

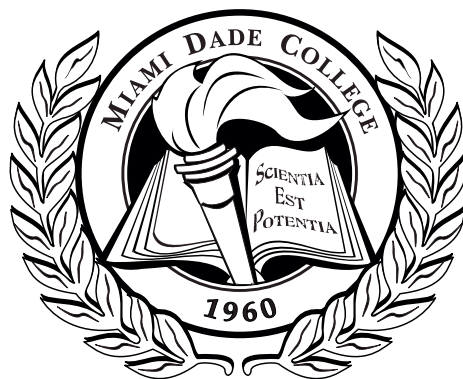


# Students' Rights & Responsibilities

2011-2013



# Students' Rights & Responsibilities



This handbook provides you with the basic information you need to know as a student. You should refer to the actual College policies and procedures cited in each section for the complete text of the appropriate College policy or procedure. The policies and procedures of the College are subject to change as circumstances may require.

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## FOREWORD

Dear Student:

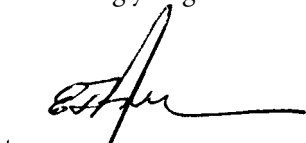
This guide offers a clear path to making the most of your educational experience at Miami Dade College. Using this practical resource will keep you focused on your goals and help you pave new roads to college success.



At MDC, you will undoubtedly have the guidance of our knowledgeable professors, advisors and student services staff. Your classmates can also serve as valuable companions on your educational journey. By encouraging each other to work hard and strive for success, you will create a powerful community of support.

While a sense of community is essential to college life, equally important is the opportunity to forge your own way. I hope you will use this special time to explore who you are and to learn from your unique experiences.

Wishing you great success,

  
Eduardo J. Padrón  
College President  
Miami Dade College

## FOR ADDITIONAL INFORMATION

Throughout this document you will notice references to other College policies and procedures. They are available for review in offices throughout the College, on the Web, and in the campus library. You should take the time to become familiar with the details of these policies and procedures. Any questions that you may have should be directed to College personnel at the locations listed below:

...

### North Campus

Dean of Student Services, Room 1317  
305-237-1053

Student Life, Room 4208  
305-237-1250

Public Safety Office, 305-237-1100

...

### Kendall Campus

Dean of Student Services, Room 3204  
305-237-2301

Student Life, Room 102  
305-237-2321

Public Safety Office, 305-237-2100

...

### Wolfson Campus

Dean of Student Services, Room 1201  
305-237-3007

Student Life, Room 2101  
305-237-3536

Public Safety Office, 305-237-3100

...

### Medical Center Campus

Dean of Student Services, Room 1355-4  
305-237-4028

Student Life, Room 1150  
305-237-4213

Public Safety Office, 305-237-4100

...

### Homestead Campus

Dean of Student Services, Room B-214  
305-237-5101

Student Life, Room A112  
305-237-5065

Public Safety Office, 305-237-5100

...

### InterAmerican Campus

Dean of Student Services, Room 1327  
305-237-6069

Student Life, Room 1121  
305-237-6163

Public Safety Office, 305-237-6100

...

### Hialeah Campus

Dean of Student Services, Room 2102  
305-237-8712

Student Life, Room 1118  
305-237-8787

Public Safety Office, 305-237-8701

...

### MDC West

Dean of Student Services, Room 1204  
305-237-8919

Student Life, Room 1115  
Public Safety Office, 305-237-8100



## STATEMENT OF EXPECTATIONS

As a college student, you now have control of your destiny. A college education not only prepares you for a profession, but it is also an important step in making you a more productive member of society. Miami Dade College takes great pride in offering a high quality and challenging learning environment that will expose you to myriad opportunities for discovery and growth. You can expect:

- excellence in teaching
- encouragement of innovation and creativity
- a free exchange of ideas
- respect for cultural diversity
- a comprehensive array of services to maximize your academic success.

You also play a central role in fostering and maintaining a quality academic environment for yourself and others. Consequently you are

expected to:

- attend classes regularly and on time
- succeed and do well in your classes
- strive for personal excellence
- treat others with courtesy and respect
- contribute to the marketplace of ideas at the College
- demonstrate personal and academic integrity in your dealings with others
- make a positive contribution to the multicultural, multiracial environment at the College
- share responsibility for maintaining the integrity of the physical surroundings.

Your enrollment here is a social contract between you and the College to become partners in your success. Good luck!

Miami Dade College reserves the right to cancel classes and/or programs for which there is insufficient enrollment, to close a class when the enrollment limit in that class is reached and to make any schedule changes as necessary, including a change in time, days, credit, location or instructor. In the event of cancellation, the College will notify each registrant by e-mail and/or by telephone and will issue a full refund. Miami Dade College is not responsible for any other related expenses.

*The mission of Miami Dade College is to provide accessible, affordable, high-quality education by keeping the learner's needs at the center of decision-making and working in partnership with its dynamic, multicultural community.*



## MIAMI DADE COLLEGE ALERTS

*How does Miami Dade College Alerts work?*

Miami Dade College Alerts uses SMS text messaging technology to alert mobile devices and email accounts. SMS technology has proven to be reliable during emergencies when phone networks can become overloaded. SMS technology allows the College to quickly notify a large number of people no matter where they are located. This is an important capability for a commuter-based institution as large as Miami Dade College.

