

CAMPUS POLICIES

Nondiscrimination in Employment and Educational Opportunity

Minnesota State Colleges and Universities is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices or access to and participation in programs, services and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation or membership or activity in a local commission as defined by law.

Harassment of an individual or group on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation or membership or activity in a local commission has no place in a learning or work environment and is prohibited. Sexual violence has no place in a learning or work environment. Further, Minnesota State Colleges and Universities shall work to eliminate violence in all its forms. Physical contact by designated system, college and university staff members may be appropriate if necessary to avoid physical harm to persons or property.

This policy is directed at verbal and physical conduct that constitutes discrimination / harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Normandale will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. The College has a complaint process to review complaints of discrimination/harassment or sexual violence. The complete Minnesota State Colleges and Universities (MnSCU) policy can be found at www.mnscu.edu/board_policy/1b01.html.

Sexual Harassment and Sexual Violence Policy

Normandale Community College will not tolerate sexual harassment or sexual violence toward its students, faculty or staff. In all its forms, sexual harassment and assault violate fundamental rights and the law and are causes for disciplinary action including but not limited to probation, suspension, expulsion or discharge.

Sexual harassment can happen to anyone, in any place, regardless of age, race, marital status, gender, position or personal characteristics. Normandale has established policies and procedures to handle such incidents in a sensitive and timely manner. College administrators are charged with promoting and maintaining an atmosphere that properly deters and responds to sexual harassment. All members of the College community are expected to discourage all behavior which might be construed as sexual harassment and have zero tolerance for acts of sexual violence.

The College's concern is to provide appropriate support to the victim while recognizing the rights of the accused. Efforts will be taken to ensure confidentiality if possible and provide remedies, including protection of victims and witnesses from retaliation.

Everyone's cooperation is needed to assure that Normandale is a safe place to learn and work.

If you see or experience sexual assault at Normandale, report the incident to Campus Security at 952-487-8280, or to the Bloomington Police at 952-881-2333. In the event of an emergency, DIAL 911.

Sexual harassment is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972 and 1991 (42 U.S.C. S2000c. Et. Seq.), the Minnesota Human Rights Law (363.03 subdivision 51), and Title IX of the Education Amendments (20 U.S.C. 1681 Et. Seq.) and is punishable under both federal and state laws.

Sexual harassment includes any deliberate or unintentional unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic status, when submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individuals, or when

such conduct has the purpose or effort of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment.

Sexual violence includes acts such as rape, acquaintance rape, other forms of non-consensual sexual activity; or violence or harassment based on sexual preference.

Procedures for Handling a Complaint

The College policy provides for resolving complaints on the basis of bias-motivated offenses, discrimination and sexual harassment. Ideally, complaints are made directly to the person involved. If this is not feasible or the person does not heed the complaint, the offended person is encouraged to report the incident(s) to the College compliance investigators or officers:

Designated Discrimination/Sexual Harassment Officers/Investigators:

- ▶ Ralph Anderson, Vice President of Student Affairs, C 1073, 952-487-8286
- ▶ Catherine Breuer, Associate Dean of Financial Aid and Scholarships, C 1070, 952-487-8243
- ▶ Gail Anderson Cywinski, Associate Dean of Student Affairs, C 1112, 952-487-8283
- ▶ Sharon Harris, Director of Human Resources, L 2783, 952-487-8271
- ▶ Debra Tillman, Director, Academic Support Services, L 2700, 952-487-7035

Title IX and ADA/Section 504 Coordinators:

Students:

- ▶ Debra Tillman Director, Academic Support Center, L 2700, 952-487-7035

Employees:

- ▶ Sharon Harris, Director of Human Resources, L 2783, 952-487-8271

Children on Campus

Children of students and staff are always welcome on campus to participate in appropriate activities and events. However, children should not be brought to classes or offices where their presence may be disruptive to the classroom/office environment. The College does not provide babysitting services, nor should children be left unattended at any time.

Child care services may be available by contacting Barb Watson, Director of the Learning Tree Development Center, at 952-487-7025. Advertising for babysitting services or exchanges can be placed on designated campus bulletin boards in the College Services Building or through Ken Bursaw at 952-487-7041.

