

MANUAL OF PROCEDURE

PROCEDURE NUMBER:	4025	PAGE 1 of 11
PROCEDURE TITLE:	Student Code of Conduct	
STATUTORY REFERENCE:	Section 1006.60, Florida Statutes; Section 553.865, Florida Statutes; Rule 6A-14.00612, Florida Administrative Code	
BASED ON POLICY:	IV-5 Student Rights and Responsibilities	
EFFECTIVE DATE:	August 1, 1977	
LAST REVISION DATE:	July 23, 2021, January 19, 2024	
LAST REVIEW DATE:	December 6, 2022, January 19, 2024 , March 8, 2024	

I. PURPOSE

In accordance with the State of Florida and federal laws, it is recognized that Miami Dade College (MDC) has the right to protect its educational purpose and its students from the irresponsible conduct of others. In order to ensure this right, MDC finds it necessary to set forth the following regulations that require student compliance for the welfare of the MDC community.

II. PROCEDURE

Students alleged to have violated one or more of the regulations stated in this Student Code of Conduct ("Code of Conduct") may be charged with the violation(s) in accordance with [MDC Student Disciplinary Procedures 4030](#). This Code of Conduct shall apply to all MDC students representing MDC at events, on or off MDC locations. MDC may exercise its discretion as to whether to officially charge students with violations of this Code of Conduct in the event that viable alternatives to disciplinary action are appropriate. However, this discretion shall not apply to offenses related to sexual misconduct as defined herein. The Code of Conduct addresses the following areas:

1. Academic Dishonesty
2. Alcoholic Beverages
3. Arson
4. Assault
5. Battery
6. MDC Computing Resources

7. MDC Facilities for Activities and Events, Use of
8. Complicity
9. Contracting or Representation
10. Damage of Property
11. Dating Violence
12. Disruption
13. Domestic Violence
14. Dress Standards
15. Drugs, Illegal
16. Emergency/Security Equipment
17. Facilities, Unauthorized Use of
18. Freedom, Academic Speech
19. Firearms, Weapons, Fireworks, Explosives
20. Fraud
21. Gambling
22. Harassment
23. Hazardous, Biological, Other Substances
24. Hazing
25. Identification of Students
26. Information, Falsifying
27. Laws, Public
28. Literature and Goods
29. Mail Services
30. Orders, Obeying
31. Parking

32. Payments with Insufficient Funds
33. Peace, Breach of
34. Pets
35. Publication of Explicit Communication
36. Probation, Violation of
37. Records, Falsification of
38. Safety in Private Spaces Act, Violation of
39. Search and Seizure
40. Sexual Assault
41. Sexual Harassment
42. Smoking
43. Speakers, Outside
44. Stalking
45. Student Groups, Recognition of
46. Theft, Unauthorized Possession
47. Threats, Extortion, Bullying, and Defamation
48. Vehicles, Use of

1. Academic Dishonesty

Academic Dishonesty includes but is not limited to the following:

- A. Cheating on examinations, including unauthorized sharing of information.
- B. Collaborating with others in work to be submitted, if contrary to the stated rules of the course.
- C. Plagiarizing, taking, and claiming, as one's own, the ideas, writings, or work of another, without citing the sources. Submitting work from another course unless permitted by the instructor.

In the event that students are suspected of classroom cheating, plagiarism, or otherwise misrepresenting their work, they will be subject to procedural due process. The specific steps involved are outlined in [*MDC Addressing Academic Dishonesty Procedure 4035*](#).

2. Alcoholic Beverages

Alcoholic beverages are prohibited on campus, at any affiliated sites of MDC, during MDC-sponsored or related travel, or at student-sponsored functions.

3. Arson

No student shall commit or aid in the intentional commission of an act that results in a fire or explosion that causes damage or is intended to cause harm to MDC's personal or real property or any other person.

4. Assault

No student shall threaten by word or act to do violence to another person, together with the apparent ability to do so, and taking such action that creates a well-founded fear in another person that such violence is imminent.

5. Battery

No student shall commit or aid in the intentional commission of an act that touches another person against their will or causes bodily harm.

6. MDC Computing Resources

Students can access MDC's technological resources such as computers, printers, networks, the Internet, software, and instructional laboratories. Students must utilize these services ethically and legally consistent with federal and state law and all *MDC Policies and Procedures* pertaining to the usage of MDC information systems, computing resources, and facilities as defined in [MDC Policy VII-1](#) and [MDC Guidelines for the Use of Computing Resources Procedure 7900](#). Students must conduct themselves in a manner that reflects respect for the rights of other users and protects the integrity of data, physical facilities, equipment, and software license copyright. If misuse occurs, student privileges may be suspended or access revoked immediately, and the student may be subject to disciplinary action.

