

# NIH Policy Manual

## 2300-752-3 - Restricting and/or Removing Individuals from NIH Workplaces

**Issuing Office:** OD/OM/ORS/SER/DP **Phone:** [\(301\) 496-2387](tel:3014962387)

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### Transmittal Notice

- 1. Explanation of Material Transmitted:** This chapter provides guidance for restricting and/or removing individuals from the NIH grounds or facilities for inappropriate conduct or threatening and/or disruptive behavior. This policy defines the roles, responsibilities, and procedures for the restriction and/or removal of an offending individual and in determining the length of time of the restriction. This chapter has been revised to include the role of National Institutes of Health (NIH) Civil Program throughout, current records retention schedule, emergency information for Bayview/Baltimore, Maryland, and the appeals process for individuals with medical limitations.
- 2. Filing Instructions:**

**Remove:** NIH Policy Manual, Chapter 2300-752-3, dated 03/07/2014

**Insert:** NIH Policy Manual, Chapter 2300-752-3, dated 10/17/2022

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Compliance Management, OMA on 301-496-4606, or enter this URL: <https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>.

### A. Purpose

This chapter provides guidance for restricting and/or removing offending individuals from NIH campuses and facilities in emergency and non-emergency situations. Included are procedures to be used in determining if the offending individual's access should be removed and/or restricted on a short or long-term basis.

## **B. Scope**

This policy applies to all NIH personnel, contractors, visitors, or guests, who enter or work at a NIH owned or leased facility or location.

## **C. Background**

Following security screenings, individuals are permitted to enter onto NIH grounds to work, visit patients, consult medical staff, attend seminars, and engage in a variety of other activities in support of the agency's mission.

This policy of open access has proven effective in fostering biomedical research. However, on rare occasions someone will enter NIH grounds for an inappropriate purpose or engage in threatening or disruptive behavior. When this occurs, the offending individual's access, both present and future, may be denied or restricted to protect the NIH community and ensure fulfillment of the agency's mission.

## **D. Policy**

This chapter establishes the NIH policy, that when warranted, individuals may be restricted and/or removed from NIH workplaces. This policy applies to all NIH owned, occupied and leased spaces and to all persons entering those areas. All persons on NIH property must comply with applicable Federal laws and must not engage in conduct that is harmful to persons or property or interferes with the mission of the NIH. This includes behavior or statements that reasonably appear to threaten public safety or create a nuisance or disturbance. It is the policy of the NIH to have such persons restricted and/or removed from its facilities and grounds.

The NIH Division of Police (DP) is tasked with the responsibility of enforcing the aforementioned restrictions and/or removals on the Bethesda campus, the National Institute of Allergies and Infectious Diseases (NIAID) Rocky Mountain Laboratories (RML) campus in Montana, and the National Cancer Institute (NCI) facilities located at Ft. Detrick, in Frederick, MD. In certain cases, DP officers may initiate a restriction and/or removal without a prior request if they witness a person whose behavior or statements reasonably appear to threaten public safety or create a nuisance or disturbance on the NIH grounds.

The Federal Protective Service (FPS) is an agency of the Department of Homeland Security (DHS) with jurisdiction over NIH General Services Administration (GSA) leased facilities. NIH employees requiring police assistance at facilities under FPS jurisdiction should call the Suitland Mega Center at 301-763-0040 or 1-877-437-7411. The hearing impaired should call FPS at 301-763-0126.

Protection of all other NIH facilities against unwarranted individuals gaining entry follows a different process. The NIH depends upon contracted guard force personnel to protect all other locations. NIH personnel who work at these locations shall direct matters that require a police

response to local law enforcement agencies possessing jurisdiction for non-emergency situations or call 911 for emergencies that require an immediate response.

In the event it is necessary to restrict the physical access of an individual or remove that individual from facilities without the NIH DP, the NIH DP shall request FPS and/or local law enforcement agencies to assist and enforce the restriction or removal. The request for assistance is obtained through the process described below. Local police agencies will not authorize or enforce a restriction and/or removal unless an existing peace order restricting the physical proximity of an individual is in force. As in the case of NIH DP officers, a police officer from FPS or a local jurisdiction who witnesses an action they deem detrimental to good order and discipline may take an action against the offending individual to resolve the situation.

## **E. Responsibilities**

1. **Complainant** – The individual responsible for initiating the request for the restriction, and/or removal of an offending individual/unwanted guest. Complainants generally witness or are subjected to offending behavior or have specific information indicating that the restriction and/or removal of an offending individual/unwanted guest is in the best interest of the NIH.

Note: A complainant can be anyone initiating actions to restrict, and/or remove another individual, when it is their belief that taking such actions is in the best interest of the NIH. Complainants do not have to be employees of the NIH.