Drug and Alcohol-Free Policy

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) and Minnesota Statutes 152 Prohibited Drugs, 340A Liquor Act and 624.71 Liquors in Certain Buildings or Grounds, Normandale has implemented a program to prevent the use of illicit drugs and abuse of alcohol by its students. Accordingly,

- ▶ No student shall use, manufacture, sell, give away, barter, deliver, exchange, distribute or possess with the intent to use, manufacture, sell, give away, barter, deliver, exchange or distribute a controlled substance or drug paraphernalia as defined in Minnesota Statutes, Chapter 152, while on campus, or while involved in a College activity, service, project, program or work situation.
- ▶ No student shall use or possess a controlled substance, except when the possession is for that person's own use and is authorized by law, 1) while on campus, or 2) while involved in a College activity, service, project, program or work situation.
- ▶ Except as allowed by Minnesota Statute 624.701, no student shall introduce upon or have possession upon any College campus, or while involved in a College activity, service, project, program or work situation, any alcohol beverage as defined in Minnesota Statute 340A.101.
- ▶ Student employees working on federal grants or contracts who are convicted of a criminal drug statute violation occurring in the workplace are required to inform the assigned College administrator of this fact within 5 calendar days of the conviction. The College will notify the federal government within 10 days after receiving notice of such an employee being convicted of a criminal drug statute violation occurring in the work place.

- ▶ No student shall be on campus while under the influence of alcohol or a controlled substance except as prescribed by a physician.

Hazing Policy

Normandale Community College will not tolerate hazing toward any member of the College community on or off campus. Hazing is defined as an act which endangers the mental or physical health or safety of a person; subjects a person to public humiliation or ridicule; or destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a student group or organization. In all forms, hazing violates fundamental rights and the law. Hazing is cause for immediate disciplinary action, including but not limited to probation, suspension or expulsion through the Normandale Community College Code of Conduct procedures.

Latex/Fragrance Free Policy

Out of consideration for students and staff, Normandale Community College promotes a latex-free campus. Latex balloons and gloves are prohibited. Students should also be aware of fragrance-free zones, which are posted throughout the campus.

Tobacco-Free Policy

Normandale buildings are tobacco-free. No tobacco products are to be used within 30 feet of any College building entrance. Noncompliance is punishable by fine and/or disciplinary action. Tobacco users should go to one of the clearly marked designated smoking areas.

These policies and statements are not an irrevocable contract, and the College reserves the right to change any policy without notice.



Code of Conduct

Students Rights and Responsibilities

This code is available in its entirety in the Student Guide and on the web at www.normandale.edu/conduct/.

Preamble

Freedom to Learn

In addition to the basic Constitutional rights enjoyed by all citizens, students at Normandale Community College have specific rights related to academic freedom and their status as students. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus and in the larger community. Students are expected to exercise their freedom with responsibility.

Freedom of Expression

Individual students and student organizations shall be free to examine and to ask questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by means that do not disrupt the regular and essential operation of the Institution.

In the classroom, students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Freedom of Association

Students shall be free to organize and join organizations to promote their common and lawful interests, subject to Institutional policies or regulations. Registration or recognition may be withheld or withdrawn from organizations that violate Institutional regulations.

Student-Sponsored Forums

Students shall have the right to assemble, to select speakers and to discuss issues of their choice. The College shall establish reasonable time, place and manner restrictions to assure that the assembly does not substantially disrupt the work of the Institution or does not substantially interfere with the opportunity of other students to obtain an education or otherwise infringe upon the rights of others. Such regulations shall not be used as a means of censorship. The College President or designee may prohibit any forum when holding the event if, in her/his judgment, it would result in physical harm or threat of physical harm to persons or property. Prior to any such prohibition, the President shall make her/his best effort to consult with a designated member of the Student Senate.

Student Publications

Student-funded publications shall be free of censorship and advance approval of copy, and their editors and managers shall be free to develop their own editorial and news coverage policies. Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. The student fee allocation process shall not be used as a means of editorial control of student-funded publications. All student publications shall explicitly state on the editorial page that the opinions there expressed are not necessarily those of the College, system or student body.