7. MDC Facilities for Activities and Events, Use of

The use of MDC facilities for activities and events must comply with applicable MDC procedures, be approved by the designated MDC authority, and be subject to any limitations and provisions established by the appropriate MDC official.

8. Complicity

Students present during the commission of an unlawful act or wrongdoing by another student who violates MDC policy may also be charged if subsequent behavior constitutes permission or condones the violation.

9. Contracting or Representation

Students are prohibited from entering into any contracts on behalf of or in the name of MDC, or claiming to be official representatives of MDC or using MDC's name, logo, or likeness for any purpose, including but not limited to commercial purposes.

10. Damage to Property

Accidental damage, vandalism, and malicious damage to MDC personal or real property committed by a student may be subject to disciplinary action and/or may require restitution from persons responsible for such damage.

11. Dating Violence

Dating violence is when violence against someone who is currently or has in the past been in a social or romantic/intimate relationship with the victim. The victim shall determine the existence of such a relationship by considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved. For the purpose of this definition, it: a) includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and b) does not include acts covered under the definition of domestic violence.

12. Disruption

The State of Florida, under [Section 877.13, Florida Statutes](#), prohibits the disruption or interference with the normal activities of an educational institution. A disruption shall include acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of MDC or the rights of members of the MDC community.

They may include acts inside and outside the classroom during an MDC sanctioned event or activity or an event where the student serves as a representative of MDC. Disruptions include physical violence or abuse of any person on MDC-owned or controlled property or conduct threatening or endangering any person's health or safety. Congregating to create a situation that could endanger life or property is also considered a disruption and prohibited.

Incitement to any of the actions mentioned above or other violations of MDC policy or procedures that could result in such actions, whether orally or through written materials or pictures.

13. Domestic Violence

Violence committed by: a) a current or former spouse or intimate partner of the victim; b) a person with whom the victim shares a child in common; c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

14. Dress Standards

Students must comply with standards of dress established for safety or health reasons in specific classes.

15. Drugs, Illegal

The possession and use of controlled substances by members of the MDC community must always be in accordance with applicable federal, state, and local laws, the rules of the Florida Board of Education, and MDC policies and procedures. Under Florida law, no person may possess, sell, or deliver substances regulated under [Chapter 893.035, Florida Statutes](#) (controlled substances) unless dispensed and used pursuant to a prescription or otherwise authorized by law. Students at MDC who possess, use, or deliver controlled substances not distributed and used pursuant to prescription are subject to disciplinary action, up to and not including expulsion from MDC.

Disciplinary action against a student under MDC policy or procedure does not preclude the possibility of any criminal action against that individual. The filing of criminal charges similarly, does not prevent action by MDC. The use of illegal drugs and the misuse of prescription and other drugs pose a serious threat to the physical and mental well-being of the students, faculty, and staff at MDC. MDC is committed to providing accurate information and educational programs to prevent such use of drugs. For further information about these programs and services, contact the campus Student Dean.

16. Emergency/Security Equipment

Fire escapes, ground-level fire doors, hoses, extinguishers, and security alarm equipment (including cameras or electronic locks) are used only in emergencies. Tampering with or misusing these emergency devices, blocking fire exits, or other means impeding traffic is prohibited.

17. Facilities, Unauthorized Use of

Whether by force or not, the unauthorized use of, or entry into, any MDC facilities (i.e., classrooms, laboratories, athletic fields) is prohibited.

18. Freedom, Academic Speech

Any act which unlawfully restricts the professor's or another student's right to speak is prohibited. In addition, any act that disrupts the orderly functioning of a class is not permitted.

19. Firearms, Weapons, Fireworks, Explosives

No students, except law enforcement officers and as otherwise provided for by law, may have weapons in their possession on MDC property or MDC-sponsored activities. Weapons are defined as firearms, knives, explosives, fireworks, materials, or any other items that may cause bodily injury or damage to property. Students in possession of a firearm on campus or at an MDC-sponsored activity will be automatically suspended for up to at least one year, and they may be subject to additional disciplinary action.

20. Fraud

Students shall not engage in fraudulent activities such as intentionally violating MDC policies and procedures (i.e., providing false information or documentation to MDC).

21. Gambling

Gambling of any kind is prohibited.

22. Harassment

Unwelcome conduct, based upon sex, color, age, disability, national origin, race, religion, marital status, veteran's status, ethnicity, pregnancy, sexual orientation or genetic information that impacts either a condition of working or learning (quid pro quo) or creates a hostile environment.