2. **Executive Officer (EO)** – The Executive Officer of the applicable Institute, Center or Office (ICO) is responsible for reviewing, approving and submitting NIH Form 2938 to the NIH Chief of Police at the email address [MC2300-752-3@NIH.GOV](mailto:MC2300-752-3@NIH.GOV). The EO is also responsible for providing the appropriate rationale to justify the extension of a restriction and/or removal.
3. **NIH Chief of Police or Designee is responsible for:**
  - a. Checking the email account ([MC2300-752-3@mail.nih.gov](mailto:MC2300-752-3@mail.nih.gov)) for receipt of [NIH Form 2938](#) on a daily basis.
  - b. Reviewing and acting upon all submitted [NIH Form 2938](#).
  - c. Gathering additional information to determine if the restriction/removal should stand, be dismissed, or modified.
  - d. Conferring with the applicable HR Official and the individual's chain of command to determine an appropriate course of action.
  - e. Reviewing appeals of imposed restrictions/removals from the restricted/removed individual.
  - f. Coordinating with law enforcement organizations that have jurisdiction over requests for restriction and/or removal outside of the NIH DP jurisdiction.

4. **NIH Chief Security Officer (CSO) is responsible for:**

- a. Reviewing any decision by the Deputy Chief Security Officer (DCSO) that has been appealed by the Executive Officer (EO).
- b. Gathering additional information to determine if the restriction(s) or removal(s) should stand, be dismissed, or be modified.
- c. Upon making a final determination, notifying the appropriate personnel, i.e. the DCSO, DP, DPSAC, EO, applicable HR Office, and the restricted/removed individual. (Note: The NIH CSO's decision cannot be appealed).

**5. NIH Deputy Chief Security Officer (DCSO) is responsible for:**

- a. Reviewing appeals of imposed or lifted restrictions/removals by the individual's chain of command. The DCSO will only consider appeals from the Executive Officer (EO).
- b. Gathering additional information to determine if the restriction(s) or removal(s) should stand, be dismissed, or be modified.
- c. Upon making a determination, notifying the appropriate personnel, i.e. the DCSO, DP, DPSAC, EO, applicable HR Office, and the restricted/removed individual.

**6. NIH Facility Official is responsible for:**

- a. Responding to a complainant's notification of an immediate/emergency need to remove an individual. Reports to the area in question and assists in the police investigation as needed.
- b. Completing and submitting the NIH Form 2938 as soon as the police action is completed, if not performed by an OHR Workforce Relations Official (F.3.b. Responsibilities).

**7. OHR Workforce Relations Division Official (Employee Relations or NIH Civil) is responsible for:**

- a. Responding to a complainant's notification of an immediate/emergency need to remove an NIH employee and assisting in the police investigation as needed.
- b. Assisting the EO in completing and submitting the NIH Form 2938 as soon as the police action is completed in cases where the NIH DP have responded and took actions regarding the complaint received.
- c. Advising management officials on options available to ensure safety and security of staff, especially when officials plan on serving individuals with adverse personnel actions and believe there is potential for an unsafe behavioral response. Management should be made aware of options such as serving the individual on-campus where the NIH DP can assist if necessary, or using a carrier, such as FedEx, to deliver personnel actions to the individual's residence.

**8. Records Manager within DP is responsible for:**

9.

- a. Maintaining records of extended restriction and/or removal in accordance with [1743 - Managing Federal Records](#).
- b. Bringing all extended restrictions and/or removals to the attention of the Chief of Police 30 days in advance of the respective two-year expiration date.

## F. Procedures

The procedures for restricting and/or removing an individual from NIH workplaces is discussed in Appendix 1: Procedures. The procedures are also shown in the process maps outlined in Diagrams 1, 2, 3, and 4.

## G. References

- 0.
1. [NIH Civil Program](#)
2. [OHR Workforce Relations Division \(WRD\)](#)
3. [42 U.S.C. § 282 Director National Institutes of Health](#)
4. [45 C.F.R. Part 3 Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave](#)
5. [41 CFR Appendix to Part 102-74 Rules and Regulations Governing Conduct on Federal Property \(Under The Authority of GSA\)](#)
6. [1743 - Managing Federal Records](#)
7. [NIH Form 2938: Restricting, Removing, and/or Banning Individuals from NIH Work Places](#)
8. [Diagram 1: Complainant Initiated Restriction and/or Removal](#)
9. [Diagram 2: DP Initiated Restriction and/or Removal](#)
10. [Diagram 3: Approved Restriction and/or Removal Process Flow Diagram](#)
11. [Diagram 4: Appeals Process Flow Diagram](#)

## H. Definitions

1. **All Other Locations** – Refers to NIH campuses, offices, labs, grounds where the NIH Police do not have jurisdiction. (Also see: NIH Police Jurisdiction)
2. **Employee Relations (ER)** - Part of the OHR Workforce Relations Division assigned responsibility for personnel issues associated with an incident where restriction and/or removal of an NIH employee is required and/or contemplated.
3. **Facility Official** – An NIH employee or contractor, responsible for overseeing, managing, caring for, and/or protecting NIH owned or leased space, or General Services Administration (GSA) leased space. Examples would include, but are not limited to, Facility Managers, Lab Managers, Office Managers, and supervisors.
4. **Immediate/Emergency** - Without delay or hesitation; an unforeseen crisis (usually involving real or potential danger) that requires quick action. For the purpose of this policy, the terms refer to the type of action required to address an occurrence involving