It is important to note that SMS text messages sent via Miami Dade College Alerts will be short (160 characters or less), are meant to make you aware that there is an emergency, and direct you to other college communication resources for additional information.

*Under what circumstances will the college activate Miami Dade College Alerts?*

Miami Dade College Alerts will be activated during emergencies that threaten life safety on a campus and/or severely

impacts normal campus/college operations. The College will also periodically send test messages to ensure the system is working properly. The system will not be used for advertisements.

*Where I can get more information about Miami Dade College Alerts?*

Go to the student portal and click the Miami Dade College Alerts logo or go directly to [www.mdc.edu/alerts](http://www.mdc.edu/alerts) for more information. You can also email specific questions to [mdcalerts@mdc.edu](mailto:mdcalerts@mdc.edu).



## ACADEMIC CALENDAR 2011-12

### FALL TERM

Aug. 22, (Mon)	Evening and weekday classes begin.*
Aug 26, (Fri)	Last day to drop classes with 100 percent refund for regular fall term classes.
Aug. 27, (Sat)	Saturday classes begin.*
Sept. 3-5, (Sat-Mon)	Holiday Period – Labor Day
Oct. 31, (Mon)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college.
Nov. 11-13, (Fri-Sun)	No classes - Veteran's Day Observance
Nov. 24-27, (Thu-Sun)	Holiday Period – Thanksgiving
Dec. 9,	Last day of classes
Dec. 10-16, (Sat-Fri)	Final exams
Dec. 19, 2011 –	
Jan. 2, 2012, (Mon-Fri)	Winter Break
Dec. 28-29, (Wed-Thur)	College Scheduled Work Days during Winter Break

### SPRING TERM

Jan. 4, (Wed)	Evening and weekday classes begin.*
Jan. 7, (Sat)	Saturday classes begin.*
Jan. 10, (Tue)	Last day to drop classes with 100 percent refund for regular spring term classes.
Jan. 14-16, (Sat-Mon)	Holiday Period – Martin Luther King Jr. Day
Feb. 18-20, (Sat-Mon)	Holiday Period – President's Day
Mar. 14, (Wed)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college.
Apr. 2, (Mon)	Last day to apply for a degree to be awarded for the 2011-2012 academic year and have name appear in Commencement program.
Apr. 6-8, (Fri-Sun)	Spring Recess
Apr. 20, (Fri)	Last day of classes
Apr. 21-27, (Sat-Fri)	Faculty grade input ends noon. Last day for faculty.
Apr. 28, (Sat)	Commencement
Apr. 30-May 4, (Mon-Fri)	Semester Break

### SUMMER TERM

May 7, (Mon)	Evening and weekday classes begin for first 6-week summer session and for the 12-week summer session.*
May 9, (Wed)	Last day to drop classes with 100 percent refund for first 6-week summer session.
May 10, (Thu)	Last day to drop classes with 100 percent refund for the 12-week summer session.
May 12, (Sat)	Saturday classes begin.*
May 26-28, (Sat-Mon)	Holiday period – Memorial Day
June 1, (Fri)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college for the first 6-week summer session.
June 15, (Fri)	Last day of classes and examinations for the first 6-week summer session.
June 18, (Mon)	Evening and weekday classes begin for the second 6-week summer session.
June 20, (Wed)	Last day to drop classes with 100 percent refund for the second 6-week summer session.
June 26, (Tue)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college for the 12-week summer session.
July 4, (Wed)	No Class - Independence Day
July 13, (Fri)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college for the second 6-week summer session.
July 27, (Fri)	Last day of classes and examinations for the 12-week summer session and the second 6-week of summer session.
July 28, (Sat)	Faculty grade input ends noon.

\*Registration information provided each term by registration offices.



## ACADEMIC CALENDAR 2012-13

### FALL TERM

Aug. 27, (Mon)	Evening and weekday classes begin.*
Aug. 31, (Fri)	Last day to drop classes with 100 percent refund for regular fall term classes.
Sept. 1-3, (Sat-Mon)	Holiday Period – Labor Day
Sept. 8, (Sat)	Saturday classes begin.*
Nov. 5, (Mon)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college.
Nov. 10-12, (Sat-Mon)	No classes - Veteran's Day Observance
Nov. 22-25, (Thu-Sun)	Holiday Period – Thanksgiving
Dec. 14, (Fri)	Last day of classes
Dec. 15-21, (Fri-Fri)	Final exams
Dec. 24, 2012 – Jan. 7, 2013	Winter Break
Jan. 3-4 (Thu-Fri)	College Scheduled Work Days during Winter Break

### SPRING TERM

Jan. 8, (Tue)	Evening and weekday classes begin.*
Jan. 12, (Sat)	Saturday classes begin.*
Jan. 14, (Mon)	Last day to drop classes with 100 percent refund for regular spring term classes.
Jan. 19-21, (Sat-Mon)	Holiday Period – Martin Luther King Jr. Day
Feb. 16-18, (Sat-Mon)	Holiday Period – President's Day
Mar. 20, (Wed)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college.
Mar. 29-31, (Fri-Sun)	Spring Recess
Mar. 25, (Mon)	Last day to apply for a degree to be awarded for the 2012-2013 academic year and have name appear in Commencement program.
May 3, (Fri)	Last day of classes and examination.
May 4, (Sat)	Commencement
May 6-10, (Mon-Fri)	Semester Break