Catalog and Course Information

To the extent possible, students will be provided relevant and accurate information regarding courses prior to enrollment. Catalog descriptions will be accurate and based on information existing at the time of publication. To the extent possible, class schedules will list the names of faculty teaching courses.

Academic Information

Students shall have access to accurate information about general requirements for establishing and maintaining acceptable academic standing, information to enable students to determine their individual academic standing and information about graduation requirements.

Academic Evaluation

Student academic performance shall be evaluated solely on the basis of academic standards, including any requirements that are noted in the catalog, course syllabus or student handbook. Students shall have protection against prejudiced or capricious evaluation and shall not be evaluated on the basis of opinions or conduct in matters unrelated to academic standards, unless stated in the course syllabus. Students shall have the right to review their corrected examinations or other required assignments used by the faculty in evaluating the student's academic performance.

Property Rights

Term papers, essays, projects, works of art and similar property shall be returned to a student upon request, within a reasonable time frame, when no longer needed for evaluation purposes, unless the student grants written permission for them to be retained.

Off-Campus Conduct

Students who violate a local ordinance or state law risk the penalties prescribed by civil authorities. Normandale Community College may not concern itself with every violation. However, Normandale Community College reserves the right to take disciplinary action against students for off-campus behavior following the procedures of the Code of Conduct. This includes but is not limited to arrest and conviction when the victim is a Normandale student or staff member or when the activity adversely affects the interests of the College.

Responsibility of Student Clubs, Groups and Organizations

Student clubs, groups and organizations may be charged with violations of the Code of Conduct. Charges may be made, collectively or individually, against the club, group or organization, its leadership and/or the individual member(s) responsible for the violation. A club, group or organization may be held responsible for an individual's actions if that person received either direct or implied consent, encouragement or support to violate the code.

Code violations by student clubs, groups or organizations will be reviewed by the Administrative Hearing Officer or College designee to determine the appropriate manner in which the violation should be addressed.

Officers, leaders or other identifiable representatives of a student club, group or organization may be directed to take appropriate action designed to prevent or end violations of this Code by the club, group or organization or by any persons associated with the club, group or organization who can reasonably be said to be acting in the club's, group's or organization's behalf. Failure to make reasonable efforts to comply with the directives of the College's representatives will be considered a violation of this Code.

Violation of the Code of Conduct by student clubs, groups or organizations may additionally result in review by the Student Senate and loss of privileges, status and official recognition.

Student violators will be held financially responsible for direct and/or indirect costs and charges associated with the Student Code of Conduct violations.

Jurisdiction

The College has the right to take necessary and appropriate action to support and protect the safety and well-being of the College community: its students, faculty, staff, guests, facilities and programs.

Members of the College community and their guests are expected to abide by local, state and federal laws and Minnesota State Colleges and Universities Board policy. Should the violation of civil or criminal law by a community member involve College interests, the College has the right to proceed with disciplinary action without regard to civil or criminal proceedings.

These regulations apply on all campus property and at all College-sponsored activities, or at activities sponsored by College clubs or organizations on or off campus, except where specifically limited. Students may be subject to College discipline for any misconduct that occurs at any time on College-controlled premises or at College approved or sponsored functions, including but not limited to courses provided at locations other than the campus (9700 France Avenue South, Bloomington, MN).

Responsibility for campus judicial matters is vested in the President of Normandale Community College, who may delegate to the Associate Dean of Student Affairs the task of policy development and adjudication of student conduct issues. Students and staff are asked to assume positions of responsibility within the campus judicial system in order to allow them to contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters is vested in College administration.