- a person who has entered, or plans to enter, NIH property for an inappropriate purpose, or engages in threatening or disruptive behavior after entry.
5. **NIH DP Visitor Badging System** - Electronic system designed to create temporary (one- day) badges for NIH visitors, create records of visits and to identify any restrictions placed upon specific persons attempting to enter.
  6. **NIH DP Jurisdiction** - Refers to those locations where the NIH DP can operate and carry out law enforcement duties. Current NIH DP jurisdictions include the NIH Bethesda Campus, the NIH NIAID Rocky Mountain Laboratories, Montana, and the NIH/NCI Cancer Research Center at Ft. Detrick, Frederick, Maryland.
  7. **NIH Civil Program** - Responsible for managing all allegations of harassment, including sexual harassment, hostile work environment, and retaliation.
  8. **Non-emergency** – Describes a situation that does not rise to the level of seriousness where individuals are threatened or there is potential for disruptive behavior or danger. Though the situation may be serious, it does not call for immediate action.
  9. **Offending Individual** – Term used by NIH police to describe a person who has entered or plans to enter NIH grounds for an inappropriate purpose or exhibits threatening or disruptive behavior after entry (Also see Unwanted Guest).
  10. **Removal** - Taking an individual off NIH property for inappropriate actions, engaging in threatening or disruptive behavior or causing disruption to work at an NIH facility or grounds.
  11. **Removal Action** – The process of establishing or lifting a removal.
  12. **Restriction** – The decision by an authorized NIH official to place constraints on an individual's normal access to their workplace by taking actions described in this chapter. The individual's normal access to an NIH campus or workplace can be constrained with conditions.
  13. **Thirty (30) Calendar Day Period** – The maximum period the NIH DP can restrict or remove an individual from campus without getting further approval from the NIH Chief of Police.
  14. **Trespassing** - For the purpose of this chapter, the act of refusing or failing to leave an NIH building or grounds, upon being requested to do so by an authorized employee of the public agency or institution owning, operating or maintaining the building or property.
  15. **Unwanted Guest** – Term used by external police or security organizations to describe a person who has entered or plans to enter the NIH grounds for an inappropriate purpose or who engages in threatening or disruptive behavior after entry has been gained. This term applies regardless if the person has been requested to leave by an authorized employee or not (Also see Offending Individual).

## Appendix 1: Procedures

### 1. Complainant Restriction and/or Removal Request - within NIH jurisdiction

(See *Diagram 1: Complainant Initiated Restriction and/or Removal*)

NOTE: The complainant should IMMEDIATELY contact the security organization for their facility in all emergency situations.

- Bethesda Campus: Dial 911
- NCI Ft. Detrick Campus: Dial 911
- NIAID Rocky Mountain Laboratories Campus: Dial 0

**After the emergency is resolved, proceed with initiating the restriction and/or removal request process.**

- i. The complainant initiates the restriction and/or removal request against an individual who reasonably appears to threaten public safety or create a nuisance or disturbance.
  1. The complainant fills out NIH Form 2938 (A) Part I.
  2. The complainant submits NIH Form 2938 (A) with Part I completed to the Executive Officer (EO) of their institute.
  3. The EO reviews the information submitted by the complainant and notifies Employee Relations or NIH Civil.
    - a. If the EO decides the complainant's request is not warranted, then the EO takes no further action regarding the request and the process ends.
    - b. If the EO decides the complainant's request is warranted, then the EO fills out Part II of the NIH Form 2938 (A), signing it and submitting the form via email to [MC2300-752-3@mail.nih.gov](mailto:MC2300-752-3@mail.nih.gov)
  4. The NIH Chief of Police/Designee receives the NIH Form 2938 (A) from the [MC2300-752-3@mail.nih.gov](mailto:MC2300-752-3@mail.nih.gov) email address
    - a. Assigned police officer from NIH DP reviews NIH Form 2938 (A) parts I and II and contacts complainant for additional information.
    - b. Assigned police officer completes Part III of the form.
    - c. Assigned police officer notifies the NIH Chief of Police/Designee regarding the restriction and/or removal request and provides additional gathered information.
  5. The NIH Chief of Police/Designee reviews the NIH Form 2938 (A) Parts I, II and III and conducts any additional research as warranted.
    - a. If the NIH Chief of Police/Designee authorizes the restriction and/or removal; then the NIH Chief of Police/Designee notifies the relevant parties of the authorization of the restriction and/or removal.
      - i. Assigned police officer makes an entry into the NIH visitor badging system.
      - ii. Assigned police officer notifies DPSAC to revoke electronic access, if the person has a valid NIH Personal Identity Verification (PIV) card.

1. Assigned police officer may also confiscate the NIH PIV card.
- iii. NIH DP enforces the restriction and/or removal (see Approved Restriction/Removal Review Process).
- b. If the NIH Chief of Police/Designee does not authorize the restriction and/or removal, then the NIH Chief of Police/Designee notifies the EO and the Complainant of the decision not to restrict and/or remove the individual.
  - i. The EO may choose to appeal the decision by the NIH Chief of Police/Designee (See Appeals Process).
  - ii. If the EO decides not to appeal the decision, then the process ends, and no restriction and/or removal is initiated.

## **2. Complainant Restriction and/or Removal Request - outside of NIH Jurisdiction**

(See *Diagram 1: Complainant Initiated Restriction and/or Removal*)

NOTE: The complainant should IMMEDIATELY contact the security organization for their facility in all emergency situations.