### SUMMER TERM

May 13, (Mon)	Evening and weekday classes begin for first 6-week summer session and for the 12-week summer session.*
May 18, (Sat)	Saturday classes begin.*
May 15, (Wed)	Last day to drop classes with 100 percent refund for first 6-week summer session.
May 16, (Thu)	Last day to drop classes with 100 percent refund for the 12-week summer session.
May 25-27, (Sat-Mon)	Holiday period – Memorial Day
June 7, (Fri)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college for the first 6-week summer session.
June 21, (Fri)	Last day of classes and examinations for the first 6-week summer session.
June 24, (Mon)	Evening and weekday classes begin for the second 6-week summer session.
July 2, (Tue)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college for the 12-week summer session.
July 4, (Thu)	Independence Day – No Classes
July 19, (Fri)	Last day to apply for institutional credit by examination, for individual course withdrawal, and complete withdrawal from college for the second 6-week summer session.
Aug. 2, (Fri)	Last day of classes and examinations for the 12-week summer session and the second 6-week of summer session.

\*Registration information provided each term by registration offices.



## DRUG-FREE CAMPUS PROGRAM

### Introduction

An environment for success encourages people to achieve their highest potential whether in the classroom, or on the job. A drug free campus supports this idea of success. Miami-Dade College endorses the federal government's efforts in implementing the Drug Free Schools and Community Amendments of 1989 (Public Law 101-226).

### Standards of Conduct

All students, faculty, administrators, staff, and support personnel are expected to recognize the potential for alcohol and drug abuse whenever alcohol or illegal drugs are sold, given, and/or used, and that such abuse is in conflict with the College's purpose. To assist in minimizing this abuse, the College has established policies and regulations which adhere to applicable federal laws and state statutes regarding such abuse. The regulations and policies governing the use of alcoholic beverages apply to all employees, students, guests, and visitors. The responsibility for knowing and abiding by the College's substance abuse policy rests with each individual.

### Legal Sanctions

Illegal drug activities carry criminal penalties. Under federal and state penalties, illegal drug activities can bring prison sentences ranging from probation to life imprisonment. (See enclosed chart.) In addition, detailed penalties regarding possession of open containers of alcoholic beverages in vehicles under the Florida State Traffic Law Statute (310.1936) is prohibited. As used in this section, "open container" means

any container which is immediately capable of being consumed from, or the seal of which has been broken. It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage, possession of an (broken seal) alcoholic beverage while operating a vehicle, or while a passenger in or on a vehicle being operated in the state. New Florida legislation states that it is unlawful for any person to sell, purchase, manufacture, or deliver, or to possess with the intent to sell, purchase, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. Any person who violates this section commits a first degree felony.

### Health Risks

Drug use and alcohol abuse increase the chances of violence, injuries, automobile accidents, heart attacks, strokes, cancer, and an extended list of other diseases. Largely because of this direct relationship 15 to 24-year-olds make up the only age group in the United States whose life expectancy is actually decreasing. Low to moderate doses of alcohol increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants on the central nervous system, much lower

doses of alcohol will produce the effects described here. Regular use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to induce withdrawal symptoms including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long term consumption of large quantities of alcohol, particularly combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. There is a high incidence of tobacco use among those who use other drugs. The mortality rate from tobacco use exceeded that of all other drugs. It is estimated that the annual mortality rate from cigarette smoking in the United States exceeds 350,000.

### For Those Who Need Help

Student referral counseling, including information concerning special programs to be sponsored by the College relating to substance abuse prevention, is available by calling:

**Miami Dade College  
Information Center  
(305) 237-8888**

Faculty and staff referral and counseling services are available through the Department of Human Resources.

**Human Resources  
(305) 237-2051  
[www.mdc.edu/hr/Benefits](http://www.mdc.edu/hr/Benefits)**

This policy is reviewed on an annual basis.



## LEARNING OUTCOMES

All students who graduate from MDC – regardless of major or degree type – have ten things in common: the college-wide student learning outcomes summarized below. Developed after many conversations with students, faculty, alumni, and members of the business community, the outcomes are part of all programs regardless of major or degree type. They will assist you to succeed in your chosen field, to strengthen the life skills critical to your future, and to become a lifelong learner.