Due Process

Allegations of violations of the Code of Conduct are heard either by the Administrative Hearing Officer or by the Judicial Board. Violation of the Code of Conduct which may subject a student to suspension or expulsion from the College will normally be accorded a Judicial Board hearing, except where otherwise noted. Generally, violations of Code of Conduct Standards will be referred to the Administrative Hearing Officer when final examinations, breaks or other vacation periods would prevent a timely hearing by the Judicial Board or when, in the judgment of the Administrative Hearing Officer, appearing before the Judicial Board poses a threat to the physical welfare of Board members or witness(es). Under these conditions or circumstances, the Administrative Hearing Officer may apply any or all sanctions typically reserved for the Judicial Board, including suspension or expulsion from the College. Students who violate the terms of the College probation sanction may also be referred to the Judicial Board. Students subject to less severe sanctions, up

to and including College probation, will normally be given an administrative hearing by the Administrative Hearing Officer. If multiple offenses are pending, the case will be determined by the most serious offense. The focus of the inquiry in disciplinary proceedings will be whether it is more likely than not that the student violated disciplinary regulations. Formal rules of evidence will not be applicable, nor will deviations from prescribed MnSCU procedures necessarily invalidate a decision or proceeding unless significant prejudice to the student or the College exists.

Standards

All Normandale students are required to understand and comply with College rules and regulations governing personal conduct on campus. Violations of such rules and regulations for which students are subject to disciplinary action include but are not limited to the following:

- ▶ **Academic dishonesty** - Cheating, plagiarism or aiding and abetting another person in cheating or plagiarism.
- ▶ **Alcoholic beverages and illegal substances** - Using, selling, or possessing alcoholic beverages or controlled substances or being under the influence of alcohol or illegal substances on College-controlled property.
- ▶ **Breach of campus safety and security** - Accessing or entering secure areas without authorization; possessing or duplicating College keys or access cards without authorization; intentionally damaging door locks; tampering with fire safety equipment or parking vehicles so as to obstruct access to College buildings.
- ▶ **College clubs and organizations** - Violating College regulations concerning student organizations and clubs, the misusing of College facilities, supplies, materials, or the time, place and manner of public expression.
- ▶ **Complicity** - Aiding, abetting, attempting, conspiring, hiring, willfully encouraging or being an accessory to any violation of the Code of Conduct.
- ▶ **Computer use** - Stealing or abusing computer time; entering into or transferring a file without authorization; using another individual's identification and password; interfering with the work of a student or staff member; using the computer to send obscene, abusive messages; using the computer for stalking a victim or interfering with College operations and its computer systems.
- ▶ **Disorderly conduct** - Acting in a manner that is disorderly, lewd, indecent or a breach of peace; or continuing and willfully using profanity or vulgarity or openly and persistently challenging or circumventing College authority.

- ▶ **Disruptive activity** - Participating in promoting disruptive activity that interferes with teaching, College events and activities, or disciplinary proceedings; interfering with teaching, changing the atmosphere of the classroom or preventing learning from taking place; or obstructing College process, systems or services.
- ▶ **False information** - Furnishing false information; forging; unauthorized altering or misusing any document, record or instrument of identification; withholding information from the College or falsely claiming to represent the College or a student organization or club.
- ▶ **Gambling** - Wagering for money or other things of value, except where permitted by law.
- ▶ **Harassment** - Personally belittling another on the basis of age, sex, race, color, creed, disability, religion, marital status, sexual orientation, national/ethnic origin or economic status.
- ▶ **Hazing** - Endangering the mental or physical health or safety of a person; subjecting a person to public humiliation or ridicule or removing public or private property for the purpose of initiation, admission into, affiliation with or as a condition of continued membership in a student group or organization.
- ▶ **Misuse of College services** - Failing to appropriately use College services or repeatedly misusing College services and support systems.
- ▶ **Obstruction of College operations** - Impeding the operations of the College by failure to comply with proper and lawful directions of a clearly identifiable College official or designee when acting in the performance of their duties; failure to present identification upon request of a College official or designee or failure to appear for a College disciplinary proceeding to respond to allegations or to testify as a witness when reasonably notified to do so.
- ▶ **Off-campus behavior** - Committing violations of local, state or federal laws involving Normandale students as perpetrator(s) or victim(s) [victims may be identified as students or staff] or when exhibiting behavior that adversely affects the interests of the College.
- ▶ **Physical, sexual or battery behavior** - Assaulting, battering or abusing another person or threatening with force any member of the College community.
- ▶ **Possession of weapons** - Possessing or using unauthorized firearms or other weapons on College-controlled property. A weapon is broadly defined to include but is not limited to all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy clubs and fireworks.
- ▶ **Retaliation** - Harassing, threatening or intimidating a complainant or other person alleging misconduct.