The Federal Protective Service (FPS) is an agency of the Department of Homeland Security (DHS) with jurisdiction over NIH General Services Administration (GSA) leased facilities. NIH employees requiring police assistance at facilities under FPS jurisdiction should call the Suitland Mega Center at 301-763-0040 or 1-877-437-7411. The hearing impaired should call FPS at 301-763-0126.

At Research Triangle Park, North Carolina – the Durham County Sheriff's Department is located at 510 S. Dillard St. Durham, NC 27701. The Non-Emergency Phone is 919-560- 0897 and the Emergency Phone is 919-560-0900 or 911 (from a cell phone). The website is <http://www.durhamsheriff.com/about-us/contact-information>.

The Montgomery County Police have jurisdiction over the NIH Poolesville Campus. NIH Employees requiring assistance at facilities within the Montgomery County jurisdiction should dial 911 in an emergency or use the non-emergency number 301-279-8000. The website is <https://montgomerycountymd.gov/POL/districts/1d/index.html>

The Baltimore Police have jurisdiction over the Biomedical Research Center (BRC) in Bayview, Baltimore, Maryland. Employees requiring assistance at the BRC should dial 911 in an emergency or use the non-emergency number 311. The website is <https://www.baltimorepolice.org/contacts>.

All other NIH facilities and locations outside of NIH Police jurisdiction should call 911 to contact their local law enforcement agency.

After the emergency is resolved, proceed with initiating the restriction and/or removal request process.

- i. The complainant initiates the restriction and/or removal request against an individual who reasonably appears to threaten public safety or create a nuisance or disturbance.
  1. The complainant at a location outside of NIH Police jurisdiction believes that a restriction and/or removal against an individual is necessary at their location.
  2. The complainant fills out NIH Form 2938 (A) Part I.
  3. The complainant submits NIH Form 2938 (A) with Part I completed to the Executive Officer (EO) of their ICO.
  4. The EO reviews the information submitted by the complainant and notifies Employee Relations or NIH Civil.
    - a. If the EO decides the complainant's request is not warranted, then the EO takes no further action regarding the request and the process ends.
    - b. If the EO decides the complainant's request is warranted, then the EO fills out Part II of the NIH Form 2938 (A), signing it and submitting the form via email to [MC2300-752-3@mail.nih.gov](mailto:MC2300-752-3@mail.nih.gov)
      1. EO includes the appropriate contact information for the security organization having jurisdictional authority and any peace order or restraining order actions that are in place or pending.
  5. The NIH Chief of Police/Designee receives the NIH Form 2938 (A) and appropriate contact information for the security organization having jurisdictional authority and any peace order or restraining order actions from the [MC2300-752-3@mail.nih.gov](mailto:MC2300-752-3@mail.nih.gov) email address.
    - a. Assigned police officer from NIH DP reviews NIH Form 2938 (A) parts I and II and contacts complainant and/or security organization having jurisdictional authority for additional information.
    - b. Assigned police officer completes Part III of the form.
    - c. Assigned police officer notifies the NIH Chief of Police/Designee regarding the restriction and/or removal request and provides additional gathered information.

6. The NIH Chief of Police/Designee reviews the NIH Form 2938 (A) Parts I, II and III and conducts any additional research as warranted.

a. If the NIH Chief of Police/Designee authorizes the restriction and/or removal, the NIH Chief of Police/Designee notifies the relevant parties of the authorization of the restriction and/or removal from the NIH jurisdiction. The NIH Chief of Police/Designee reminds all parties that the security organization having jurisdictional authority is responsible for their location.

- i. Assigned police officer from NIH DP makes an entry into the NIH Visitor Badging System.
- ii. Assigned police officer notifies DPSAC to revoke electronic access, if the person has a valid NIH PIV card.

1. Assigned police officer may also confiscate the NIH PIV card.

iii. NIH DP enforces the restriction and/or removal (See Approved Restriction and/or Removal Review Process).

b. If the NIH Chief of Police does not authorize the restriction and/or removal, then the NIH Chief of Police/Designee notifies the EO and the Complainant of the decision not to restrict and/or remove the individual.

- i. The EO may choose to appeal the decision by the NIH Chief of Police/Designee (See Appeals Process).
- ii. If the EO decides not to appeal the decision, then the process ends, and no restriction and/or removal is initiated.

NOTE: For Restriction and/or Removal Requests originating in locations outside of NIH DP jurisdiction, NIH DP will coordinate with local law enforcement. Enforcement of the restriction and/or removal would be at the discretion of local law enforcement.

**3. NIH DP Initiated Restriction and/or Removal - The NIH DP responds to an emergency situation within NIH jurisdiction.**

*(See [Diagram 2: DP-initiated restriction and/or removal](#))*

i. The NIH DP arrests or removes an individual from an office, lab, building, leased facility, or campus.

1. If a temporary 30-calendar-day restriction and/or removal is not warranted, then no restriction and/or removal will be issued, and the process ends.

