order, dating violence protective order, sexual violence protective order, or civil stalking injunction) that lists MTECH-owned or -leased premises as a protected area, or otherwise prohibits the employee or student from being within a certain proximity or near another employee, student, or visitor is required to provide a copy of such order to the MTECH Safety and Security Department. The Safety and Security Department may distribute copies to the Director of Human Resources and/or the Director of Student Services for additional security measures, as needed.

2.4.3 BIT Team Assessment and Referrals

2.4.3.1 Upon receipt of a report of threat to physical safety, violent conduct, or substantially disruptive conduct, the BIT leader makes an initial assessment to determine whether BIT should convene. Based on information available to the BIT leader, they may determine if the reported conduct could

reasonably be one or more of the types of prohibited conduct, and should convene with the team.

- 2.4.3.2 If the report of conduct by a student warrants further review, BIT promptly convenes
- a. To share relevant information and assess the existence, if any, and risks presented and potential risk mitigation measures.
 - b. If the leader of the team, after receiving input from other team members, determines that reported conduct has been verified as true and is a threat to physical safety, violent behavior, or substantially disruptive conduct. If so, then the BIT leader shares the team's assessment, including the original report, additional sources of information, investigation findings, level of risk if the reported conduct is true, and potential risk mitigation measures--all as applicable--with Vice Presidents or a designee to proceed under the applicable policy.
 - c. In cases where a student's threatening, violent, or substantially disruptive behavior is related to a disability, voluntary and involuntary withdrawal procedures, and consideration of alternative reasonable accommodations also may apply. The ADA coordinator may decide to apply such procedures, as applicable.
- 2.4.3.3 If the report of conduct by an employee warrants further review, the BIT leader promptly convenes BIT.
- a. To share relevant information and assess the existence, if any, of the risks and potential risk mitigation measures.
 - b. If the team concludes that reported conduct, if true, is a threat, violent behavior, or substantially disruptive conduct. Then the supervisor of the employee-respondent and the BIT leader gather any additional relevant information needed.
 - c. The supervisor and appropriate administrator then meet with the respondent-employee to present the relevant information (giving notice) and providing an opportunity to respond. They also provide the respondent with information about this procedure, as needed.
 - d. The BIT leader may (but is not required to) reconvene the team as necessary to receive input about any additional, new, or different information.

- e. After the meeting and taking into consideration all available relevant information from the respondent-employee's response, the supervisor, in consultation with MTECH administration, determines whether the employee-respondent violated this procedure and if so, what sanctions and/or risk management measures are imposed on the employee-respondent
 - 1. The decision is in writing with corresponding reasoning.
 - 2. The supervisor sends the written decision to the respondent-employee as the decision of MTECH, and such other MTECH officials with a need to know.
- f. In the event that a faculty member is suspended, terminated, or the decision will materially alter the faculty-respondent's job duties and/or access to campus based on a violation of this procedure, the faculty-respondent may grieve the decision to the Associate Vice President of Human Resources. All other decisions of the supervisor are final decisions on behalf of MTECH.
- g. In the event that a non-faculty employee (determined based on primary scope of duties) is suspended, terminated, or have their employment terminated, or access to campus materially altered based on a violation of this procedure, the employee-respondent may grieve the decision in accordance with the processes listed below. All other decisions of the supervisor are final decisions on behalf of MTECH.
 - 1. An employee may request an appeal of the supervisor's decision by filing a Notice of Appeal with the Vice President who oversees the Respondent-Employee's department or division.
 - a. The Notice of Appeal must state the basis for appeal and any supporting facts and evidence.
 - b. The Notice of Appeal must be submitted no later than five (5) days following receipt of the supervisor's written decision.
 - 2. Any sanctions or risk management measures imposed by the supervisor's decision will be implemented and remain in effect during the pendency of the appeal.
 - 3. Appeals are not a separate assessment of the facts, and appeals are not granted on the basis of disagreement with

the written decision. A respondent-employee may appeal a decision based only on one or more of the following:

- a. There was a denial of adequate and fair due process that resulted in a material error;
 - b. The sanction and/or risk management measure imposed was not appropriate for the violation(s) which the employee was found to have committed; or
 - c. There is new evidence or information that was not reasonably available at the assessment or decision which is reasonably likely to materially affect the outcome of the decision.
 - d. The Vice President may affirm the decision of the supervisor, send the matter back for reassessment, or amend the findings and/or sanctions or risk management measures.
 1. The Vice President will provide to the respondent-employee a written decision on the appeal within a reasonable timeframe, with an effort to provide it within seven (7) days of receipt of the Notice of Appeal.
 - e. The decision of the Vice President is the final decision of MTECH and not subject to appeal.
4. If the report of conduct by a visitor warrants further review, the BIT leader convenes the BIT. The team follows a process as set out below.
- a. The team gathers to share relevant information and assess the existence, if any, of the risks and potential risk mitigation measures. If the team concludes that reported conduct, if true, is a threat, violent behavior, or substantially disruptive conduct, then the BIT leader will forward the information to an MTECH Vice President or designee. If the answer is that the reported conduct does not violate this procedure, even if true, the BIT leader can refer the matter under policies, document to the file the reasoning, or take other steps that the team leader deems are reasonably necessary, in consultation with a Vice President or designee. The team leader does not contact the alleged respondent-visitor for purposes of this procedure or otherwise implement measures or sanctions upon the respondent-visitor.

- b. An appropriate Vice President or designee then meets with the respondent-visitor, either in person, via electronic means, or in writing, to present the relevant information (giving notice) and provide an opportunity to respond. A Vice President or designee will also provide the respondent visitor with information about this procedure, as needed.
- c. After the meeting (or opportunity for a meeting) and taking into consideration all available relevant information including the respondent-visitor's response, a Vice President or designee determines whether the respondent-visitor violated this procedure and if so, what sanctions and/or risk management measures are imposed on the respondent-visitor.
 1. The BIT leader may reconvene the BIT for further evaluation, as needed.
 2. A Vice President or designee's decision is in the writing with corresponding reasoning and risk management measures.
 3. A Vice President or designee sends the written decision to the respondent-visitor as the decision of the MTECH, and such other MTECH officials with a need to know.
 4. The written decision of the Vice President or designee is the decision of MTECH and is final. There is no appeal of the written decision.
5. Notwithstanding the foregoing, if the reported conduct necessitates immediate risk management measures/boundaries or if opportunity to meet with or contact the person whose conduct is at issue is readily available, other than through writing, such that administration cannot first meet with the respondent, a Vice President or designee may implement those risk management measures/boundaries on a temporary basis and provide the respondent-visitor with notice and an opportunity to respond to the allegations within 15 days.
6. If a person whose access to MTECH campuses or activities is restricted and notification has been sent or otherwise provided to that person by an authorized MTECH official, violates that restriction(s) and enters or remains on property that is owned, operated, or controlled by MTECH, they are

subject to arrest and prosecution for criminal trespass, based on state law.

- 4.5 Criteria when Assessing Risk. When assessing the risk, the BIT conducts an individualized assessment, considering the reported facts and the following non-exhaustive list of factors (among others):
 - 4.5.1 Whether the reported conduct, if true, is a threat to physical safety, violent conduct, or conduct that substantially disrupts college operations;
 - 4.5.2 The nature, duration, and severity of the reported conduct;
 - 4.5.3 The probability that potential injury and/or harm will occur within MTECH's control;
 - 4.5.4 Whether the person substantially impeded the educational process or functions of other members of the MTECH community;
 - 4.5.5 Whether the circumstances suggest an increased risk that the person will commit an additional act of violence/disruption;
 - 4.5.6 Whether the person has a history of violence or disruption (conviction history, previous school discipline, prior disruptions, escalating conduct, etc.);
 - 4.5.7 Whether the person is alleged to have made threats of further violence against the person(s) impacted or any other individual;
 - 4.5.8 Whether the act of violence was committed by more than one person;
 - 4.5.9 Whether the circumstances suggest there is increased risk of future acts of violence under similar circumstances;
 - 4.5.10 Whether there was use of a weapon or drugs given; and
 - 4.5.11 The age of the person who allegedly experienced the conduct.

- 4.6 Due Process. Under any of the above processes, no final determination is made about whether the person has engaged in threats, violent behavior or substantially disruptive conduct until that person receives notice and an opportunity to be heard, either under this procedure or other applicable policy, as set out above. Provided however, as set out above and in other applicable policy, MTECH retains authority to implement temporary risk management measures/boundaries and provide due process as soon as practicable thereafter.

3. Evaluation History

Last Evaluation	Executive Staff Approval	Board Approval
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