- ▶ **Solicitation** - Distributing advertisements, samples and engaging in direct sales on College property or at College-sponsored events without prior authorization by the appropriate College official; or littering the College with posters, flyers or brochures or on privately owned vehicles while on campus.
- ▶ **Terms of sanctions** - Knowingly violating the terms of the sanctions imposed for prior code offense.
- ▶ **Theft of or damage to property** - Stealing, embezzling or possessing stolen property, destroying, damaging or littering on College property.
- ▶ **Threatening behavior** - Threatening physical harm or verbally abusing or endangering the health or safety of another person.
- ▶ **Tobacco products** - Violating the College regulations regarding the use of tobacco products.

Disciplinary Process

Disciplinary procedures have been established to guide the fair and uniform enforcement of the Code of Conduct. These procedures are applicable to any student or student club, group or organization charged with a violation of the Code of Conduct. These disciplinary procedures are designed to allow for fact-finding and decision-making in the context of an educational community and to encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the College. The College may utilize mediation or conciliation procedures in addition to or in lieu of formal disciplinary procedures.

Student Rights

The guiding principle of College regulations is to promote student responsibility and accountability. Normandale Community College firmly believes that students accused of a code violation should enjoy certain rights.

Every student has the right to:

- ▶ a timely hearing and an avenue for appeal;
- ▶ have no code violation presumed until proven otherwise;
- ▶ an advisor selected from among currently enrolled students, staff or faculty members if the student is asked to appear before the Judicial Council. [Unless specifically requested by the student and approved by the College's Administrative Hearing Officer, the use of an attorney will be limited to students who have criminal or civil charges pending in addition to the pending Code of Conduct violation(s)];
- ▶ call material witnesses from the College community (the College may not require participation by witnesses);

- ▶ a separate hearing upon request unless the charge is brought as an organizational offense;
- ▶ question their accuser;
- ▶ question any material witnesses or evidence;
- ▶ challenge the participation of a specific Judicial Board member(s) for cause prior to the hearing;
- ▶ access data pertaining specifically to their case through a written request to the Associate Dean of Student Affairs. Data will be released under the Minnesota Data Practices Act, Minnesota Statutes, Chapter 13, and the Family Educational Rights and Privacy Act within 45 days of the receipt of the request; and
- ▶ waive any of the above rights provided that it is done of the student's own free will.

Victim's Rights

The College firmly believes that students have a responsibility to report Code of Conduct violations. In order to encourage reporting, the College ensures the complainant and/or victim the right to:

- ▶ an advocate present during the hearing process;
- ▶ a timely hearing;
- ▶ be present during the entire hearing;
- ▶ question material witnesses and/or evidence through the College representative; and
- ▶ to have her/his past sexual history kept private, in the event the case involves criminal sexual behavior.

The victim may prepare a victim impact statement for submission to the Judicial Board or Administrative Hearing Officer if a code violation has been found to have occurred.

Initiation of Charges

Disciplinary charges may be initiated by any member of the College community by submitting a signed incident report or by providing a written statement to the Administrative Hearing Officer.

The referral must state facts, including the specific name(s), date, location and description of the alleged act(s) of misconduct in sufficient detail to enable the Administrative Hearing Officer to make a determination as to whether further fact-finding is necessary and if sufficient evidence exists for a hearing on the charge(s).

Determination of Probable Cause

The College will make an initial determination as to whether there is sufficient basis to believe that a violation of the Code of Conduct may have occurred. The Administrative Hearing Officer may interview the complainant and/or other witnesses or request additional information from the complainant.

If it is determined that there is sufficient basis to believe that a violation of the Code of Conduct may have occurred, the case may be heard by the Administrative Hearing Officer or referred to the Judicial Board. The Administrative Hearing Officer will promptly notify the accused student in writing of the alleged violation.