2. If a temporary 30-calendar-day restriction and/or removal is warranted, then the NIH DP makes an entry into the NIH Visitor Badging System to record/enforce the temporary restriction and/or removal.
  - i. If warranted, the NIH DP will issue a trespassing notice to the individual.
- ii. The NIH DP enters the individual into the visitor badging system to record /enforce the restriction and/or removal.
  1. NIH DP notifies the DPSAC to revoke electronic access if the person has a valid NIH PIV card.
    - a. The NIH DP may also confiscate the NIH PIV card.
    - b. Responding Police Officer completes Part I of NIH Form 2938 (B) and sends via encrypted email to NIH Chief of Police/Designee.
  2. The NIH Chief of Police/Designee reviews the NIH Form 2938 (B), gathers additional information as necessary and completes Part II of the form.
    - a. If the NIH Chief of Police/Designee does not authorize a temporary restriction and/or removal, then the NIH Chief of Police/Designee notifies all relevant parties that the restriction and/or removal request is denied.
      - i. NIH DP removes the restriction and/or removal from the visitor badging system.
      - ii. NIH DP notifies DPSAC to restore electronic access, if the individual had an applicable NIH PIV card.
      - iii. The temporary restriction and/or removal is lifted, and the process ends.
    - b. If the NIH Chief of Police/Designee authorizes a temporary restriction and/or removal, then the NIH Chief of Police/Designee notifies all relevant parties that a restriction and/or removal is in place.
  3. The ICO EO who is affiliated /connected to the individual on the restriction and/or removal list may appeal the temporary restriction and/or removal.
    - a. If the EO appeals the temporary restriction and/or removal, then the EO will complete NIH Form 2938 (C) and submit the document to the DCSO via encrypted email (See Appeals Process).
    - b. If the EO does not appeal the temporary, then the NIH DP enforces the temporary 30-calendar-day restriction and/or removal (See Approved Restriction and/or Removal Review Process).

**4. Approved Restriction/Removal Review Process for a NIH Form 2938 (A) and NIH Form 2938 (B)**

(See *Diagram 3: Approved Restriction and/or Removal Review Process Flow Diagram*)

- a. NIH Chief of Police/Deputy Chief notifies the appropriate Executive Officer (EO) that an approved restriction and/or removal is ending.
  - i. Seven (7) calendar days prior to the temporary 30-calendar-day period ending.
  - ii. Thirty-one (31) calendar days prior to the two (2) year period ending.
- b. EO has the responsibility to inform the NIH DP that a restriction and/or removal extension is necessary.
  - i. If the EO requests an extension, then a restriction and/or removal extension request with rationale must be submitted via email to [MC2300-752-3@mail.nih.gov](mailto:MC2300-752-3@mail.nih.gov)
    - 1. The EO is responsible for gathering all supporting documentation to justify a restriction and/or removal extension.
  - ii. If the EO does not submit a request at least two business days prior to the end of the active restriction and/or removal period, then the restriction and/or removal is no longer in effect.
- c. The NIH Chief of Police/Designee reviews the restriction and/or removal extension request and any supporting documentation from the EO.
  - i. If the Chief of Police/Designee authorizes the restriction and/or removal extension, then the restriction and/or removal remains in place.
  - ii. If the Chief of Police/Designee does not authorize the restriction and/or removal extension, then the NIH Chief of Police/Designee notifies all relevant parties that the restriction and/or removal extension is denied.
    - 1. The EO may choose to appeal this decision (See Appeal by Executive Officer).
    - 2. If the EO chooses not to appeal, then the restriction and/or removal is lifted, and the process ends.
- d. For NIH DP-initiated restrictions/removals, the NIH DP is responsible for following up on the need for an extension.

NOTE: If no action is taken to extend a restriction and/or removal beyond the allotted period, then the restriction and/or removal will automatically time out and the designation be removed from applicable access control systems.

## **5. Appeal by Restricted and/or Removed Individual**

*(See Diagram 4 – Appeals Process Flow Diagram)*

- a. The individual who has been restricted access to or has been removed from a NIH facility can submit a written appeal of their placement on the restriction and/or removal list to the NIH Chief of Police/Designee.
  - i. If the individual has medical limitations preventing them from submitting a written appeal to their placement on the restriction and/or removal list, an authorized third party may draft and submit an appeal on the individual's behalf; however, the individual who is subject to the restriction and/or removal must sign that appeal for it to be considered for review.
- b. The restricted and/or removed individual has thirty-one (31) calendar days from receipt of the restriction and/or removal notice to appeal.
  - i. The NIH Chief of Police/Designee reviews the request and gathers further information as necessary.
    1. If the NIH Chief of Police/Designee recommends granting the appeal to remove a restriction and/or removal, then the restriction and/or removal is lifted, and DP notifies all relevant parties.
      - i. The EO can appeal within two (2) calendar days (See Appeal by Executive Officer).
      - ii. NIH DP removes restriction and/or removal from the visitor badging system.
      - iii. NIH DP notifies DPSAC to restore electronic access if the person has a valid NIH PIV card.
      - iv. The restriction and/or removal is lifted and the process ends.
    2. If the NIH Chief of Police/Designee recommends not to grant the appeal to remove a restriction and/or removal, then the restriction and/or removal remains in place.
      - i. The individual's appeal process ends.

NOTE: The restricted and/or removed individual can ask the applicable EO to appeal as well.