1. **Communications** – Knowing what you’ve learned doesn’t mean much if you can’t express it. All students should be able to communicate well.
2. **Quantitative Analysis** – Numbers are everywhere—from the calories in your favorite soda to political polls. All students should be able to process, understand, and accurately analyze numerical data.
3. **Critical/Creative Thinking and Scientific Reasoning** – There’s no guarantee that you’ll know all the answers by the time you graduate, but you will develop the skills to think through a situation and arrive at a logical conclusion.
4. **Information Literacy** – Why are there concerns about “Wikipedia” as an acceptable research tool? By the time you graduate, you’ll know the pros and cons of using Internet resources and be able to locate relevant and accurate information resources.
5. **Global, Cultural, and Historical Perspectives** – Thanks to the Worldwide Web and telecommunication, we are aware of many ways of life across the world. In order to succeed in this global society, students need to develop an appreciation of various cultures and an understanding of different points of view.
6. **Personal, Civic, and Social Responsibility** – While at MDC, you’ll develop skills to fulfill not only your personal responsibilities, but also your roles as citizens and members of a global community. For example, John Donne said, “No man is an island.” Everything you do and say has an impact on those around you such as exercising your right to vote.
7. **Ethical Thinking** – Prevalent among newspaper headlines from the past ten years are terms like “Stem Cell Research,” “Cheating in High School,” and “Euthanasia.” Your course of study will help you develop strategies and values in ethical thinking to help you understand these and other controversial issues.
8. **Computer and Technology Usage** – You can probably surf the net and send emails already, but there are many other powerful tools at your fingertips. Before you graduate, you will learn how to use word processing, spreadsheets, databases, and presentation programs as well.
9. **Aesthetic Appreciation** – Appreciating the creative process is an essential part of being a well-rounded individual, whether it is Beethoven or Tupac.
10. **Natural Systems and the Environment** – What exactly is trans-fat? Is tap water a pure substance or a mixture? How does carbon dioxide affect our atmosphere? An understanding of natural systems is important in caring for your health and the world around you.



## STUDENTS' RIGHTS AND RESPONSIBILITIES

PROCEDURE 4009 - POLICY IV-5

### I. **PURPOSE:**

The purpose of the Student Rights and Responsibilities Procedure is to enumerate the essential provisions relating to how students may participate responsibly in the College community.

### II. **PROCEDURE:**

Miami Dade College exists for the open interchange of knowledge and philosophies, the development of a capacity for critical judgment, and the creation of an atmosphere conducive to the independent search for truth and to the gaining of practical experience in our community. Free inquiry and free expression are indispensable to the attainment of these goals. This institution has a responsibility to develop policies, which encourage the broadest possible participation of the College community. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. Discrimination on the basis of sex, marital status, race, creed, national origin, or disability is prohibited by the College.

#### A. **Freedom Of Access To Higher Education**

Within the limits of its resources and facilities, Miami Dade College is open to all persons who are qualified according to its admission and good standing requirements. Admission to College credit study is open to all high school graduates; transfer students; persons with state-issued high school equivalency diplomas; home-educated students

who have completed a home education program evidenced by a signed affidavit from their parent or legal guardian stating that the student completed a home education program; and other special categories. A record of good conduct is required, as well as official transcripts of previously completed educational work, and related documentation necessary to complete an application for admission. Post-Secondary Adult Vocational study is open to all high school graduates, persons with state-issued high school equivalency diplomas or persons who are at least 16 years of age and have left high school.<sup>1</sup> Admissions – There may be circumstances (e.g., criminal record, falsifying admissions records), where an individual may be denied admission to Miami Dade College. When questions of admissibility arise, the individual's application is reviewed by the registrar and a recommendation is made to the student dean whose decision is final on behalf of the College.

Each student, during the process of applying for admission to the College and, by the act of registering, agrees to abide by the rules and regulations of the College. Students are required to comply with all policies and procedures of the College, including, but not limited to the Student Code of Conduct.

Students are required to keep the College informed of their current mailing address. The College meets all notice requirements to students by sending notices to the last mailing address provided by the student to the Registrar's Office. Failure to provide the College with Accurate information at the time of

admissions may result in disciplinary violation subject to disciplinary sanction.

2. **Psychologically Unfit Students** - Students admitted to Miami Dade College who, because of their action on campus, give reasonable cause to believe that they may represent a danger to themselves or others, or who demonstrate by their performance that they are not qualified to attend college, may be denied further enrollment at the institution. The process by which the College would make such a decision involves a carefully delineated and comprehensive examination of all issues relating to that individual student's observed behavior. This would include consultation with a number of professional members of the staff at the College and may involve a medical or psychiatric evaluation by an outside consultant. This step-by-step evaluation is described in *Procedure 4060 -Psychological Assessment*.



## **B. Academic Responsibility**

1. Academic – The professor in the classroom and in conference will encourage free discussion, inquiry and expression where relevant and appropriate to the educational objectives of the course. It is the responsibility of the instructor to present in writing to each class the educational objectives and the criteria to be used in evaluating student success in that class. It is the responsibility of students to avail themselves of knowledge of these objectives and criteria as published and set forth by Miami Dade College. The professor will not grade the student on opinions expressed, unless such evaluation is specifically related to course requirements.

2. Protection of Freedom of Expression – Students will be free to state reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion. They are, however, responsible for learning the substance of any course of study of or which they are enrolled.

3. Protection Against Improper Academic Evaluation – Students will have protection through orderly procedures against unfair academic evaluation. A student's grade will be based solely on academic achievement, unless otherwise specified by the professor in writing at the first class meeting. Students may appeal grades received by following the grade appeals process described in *Procedure 8301 - Student Appeal of Grades*.

4. Utilization of Special Aids for Study – Disabled students as defined under section 504 of the Rehabilitation Act of 1973 will be permitted to record classroom lectures. Other students may, with permission of the instructor, be permitted to record classroom lectures to be utilized as reference material and not to be utilized verbatim for



personal gain. Students should contact the campus office of Disabled Students Services for assistance.

5. Academic Dishonesty – Students are expected to conduct their academic affairs in a forthright and honest manner. 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 involve those outlined in *Procedure Appeal of Grades defined in Procedure 4035 - Procedure for Dealing with Academic Dishonesty*.