Quid Pro Quo Harassment consists of unwelcome conduct when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, or academic advancement; or submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment or academic advancement.

Hostile Environment Harassment consists of unwelcome conduct when: such conduct has the effect of unreasonably interfering with an individual's work or academic performance; or such conduct has the effect of creating an intimidating, hostile or offensive working or learning environment.

23. Hazardous, Biological, Other Substances

MDC students shall not bring or dispose of hazardous, biological, or other substances on or within any of MDC's property that will threaten or affect MDC's health, safety, and welfare. Further, no student shall disrupt or risk MDC by placing, disposing, or bringing any substances or objects onto MDC's property to instill fear or threaten others. Any violation of this provision will result in an automatic suspension for at least one year.

24. Hazing

Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for initiation, admission into, or affiliation with any organization under the sanction of MDC. These actions or situations may include, but are not limited to, any brutality of a physical nature, such as whipping, beating, and/or branding. In addition, the forced consumption of any food, liquor, drug, and/or other substances, or any other forced physical activity could adversely affect the physical health or safety of the individual. These include activities that would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, conduct that may result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the individual.

Any hazing activity described above, upon which the initiation, admission into, or affiliation with any student organization is directly or indirectly conditioned, shall be presumed to be a "forced" activity, the willingness of an individual to participate in such activity notwithstanding. See [MDC Hazing Procedure 4028](#); [MDC Suspension of a Student Organizations Procedure 4073](#); and [Section 1006.63, Florida Statutes](#).

25. Identification of Students

Students are required to wear visibly and present their MDC identification card when requested by authorized MDC officials. Any misrepresentation, alteration, or misuse of identification is prohibited.

26. Information, Falsifying

No student shall knowingly give false or perjured testimony in any MDC investigation or proceeding. No student shall knowingly provide false information to an MDC official or show a reckless disregard for the truth.

27. Laws, Public

Any act by a student that constitutes a charge of a violation of public law, occurring either on or off-campus, may establish cause for legal and/or disciplinary action by MDC.

28. Literature and Goods

Distribution of literature or goods on the campuses must be submitted to be processed for approval by the Director of Student Life and is subject to [MDC Distribution of Literature Procedure 4095](#).

29. Mail Services

Students must receive approval from the Student Life Office to use MDC mail services. In addition, any use of MDC department and/or area mailboxes may occur with special authorization.

30. Orders, Obeying

Students are required to comply with reasonable requests or orders by authorized MDC officials or representatives acting on behalf of MDC. This requirement includes reasonable requests for students to arrive for appointments in administrative offices and at disciplinary investigations and hearings in a timely manner.

31. Parking

Students must comply with all parking regulations of MDC. MDC's parking regulations are available at the campus public safety office and are subject to change. Failure to do so may result in a citation or other action from civil authority and disciplinary action by MDC. Parking fines are levied by authorized personnel of local public entities, including Miami Dade County Police, City of Miami Police, City of Hialeah Police, City of Doral Police, and City of Doral Homestead Police. (Issued citations are not part of MDC's collection system.)

32. Payments with Insufficient Funds

Students shall not make and/or deliver any check or electronic payments to MDC that sufficient funds do not support the deposit or are worthless.

33. Peace, Breach of

Conduct or expression on MDC-owned or controlled property that disrupts the orderly functioning of the MDC or which is lewd, indecent, or obscene is prohibited.

34. Pets

Pets, emotional support animals, or other animals of any kind are not permitted on any campuses without specific approval from the appropriate MDC official. Service animals, as defined by law, including but not limited to the Americans with Disabilities Act, are permitted on any of the MDC campuses. However, the College may require the removal of any animal that directly threatens the health or safety of the MDC community and those found to disrupt educational activities or MDC functions in or outside of the classroom environment.

35. Publication of Explicit Communication

Publication of explicit language and/or images referring to a person that conveys personal identifying information of the person on a website, via social media, or other means without the depicted person's consent, even if the depicted person initially consented to the creation of the image or voluntarily provided it to the person responsible for the publication.

36. Probation, Violation of

A student alleged to have violated the Code of Conduct while being subject to Disciplinary or Final Disciplinary Probation may be charged with the separate offense of violating disciplinary probation.

37. Records, Falsification of

Falsifying MDC records, including but not limited to admission, registration, student disciplinary, official statements, health, and affidavit, by forgery or other means of deception, is prohibited.

38. Safety in Private Spaces Act, Violation of

The Legislature finds that females and males should be provided restrooms and changing facilities for their exclusive use, respective to their sex, in order to maintain public safety, decency, decorum, and privacy.