## **6. Appeal by Executive Officer (EO)**

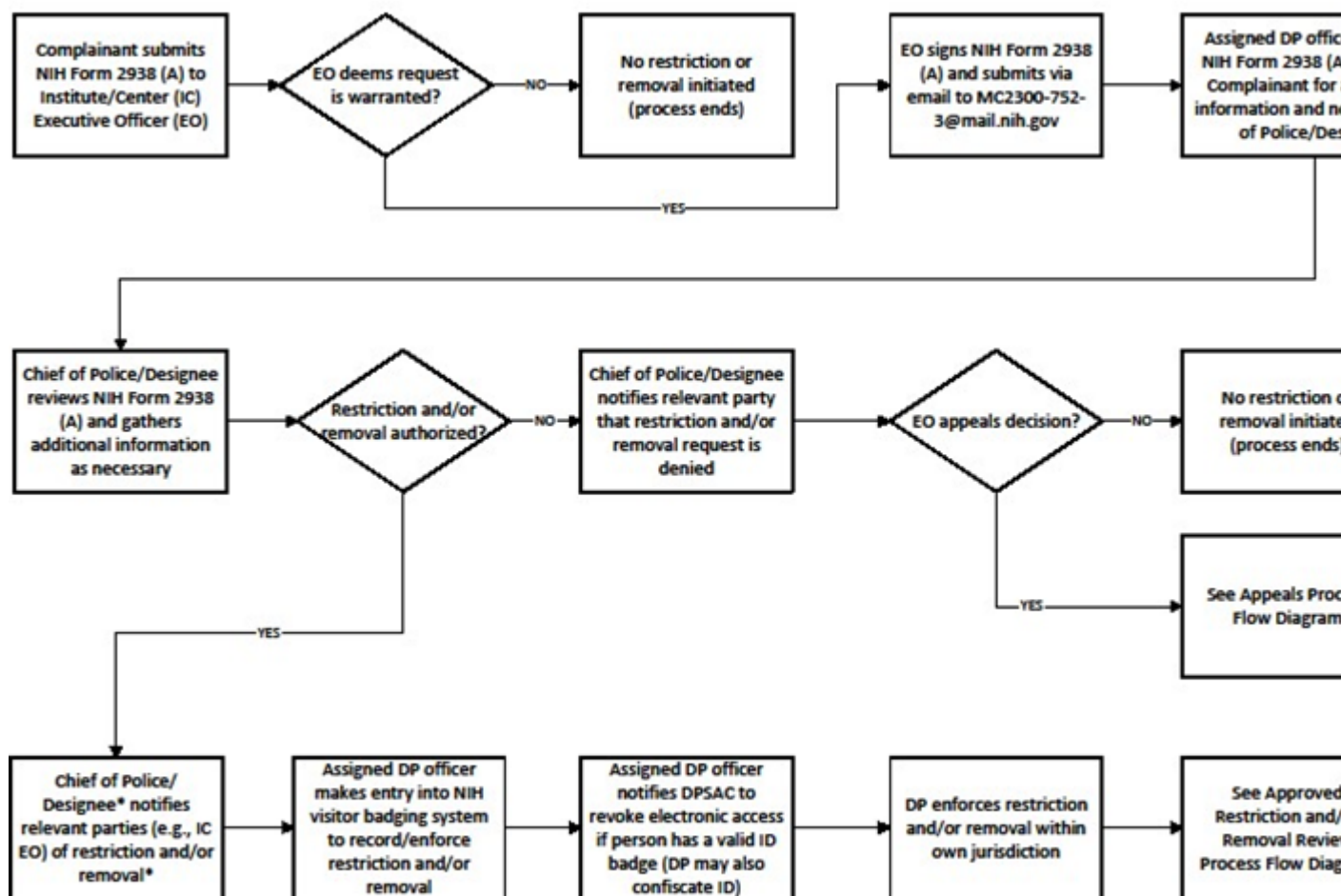
*(See Diagram 4- Appeals Process Flow Diagram)*

1. An EO who disagrees with a restriction and/or removal action can appeal the decision to the DCSO.
2. The EO has two-calendar days to submit an appeal.
3. The EO completes NIH Form 2938 (C) to appeal a restriction and/or removal decision.
4. The EO submits the completed NIH Form 2938 (C) via encrypted email to the DCSO.
5. The DCSO reviews the request and gathers additional information as necessary.
6. The DCSO notifies relevant parties of the appeal decision.
  - i. If the EO disagrees with the DCSO, an appeal can then be made directly to the CSO.
7. If EO wants CSO to review appeal, EO must submit NIH Form 2938 (C) via encrypted email to the DCSO for CSO review.
8. DCSO provides EO appeal request with additional information as appropriate to the CSO for review.
9. CSO makes final determination of appeal request. Process ends.

#### **7. One-Time Access to Campus for Restricted and/or Removed Individual**

For a one-time return to campus/NIH facility for the retrieval of personal property and/or to complete administrative paperwork, an individual who was restricted and/or removed for violent behavior or conduct must be accompanied by an ICO representative.