Failure to respond to a written allegation of charges will result in a hold being placed on the student's registration for subsequent semesters.

Accused students who fail to appear at the hearing will forfeit their right to present testimony. The case will be decided without the benefit of the student's presence.

Interim Suspension

The College President or designee may alter or suspend the rights of a student to be present on campus or to attend classes for an interim period prior to resolution of the disciplinary proceeding. The College President or designee will base the decision on whether the allegation of misconduct is apparently reliable and whether the continued presence of the student on the campus or at campus activities reasonably poses a threat to the physical or emotional condition and well-being of any individual, including the student, or for reasons relating to the safety and welfare of any College property or any College function. The accused student will be given oral or written notice of the intention to impose an interim suspension and will be given the opportunity to respond promptly to the allegations of misconduct so that the decision may be rendered and become effective immediately. Notification will either be by certified mail or hand-delivered to the accused using the last address on file with the Records Office. Failure or refusal to take receipt of the notification will not negate or postpone said action. Students are responsible for updating directory information (including their address) with the Records Office.

The interim suspension or altered privileges will remain in effect until a final decision has been made on the pending complaint or until the President or designee determines that the reason for imposing the interim suspension or alterations no longer exists.

A hearing will be held within nine days of the effective date of the interim suspension.

During the interim suspension, the student may not enter the campus, participate in any College activities, or contact any College personnel without obtaining prior permission from the College President or designee.

Administrative Hearing

The Associate Dean of Student Affairs or a designee appointed by the College President will serve as the Administrative Hearing Officer for cases involving allegations for which a finding of “responsible” would not normally result in suspension or expulsion from the College. Sanctions may include but are not limited to a written reprimand; a behavioral contract; administrative referrals; financial restitution; required attendance in a drug and/or alcohol education class (at the violator’s expense); community restitution; restriction of privileges; medical reason, and College probation. At the administrative hearing, the accused student will be provided with the following:

- an explanation of the charges that have been made;
- a summary of the fact-finding investigation that has taken place (if applicable);
- a reasonable opportunity for the student to reflect upon and respond to the charges;
- an explanation of the disciplinary sanction(s) imposed (if applicable); and
- an opportunity to request a formal hearing through the Judicial Board or appeal the decision through the Appeal Procedure, if a mutually acceptable resolution is not reached for any sanction during the administrative hearing.

Appeal Procedure

Following the outcome of an administrative hearing, a student may appeal the decision of the Administrative Hearing Officer. In the event the case is heard by the Associate Dean of Student Affairs, the appeal will be heard by the Vice President of Student Affairs. In the event the case is heard by the Vice President of Student Affairs, the appeal will be heard by the Vice President of Academic Affairs.

The request for an appeal must be submitted in writing within five days of the date of the disciplinary record form the student receives after the hearing. Failure to file a request for an appeal in a timely manner or to request an extension constitutes a waiver of any right to an appeal. Requests for an appeal or extension are to be submitted in writing to the appropriate hearing officer.

Generally, the basis for the written appeal will be limited to these grounds:

- The sanction is excessively severe;
- New or newly discovered evidence is of a character which may substantially affect the outcome of the hearing; or
- There was procedural error which substantially affected the outcome of the hearing.

An appeal is not a re-hearing. It represents a procedural safeguard for the student and should not be used for anything other than that right and privilege. In the appeal process, the burden of proof is shifted from the College to the student charged with the offense. The student must show that it is more likely than not that one or more of the above grounds for appeal has merit. If there is adequate reason to believe that one or more of the grounds of appeal has merit, an appeal hearing will be scheduled by the appropriate hearing officer. The appeal decision will be final.

Academic Dishonesty

Normandale Community College believes that every person’s education represents his/her own intellectual efforts. Each student who enrolls and remains at Normandale, therefore, understands that to submit work that is not his/her own violates the purpose of the College and of his/her presence here. No intellectual community can maintain its integrity or be faithful to its members if violations of its central purpose are tolerated. In case such violations do occur, the instructor has the prerogative to take appropriate action. Academic dishonesty refers to misconduct related to academic assignments or examinations, plagiarizing or other misconduct directly related to the academic learning experience.