6. Standards of Academic Progress (SOAP) – The College have established Standards of Academic Progress which are applicable to all students. Failure to maintain satisfactory academic progress will result in warning, probation, suspension, or dismissal from the College as outlined in *Procedure 4010- Standards of Academic Progress*. The process for appeals is described in *Procedure 4015 - Guidelines for Appeal of the Standards of Academic Progress*.

7. Additional Rights of Appeal – Student requests for exceptions to the financial and withdrawal policies of the College due to extenuating circumstances may be submitted in writing according to the guidelines for submitting a petition, which is described in *Procedure 4018 -*

*Student Petitions Process. Student Appeal of Grades as defined in Procedure 8301.*

## **C. Student Records**

Miami Dade College has a procedure concerning the manner in which a student's permanent educational record is handled and disclosed, *Procedure 4085 - Release of Student Information*. This procedure is available in various College publications. Transcripts of academic records will contain only information about academic status.

## **D. Student Affairs**

1. Freedom of Association – Students bring to campus a variety of interests previously acquired and develop many new interests as members of the academic community. They will be free to organize and join student clubs or organizations to promote their common interests, as long as they do not disrupt the College, or violate its rules and regulations.

a. The College has established a policy and procedure for the recognition of student organizations, *Policy IV-3 - Student Organizations and Procedure 4093 - Formation of Student Organizations*.

b. Student organizations are required to identify an advisor; each organization will be free to choose its own advisor from the faculty or administrative work groups.

c. A recognized club or organization may lose its official recognition and be suspended if actions of its officers or members, or activities of the organization as a whole, violate College Policy and Procedures (as described in *Procedure 4094 - Suspension of Student Organization*.)

2. Freedom of Inquiry and Expression – Students and student organizations will be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They will always be free to support causes by orderly means which do not disrupt

the operation of the institution.

3. Uses of Facilities – Provided that they are used in a manner appropriate to the academic community and in compliance with College Procedures, the Facilities and Services of the College will be open to all of its enrolled students. The Office of Student Life maintains procedures for the use of Miami Dade College facilities.

4. Student Publications – Student publications and the student press constitute one of the strongest means of encouraging an atmosphere of responsible discussion and intellectual exploration on the campuses of Miami Dade College. The College has established a policy covering student publications, *Policy IV-90 - Student Publications*.

5. Distribution of Literature – It is the intent of the College to provide for the exchange of written thoughts and ideas in an orderly fashion and without disruption to the College.

The College has established a procedure for the distribution of literature, *Procedure 4095 – Distribution of Literature*.

6. Visiting Speakers – The College has established a procedure that provides guidelines for inviting visiting speakers to the College, *Procedure 4097- Student Life Guest Speaker*.

7. Grievance Procedure for Alleged Discrimination or Harassment – Students who believe that they have been discriminated against have a formal grievance process available, which is described in *Procedure 1665 - Discrimination and Harassment Grievance Procedure*.

### **E. Discipline**

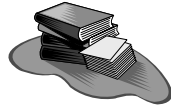
The president of Miami Dade College is responsible at all times for the maintenance of the orderly functioning of the College and will take necessary actions to prevent any interference with such orderly operation of the College. The

president of Miami Dade College has also delegated authority for the maintenance of the orderly functioning of each campus to the campus presidents and other appropriate College employees. The campus presidents have charged the student deans with implementation of the student disciplinary procedures and maintenance of student discipline records. Due process and proper procedural safeguards will be observed to insure that students' rights are protected. The college's disciplinary procedure is set forth in *Procedure 4030 - Student Disciplinary Procedures and Procedure 4025 - Student Code of Conduct*.

### **F. Open College and Distance Learning Students**

Students enrolled at Miami Dade College exclusively in the off-campus or distance learning programs shall abide by all applicable policies and procedures.





# CODE OF CONDUCT

PROCEDURE 4025

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

Students who are alleged to have violated one or more of the regulations stated in the Code of Conduct may be charged with the violation(s) in accordance with Miami Dade College Disciplinary Procedures. The Code of Conduct shall apply to all College students representing the College at events, whether on or off the College Campuses. The College may exercise its discretion to not officially charge students with violations of this Code of Conduct in the event that viable alternatives to disciplinary action are appropriate. The Student Code of Conduct addresses the following areas:

1. Academic Dishonesty
2. Activities on Campus
3. Alcohol
4. Arson
5. Assault and/or Battery
6. Payments with Insufficient Funds
7. College Computing Resources
8. Complicity
9. Contracting
10. Damage of Property
11. Defamation, Threats, Extortion
12. Disruption
13. Dress Standards
14. Drugs, Illegal
15. Equipment, Emergency
16. Facilities, Unauthorized Use of
17. Freedom, Academic and Speech
18. Gambling

## 12 Students' Rights & Responsibilities

19. Hazing (refer to Procedure 4028)
20. Identification of Students
21. Information, Falsifying
22. Laws, Public
23. Literature and Goods
24. Mail Services
25. Orders, Obeying
26. Parking
27. Peace, Breach of
28. Pets
29. Probation, Violation of
30. Records, Falsification of
31. Search and Seizure
32. Smoking
33. Speakers, Outside
34. Student Groups, Recognition of
35. Theft and Unauthorized Possession
36. Vehicles, Use of
37. Weapons
38. Fraud
39. Hazardous, Biological, Other Substances

**1. Academic Dishonesty** – Academic dishonesty includes, but is not limited to the following:

- cheating on an examination;
- receiving help from others in work to be submitted, if contrary to the stated rules of the course;
- plagiarizing; that is, the 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;
- stealing examinations or course materials;
- falsifying records;
- assisting anyone to do any of the above. 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 *Procedure 4035 - Procedure for Dealing with Academic Dishonesty* (see page 18).