Diagram 1: Complainant Initiated Request for Restriction and/or Removal



\*For Restriction and/or Removal Requests originating in locations outside of DP jurisdiction, DP will coordinate with local law enforcement. Enforcement of the restriction and/or removal would be at the discretion of local law enforcement.

Diagram 2: DP Initiated Restriction and/or Removal

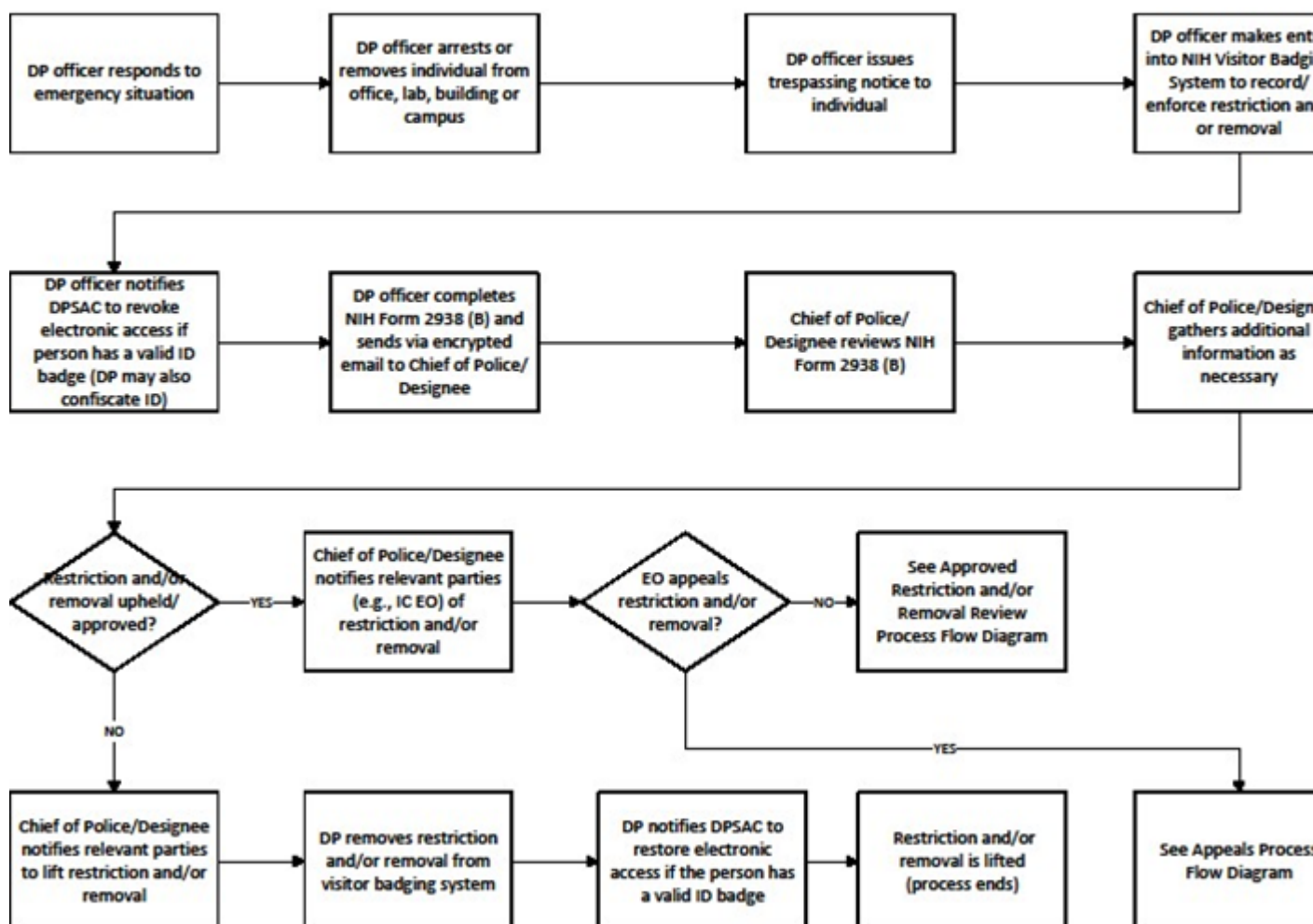


Diagram 3: Approved Restriction and/or Removal Review Process Flow Diagram

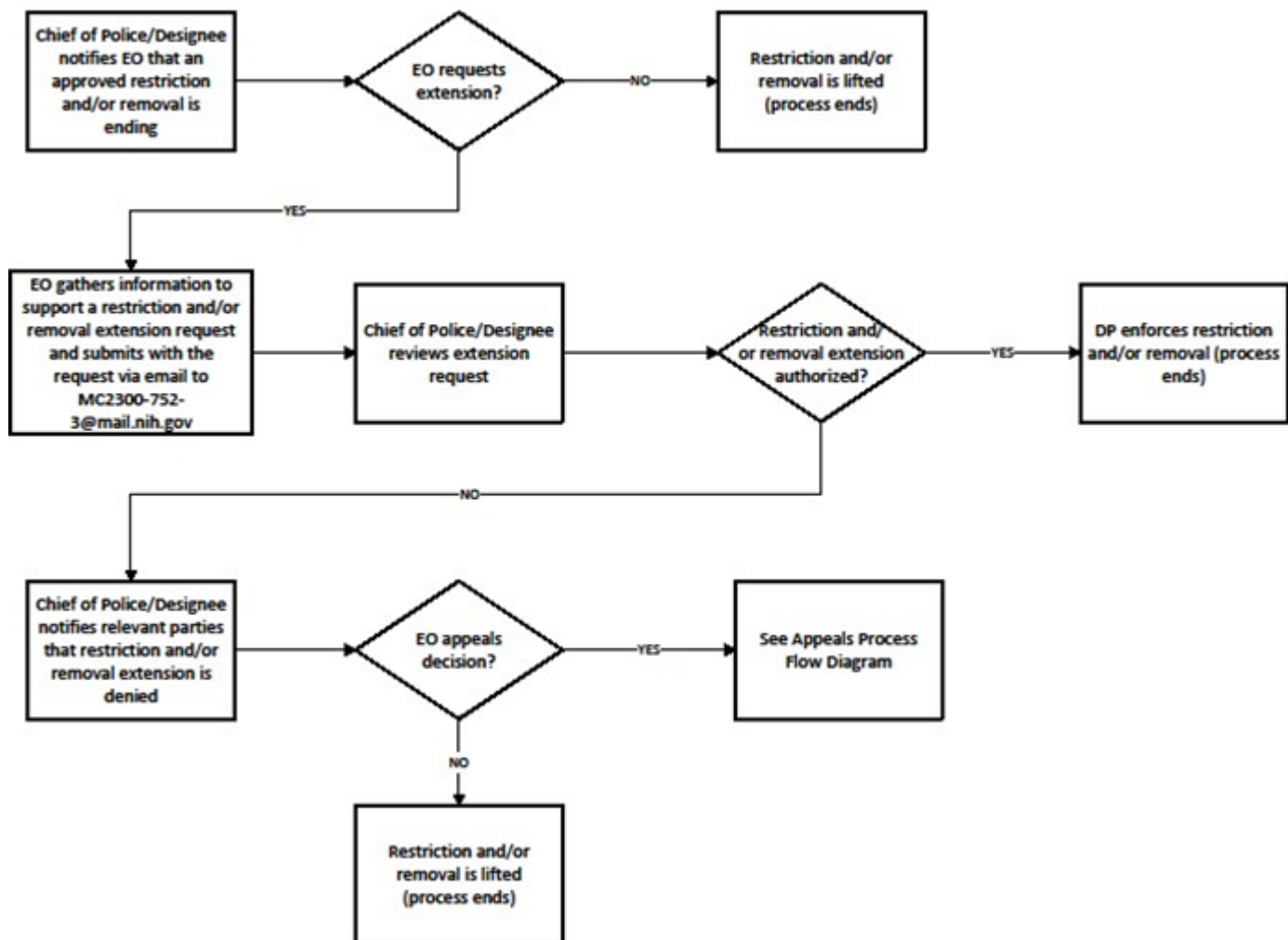
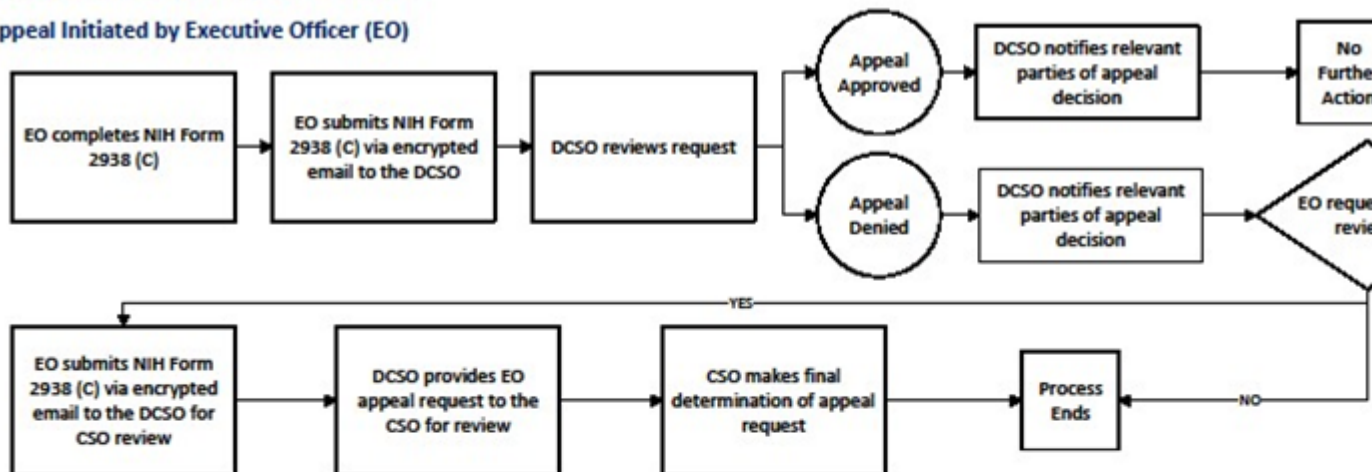


Diagram 4: Appeals Process Flow Diagram

Appeal Initiated by Executive Officer (EO)



Appeal Initiated by Restricted and/or Removed Individual