Any student who willfully enters a restroom or changing facility designated for the opposite sex, for a purpose other than as listed below and refuses to depart when asked to do so by any MDC administrative personnel, MDC faculty member, MDC security personnel, or any law enforcement personnel are subject to MDC disciplinary actions outlined in MDC Procedure 4030.

A person may only enter a restroom or changing facility designated for the opposite sex under the following circumstances:

- A. To accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person as defined in section [825.101, Florida Statutes](#) or a person with a disability as defined in section [760.22, Florida Statutes](#) or a developmental disability as defined in section [393.06 Florida Statutes](#);
- B. For law enforcement or governmental regulatory purposes;
- C. For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
- D. For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
- E. If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

Any student has the right to [file a complaint with the Attorney General](#) if the student believes the College has failed to meet the minimum requirements for restrooms and changing facilities as provided under ss, 553.865*4) and (5), Florida Statutes.

39. Search and Seizure

MDC officials reserve the right to search lockers or other MDC property when deemed necessary to uphold the fundamental responsibility of MDC regarding discipline, safety, and the maintenance of an educational atmosphere. Contraband items will be confiscated and used as evidence in disciplinary or other cases. Briefcases, handbags, and other containers may be searched in the library, in laboratories, in the bookstore, and elsewhere where materials or equipment are not secure.

40. Sexual Assault

Any sexual act, contact, or behavior directed against another person without the victim's consent, including instances where the victim is incapable of giving consent. These may include but are not limited to rape, fondling, incest, and statutory rape.

41. Sexual Harassment

All unwelcome sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual nature, involving persons of different or of the same gender, directed at an employee or student by another when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational advancement; b) submission to, or rejection of, such conduct is used as a basis for employment and/or educational decisions affecting the individual; or c) such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance or creating a hostile, intimidating or offensive working or educational environment.

42. Smoking

Smoking and/or the use of any tobacco and electronic cigarette is prohibited in all MDC facilities, including but not limited to all buildings and portions owned or leased by MDC, including, without limitation, atria, entryways, and enclosed hallways within buildings. In addition, outdoor areas include but are not limited to parking lots, grounds, rooftops, plazas, courtyards, entrance and exit ways, and any other areas of the MDC campus in accordance with [MDC Policy I-44 Tobacco and Smoke-Free College](#).

43. Speakers, Outside

Speakers may be invited to address a campus audience by MDC students, recognized student organizations, and the Student Government. The Student Life Director or designee must approve these invitations not less than five days prior to the event.

44. Stalking

Engaging in the course of conduct directed at a specific person would cause a reasonable person to: a) fear for their safety or the safety of others, or b) suffer substantial emotional distress. For the purpose of this definition, "course of conduct" means acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with

a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person in the victim's circumstances.

45. Student Groups, Recognition of

To be classified as a student organization established MDC policies and procedures, including, but not limited to, recognition procedures must be met and approved by the Student Life Office.

46. Theft, Unauthorized Possession

Students involved in theft, unauthorized possession, and/or sale of property not belonging to them are subject to MDC disciplinary action and arrest and prosecution by appropriate authorities. In addition, students are required to make full restitution.

Students in possession of property owned or controlled by MDC (i.e., the bookstore, library, audio-visual department, athletic department) or another person's (e.g., another individual's MDC identification card) without authorization or payment for such property will be subject to MDC disciplinary action.

47. Threats, Extortion, Bullying, and Defamation

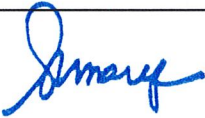
Verbal, written, or electronic communication threatening another of a crime or offense, risking injury to the person, property, MDC, or reputation of another, or maliciously threatening to expose another to disgrace, with the intent to extort money or other advantages whatsoever, is prohibited.

Verbal, written, or electronic communication (including but not limited to social media posts, online chat systems, etc.) that unlawfully exposes any individual or group to hatred, contempt, or ridicule, thereby injuring the person, property, or reputation of another, is prohibited.

Bullying is defined as a behavior that constitutes the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, physical violence, theft, harassment, and destruction of property. These include cyberbullying, which constitutes electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

48. Vehicles, Use of

Riding bicycles, mopeds, or motorized vehicles, electric or gas-powered, in hallways, buildings, or walkways is prohibited. Motorized vehicles are not permitted in areas other than designated roadways and parking lots. Devices that use wheels for movement, including, but not limited to, roller blades, roller skates, skateboards, scooters, and any similar devices, are prohibited on all campuses of MDC. Campus officials (at their discretion) constitute a pedestrian or motor traffic hazard or imperil the health or safety of persons and property on the campus. Mobility devices assisting persons with a disability are not prohibited.

	03/08/2024
PRESIDENT	DATE