**2. On-Campus Activities and Events** – Use of College facilities is prohibited on any of the MDC campuses except in an area designated by the proper College authority and subject to any limitations and provisions established by an appropriate College official (i.e., outdoor concerts, student rallies, outside speakers).

**3. Alcoholic Beverages** – Alcoholic beverages are prohibited at student-sponsored functions.

**4. Arson** – No student shall commit, or aid in the intentional commission of an act that results in a fire being ignited that causes damage, or is intended to cause damage, to the property of the College or to the property of any other person.

**5. Assault and/or Battery** – No student shall threaten bodily harm or discomfort to another such as would constitute an assault. Nor shall any student commit or aid in the intentional commission of an act that causes bodily harm or discomfort to the person of another such as would constitute a battery.

**6. Payments With Insufficient Funds** – Students shall not make and/or deliver any check to the College that is not supported by sufficient funds on deposit or is in any way worthless.

## **7. College Information Systems and Facilities**

Students have the privilege of access and use of the College's technological resources such as computers, printers, networks, Internet, software and instructional laboratories. Students must utilize these services in an ethical and legal manner consistent with federal and state law as well as Miami Dade College policy and procedures. Students must comply with all College Policies and Procedures pertaining to the usage of college information systems, computing resources and facilities as defined in *Policy VII-1 and Procedure 7900*. Students must conduct themselves in a manner that reflects respect for the rights of other users, that protects the integrity of data, physical facilities, equipment, and software license copyright (*Policy VII-1 and Procedure 7900 - Guidelines for Use of MDC Computing Resources*). Students shall not use any College technological resources for any improper, illegal, or unauthorized uses. If misuse occurs, student privileges may be revoked immediately and the student may be subject to disciplinary action.

**8. Complicity** – A student present during the commission of an act by another student that constitutes a violation of College policy may also be charged if his/her subsequent behavior constitutes a permission or condonement of the violation.

**9. Contracting or Representation in the Name of the College** – Students are prohibited from contracting in the name of Miami Dade College, or claiming to be official representatives of the College or using the College's name, logo or likeness for any purpose including, but not limited to commercial purposes.

**10. Damage or Destruction of Property** – Accidental damage, vandalism, malicious damage to property belonging to Miami Dade College or others may require restitution from persons responsible for such damage and/or disciplinary action.

**11. Defamation, Threats, and Extortion** – Verbal or written communication that unlawfully exposes any individual or group to hatred, contempt, or ridicule, and thereby injures the person, property, or reputation of another, is prohibited. Verbal or written communication that threatens another of a crime or offense, or threatens injury to the person, property, or reputation of another, or maliciously threatens to expose another to disgrace, with the intent to extort money or other advantage whatsoever, is prohibited.

**12. Disruption** – Florida Statute § 877.13 provides that disruption of the normal activities of the institution is prohibited. Disruption shall include, but not be limited to, the following:

- Physical violence or abuse of any person or College-owned or controlled property, or at College sponsored or supervised functions, or conduct that threatens or endangers the health or safety of any person.
- Deliberate interference with academic freedom and freedom of speech, including not only disruption of a class, but also interference with the freedom of any speaker invited by any section of the College community to express his/her views. (Faculty is authorized to have students removed from class if warranted.)
- Forcible interference with the freedom of movement of any guest of the College. Blocking of entryways to buildings, rooms, or sections of buildings, or of hallways, or stairways, in such fashion that people

find it difficult or impossible to pass.

- Blocking of vehicular traffic.
- Noisemaking, or other physical behavior, which is so distracting that it is difficult or impossible to conduct a class, a meeting, or any other authorized event.
- Congregating in such a fashion as to create a situation that could endanger life or property.
- Incitement to any of the above-mentioned actions or to other violations of College Policy that could result in such actions whether orally or through written materials or pictures.

**13. Standards of Dress** – Students must comply with standards of dress established for safety or health reasons in specific classes.

**14. Narcotics and Illegal Drugs** – The possession and use of controlled substances by members of the Miami Dade College community must at all times be in accordance with applicable federal, state and local law, the rules of the Florida Board of Education, and the policies and procedures of Miami Dade College. Under Florida law, no person may possess, sell or deliver substances regulated under the provisions of Chapter 893, Fla. Statute (controlled substances) unless dispensed and used pursuant to prescription or otherwise authorized by law. Students at the College who possess, use, or deliver controlled substances not dispensed and used pursuant to prescription are subject to disciplinary action, up to and including expulsion from the College. Disciplinary action against a student under College Policy does not preclude the possibility of criminal action against that individual. The filing of criminal charges similarly does not preclude action by the College. 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 the College. The College 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.