The academic dean for the division in which the violation occurred or a designee appointed by the College President will serve as the Administrative Hearing Officer for cases involving allegations for which a finding of “responsible” would not normally result in suspension or expulsion from the College. Sanctions may include but are not limited to written reprimand; behavioral contract; administrative referrals; community restitution hours; restriction of privileges; and college probation.

The Administrative Hearing and Appeal for Academic Dishonesty follows the same process as explained under Administrative Hearing and Appeal Procedure.

Chapter 14 - Contested Case Hearing

Students who are suspended for more than 10 days or who are expelled may request a contested case hearing before an Administrative Law Judge supplied by the Minnesota State Hearing Examiner’s Office in St. Paul. The Administrative Law Judge will issue a recommendation to the College President, who will make a final decision. Students who are suspended for more than 10 days will be notified of this right in writing.

Definitions

When used in the Code of Conduct:

- ▶ The term **advisor** means an individual who has agreed to assist the accused student during a hearing conducted by the Judicial Panel. The advisor may be a faculty member, staff member or currently enrolled Normandale student. The role of the advisor will be limited to advising the student; the advisor may not appear in lieu of the accused student nor speak on her/his behalf. The advisor or attorney may not address the Judicial Panel but will only confer with the accused student in an appropriate manner.
- ▶ **Alcoholic beverages and illegal substances** are defined in “Policies, Procedures and Sanctions for Alcohol and Other Drugs.” Copies are available in the Vice President of Student Affairs’ Office and online at www.normandale.edu/policiesProcedures/.
- ▶ A **behavioral contract** is a written document completed by both the student and the Administrative Hearing Officer.
- ▶ **College official** means any administrator, professor, staff member or other authorized individual of the College.
- ▶ **College premises** are buildings or grounds owned, leased, operated, controlled or supervised by Normandale Community College.
- ▶ **College sponsored activity** means any activity on or off College premises which is initiated, funded, aided, authorized or supervised by Normandale Community College.
- ▶ The term **complainant** means any individual who initiates a disciplinary complaint or referral in writing.
- ▶ **Complicity** means involvement in or participation in an activity that may violate the code of conduct.
- ▶ The term **day** means normal College business day, not including Saturday, Sunday, or any officially recognized non-academic day or holiday.
- ▶ **Disruptive or disorderly conduct** is behavior that changes the atmosphere of the classroom to an uncomfortable setting for students and staff; precludes an educational environment or prevents learning from taking place. Refusing to comply with any lawful order or direction of a College official (such as providing identification upon request) is considered disruptive and/or disorderly conduct.
- ▶ The term **distribution** means the sale or exchange for personal profit.
- ▶ **Conduct expulsion** is the permanent separation of a student from Normandale Community College. Students expelled from Normandale Community College are not permitted to register for class(es) nor be on College premises at any time for any reason.
- ▶ **FERPA** is the federal legislation protecting the rights of your student information. The Family Educational Rights and Privacy Act is administered through the Family Policy Compliance Office. For information about FERPA, visit the Family Policy Compliance Office website at www.ed.gov/policy/gen/guid/fpco/index.html.
- ▶ **Financial restitution** is money paid to an individual or the College for indirect or direct charges associated with the damage to or loss of College property.
- ▶ The term **group** means a number of persons who are associated with each other and who have not complied with College requirements for official recognition as a club or organization.
- ▶ **Hazing** is an act which endangers the mental or physical health or safety of a person; subjects a person to public humiliation or ridicule; or destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition of continued membership in a student group or organization.
- ▶ The terms **Institution** and **College** refer to Normandale Community College, 9700 France Avenue South, Bloomington, Minnesota, 55431-4399, or any activity sponsored by Normandale Community College.
- ▶ A **material witness** is someone who possesses direct knowledge of the case under consideration or someone who has technical or expert information relevant to the case.
- ▶ **Probation** for Code of Conduct violation(s) is a trial period during which the student must conduct her/himself in a manner consistent with College rules and regulations, including the Code of Conduct. Probation may be combined with other sanctions. Proof of violation of the terms of probation may be grounds for suspension, pending a hearing before the Judicial Panel or Administrative Hearing Officer.
- ▶ The terms **organization** and **club** refer to officially recognized associations that have complied with College requirements for this status.
- ▶ **Restriction of privileges** means limits applied to the student’s access to facilities, programs, services and activities on campus or sponsored by the College.
- ▶ **Stalking** means engaging in intentional conduct that the student knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted or intimidated.
- ▶ The term **student** means a person currently enrolled in courses, seminars or workshops at the College or provided by the College, either on a full or part-time basis. The College recognizes enrollment as the first class day of the student’s initial term.