### **15. Misuse of Emergency**

**Equipment** – Fire escapes, ground level fire doors, fire hoses, extinguishers and alarm equipment are to be used only in emergencies. Tampering with, or misuse of, these emergency devices, or blocking of fire exits, or other means of impeding traffic, is prohibited.

### **16. Unauthorized Use of College Facilities**

– The unauthorized use of, or entry into, any College facilities (i.e., classrooms, laboratories, athletic fields), whether by force or not, is prohibited.

### **17. Interference With Academic Freedom and Freedom of Speech**

– Any act that restricts the professor's or another student's right to speak is prohibited. Any act that disrupts the orderly functioning of a class is prohibited.

### **18. Gambling**

– Gambling of any kind is prohibited.

### **19. Hazing**

– Florida Statutes § 1006.63 prohibits students from engaging in any form of hazing, either on campus or off campus. Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization under the sanction of the College. Such term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug,

or other substance, or any other forced physical activity that could adversely affect the physical health or safety of the individual, and shall include any activity that would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the individual. Any activity as described above upon which the initiation or 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. *(Check with Student Life regarding Procedure 4094 - Suspension of Student Organization.)*

### **20. Identification of Students**

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

### **21. Providing False Information**

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

**22. Public Laws** – Any act by a student that constitutes a charge of a violation of a public law, occurring either on or off campus, may establish cause for legal and/or disciplinary action by the College.

### **23. Distribution or Sale of Literature**

– Distribution or sale of literature on the campuses must be processed by the Director of Student Life. *(Check with Student*

*Life regarding Procedure 4095 – Distribution of Literature.)*

### **24. Use of College Mail**

**Services** – Students must receive approval from the Student Life Office in order to use College mail services. Use of department and/or area mailboxes must receive approval of the appropriate College official.

### **25. Obeying Reasonable Orders by College Officials**

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



**26. Parking** – Students must comply with all parking regulations of Miami Dade College. The College's parking regulations are available at the campus security office and are subject to change. Failure to do so may result in a citation from a civil authority as well as disciplinary action on the part of the College. (Parking fines are levied by the City of Miami Police, Metro-Dade Police or City of Homestead Police and, thus, are not part of the College's collection system.)

**27. Breach of Peace** – Conduct or expression on College-owned or controlled property that disrupts the orderly functioning of the College, or which is lewd, indecent, or obscene is prohibited.

**28. Pets** – Guide dogs or other service animals are permitted on any of the campuses of Miami Dade College, but no other pets or animals of any kind are permitted on any of the campuses without specific approval from the appropriate College official.

**29. Violation of Probationary Status** – A student who is 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.

**30. Falsification of Records** – Falsification of College records, including, but not limited to admission, registration, affidavit, student disciplinary and health records by forgery or other means of deception, is prohibited.

**31. Search and Seizure** – College officials reserve the right to search lockers or other College property when deemed necessary to uphold the basic responsibility of the College regarding discipline, safety, and the maintenance of an educational atmosphere. Contraband items will be confiscated and may be used as evidence in disciplinary cases. Briefcases, handbags, and other such containers may be searched in the library, in laboratories, in the bookstore, and at other places where materials or equipment are not secure.

**32. Smoking** – The College is Smoke Free. Smoking is prohibited in all College facilities, including but not limited to, all buildings

and portions of buildings owned or leased by the college including, without limitation, atria, entry ways and enclosed hallways within buildings as prohibited under applicable laws.

**33. Outside Speakers** – Speakers may be invited to address a campus audience by Miami Dade College students, recognized student organizations, and the Student Government. These invitations must be approved by the Student Life Department, director, or designee, not less than two weeks prior to the event.

**34. Recognition of Student Groups** – In order to be classified as a student organization, established College Policies and Procedures, included but not limited to, recognition procedures must be met and approved by the Student Life Office.

**35. Theft, Unauthorized Possession and/or Sale of Property** – Students involved in theft, unauthorized possession, and/ or sale of property not belonging to them are subject to College disciplinary action as well as to arrest and prosecution by legal authorities. Students are required to make full restitution. Students in possession of property owned or controlled by the College (i.e., the bookstore, library, audiovisual department, athletic department) or of another person (e.g., another individual's MDCard), without authorization or payment for such property, will be subject to College disciplinary action.

**36. Use of Vehicles** – Riding of bicycles and mopeds in hallways, in buildings, or on walkways is prohibited. Motorized vehicles are prohibited in areas other than designated roadways and parking lots. Use of wheeled devices, including,

but not limited to in-line skates, roller skates, skate boards and scooters, are prohibited on the campuses of Miami Dade College in any location or at times that, at the discretion of campus officials, constitute a pedestrian or motor traffic hazard, or which imperil the health or safety of persons and property on the campus.

**37. Firearms, Weapons, Fireworks, Explosives** – No students, except law enforcement officers, may have weapons in their possession at any time on College property or college 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 a college-sponsored activity will be automatically suspended for a period of up to at least one year.

**38. Fraud** – Students shall not engage in any fraudulent activities such as those that intentionally violate College Policies and Procedures. (i.e. providing false information or documentation to the College).

**39. Hazardous, Biological, Other Substances** – College students shall not bring onto or dispose of hazardous, biological, or other substances on or within any of the College's property that will threaten or affect the health, safety and welfare of the College. Further, no student shall disrupt or threaten the College by placing, disposing, or bringing onto the College's property any substances or objects for purposes of instilling fear or threatening others. Any violation of this provision will result in automatic suspension for a period of at least one year.