- ▶ **Suspension** for Code of Conduct violation(s) is an action that excludes (separates) a student from the College for a specified period of time. Suspended students are not permitted to register for classes, be on College premises or participate in College activities on or off campus for the period of the suspension. Conditions for the student's return may be applied as deemed necessary by the Judicial Panel, Administrative Hearing Officer or College President.
- ▶ A **transcript notation** will be placed on official College transcripts indicating suspension or expulsion for behavior violations.
- ▶ **Weapons** are broadly defined to include but are not limited to all firearms (including BB guns), dangerous knives, explosives, explosive fuels, dangerous chemicals, billy clubs and fireworks.
- ▶ A **written reprimand** is a formal written warning explaining the violation(s) and expectations regarding future behavior.

Questions regarding the Student Code or requests for interpretation of its policies, procedures or definitions shall be referred to the Associate Dean of Student Affairs or designee. The Student Code of Conduct shall be reviewed annually.

The Student Code of Conduct is available online at www.normandale.edu/conduct or in alternate media by request at 952-487-8200 (phone) or 952-487-7023 (TTY).

Normandale Community College is an affirmative/equal opportunity educator and employer.

Tennessee Warning

Normandale Community College may ask students to provide information that includes private information under state and federal law for admissions, financial aid, disciplinary investigations, academic status or for other College information gathering.

Students are not legally required to provide the information Normandale is requesting and they may refuse to provide some or all of the information requested. However, Normandale may not be able to complete some transactions on students' behalf if they sufficient information is not provided.

With some exceptions, unless a student consents to further release of private information, access to this information will be limited to appropriate College officials. However, federal and state law does authorize release of private information without a student's consent to:

- ▶ other school officials, including Normandale faculty, who have legitimate educational interest in the information;
- ▶ other schools in which the student is enrolled or seeks or intends to enroll;
- ▶ the federal Comptroller General or other federal, state or local education officials for purposes of program compliance, audit or evaluation;
- ▶ as appropriate in connection with the student's application for or receipt of financial aid;
- ▶ the juvenile justice system, if the student is a juvenile and the information is necessary, prior to adjudication, to determine the juvenile justice system's ability to serve the student;
- ▶ an alleged victim of sexual assault, if a student is the alleged perpetrator of the assault and the release is of the result of a disciplinary proceeding against the student related to the alleged crime;
- ▶ student's parents, if the student's parents claim the student as a dependent student for tax purposes (Normandale has elected not to participate in this practice);
- ▶ a court, grand jury, or state or federal agency, if the information is sought with a subpoena;
- ▶ an institution engaged in research for an educational institution or agency related to testing, student aid, or improved instruction;
- ▶ an accrediting organization in connection with its accrediting functions;
- ▶ appropriate persons in connection with an emergency, if necessary to protect the student's health or safety or the health or safety of others;
- ▶ if required by a court order, or permitted by other state or federal law.

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The Minnesota State Colleges and Universities System is governed by a 15-member Board of Trustees appointed by the governor. The Board has policy responsibility for system planning, academic programs, fiscal management, personnel, admissions requirements, tuition and fees, and rules and regulations. The Board members are:

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Visit the Minnesota State Colleges and Universities website at www.mnscu.edu for more information.

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The Community Advisory Council is comprised of representatives from the College's service area. It is responsible for advising the College president as to ways in which college programs and services can respond to the needs of its communities. Members include:

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