## FLORIDA STUDENT BILL OF RIGHTS AND A.A. TRANSFER GUARANTEES

**F**lorida community college Associate in Arts graduates are guaranteed the following rights under the Statewide Articulation

Agreement (State Board of Education Rule 6A-10.024):

1. Admission to one of the eleven (11) state universities, except to limited access programs\*.
2. Acceptance of at least 60 credit hours by the state universities toward the baccalaureate degree.
3. Adherence to university requirements and policies based on the catalog in effect at the time the student first entered a community college, provided the student maintains continuous enrollment.
4. Transfer of equivalent courses under the Statewide Course Numbering System.
5. Acceptance by the state universities of credit earned in accelerated programs (e.g., CLEP, AP, PEP, Dual Enrollment, Early Admission and International Baccalaureate).
6. No additional General Education Core requirements.
7. Advance knowledge of selection criteria for limited access programs.
8. Equal opportunity with native university students to enter limited access programs.

\*Limited Access is the designation given to programs that require additional admission requirements that are more selective than general admission requirements. These may include the following: increased total GPA and test scores; additional courses and prerequisites; and auditions and portfolios.

Should any guarantee be denied,

students have the right of appeal. Each state university and community college shall make available established appeal procedures through the respective articulation officers.

### **I. ASSOCIATE IN ARTS TRANSFER GUARANTEES**

The Articulation Agreement designates the Associate in Arts degree as the transfer degree. This Articulation Agreement governs the transfer of students from Florida public community colleges into the State University System. The agreement addresses GENERAL ADMISSION to the university and PROGRAM ADMISSION.

#### **A. General Admission Guarantees**

Community college A.A. degree holders will be granted admission to one of eleven (11) state universities, but not necessarily to limited access programs.

Upon transferring to a state university, A.A. degree graduates will be awarded at least 60 credit hours towards the baccalaureate degree.

The university catalog in effect the year the A.A. degree student first enrolled at the community college will remain in effect for the student's program, provided the student maintains continuous enrollment as defined in that catalog.

Once a student has completed the General Education Core and this is so noted on the transcript, regardless of whether or not an A.A. degree is awarded, no other state university or community college to which the student may transfer can require additional courses to the

general education core.

When transferring among institutions participating in the Statewide Course Numbering System, a receiving institution must accept all courses taken at a regionally accredited transfer institution, if the same course with the same course number is offered at the receiving institution. In a like manner, nationally accredited institutions who have courses entered in the statewide course numbering system will have these courses accepted by the receiving institution if it offers the same course with the same course number.

Credits earned through acceleration mechanisms (CLEP, AP, PEP, early admission, International Baccalaureate and dual enrollment courses) within the A.A. degree at the community college will be transferable to the state university.

Students without an A.A. degree who are seeking admission to a state university do not have all the protection provided by the Articulation Agreement and may be denied admission or lose credit when transferring. Students without an AA degree will have to meet freshman admissions standards.

#### **B. Program Admission**

The universities determine the courses and prerequisites that must be taken in order to receive a baccalaureate degree for a chosen program. Although all credits earned towards an A.A. degree will transfer to a university, not all credits may satisfy the program prerequisites or the course requirements for a baccalaureate degree. Therefore, it is important

to know the program requirements and to take as many courses as possible at the community college while completing the A.A. degree.

### **Limited Access Programs –**

Due to limited resources, some programs have additional admission requirements that are more restrictive than the university's general admission requirements. These requirements include one or more of the following: grade point average, test scores, prerequisite courses, auditions, portfolios.

A.A. graduates are not guaranteed admission into limited access programs but are guaranteed that:

1. The community college student will have the same opportunity to enroll in a university limited access program as the native university student.
2. Selection and enrollment criteria for a university limited access program will be established and published in catalogs, counseling manuals and appropriate publications. Notification of any changes in a program will include sufficient time for prospective students to have the opportunity to adjust to meet program criteria.

## **II. ADMISSION APPEALS**

As a general rule, if a student is denied admission to a university or a program at the university and wants to appeal, the appeal must be initiated at the University Admissions Office. Each university has established procedures for appealing admission denials. Those procedures must be published in the university catalog.

If a student is accepted into a university, but is denied admission to a program, the university must state the reasons for the denial. This is usually done in a letter from the dean of the college, school or department. Any request for further clarification on the part of student



should include:

1. A copy of the letter of denial;
2. A copy of the student's transcripts;
3. A copy of the page(s) from the counseling manual or catalog, outlining the program requirements; and,
4. A signed statement requesting a review of the denial.

*NOTE:* Students should keep a copy of all correspondence and a log of all telephone contacts. A copy of all of the above information should be forwarded to the University Admissions Office and the University Articulation Officer.

**Articulation Officers –** The University Articulation Officer is responsible for assisting the community college student seeking admission to a university. If assistance is needed with an appeal request or if it appears that a department is not complying with the statewide Articulation Agreement, the University Articulation Officer should be contacted. The Community College Articulation Officer is also responsible for assisting in the transfer of students to universities.

### **Appealing to the Articulation Coordinating Committee –**

All of the avenues available to the student at the institutional level should be pursued prior to appeal-

ing to the Articulation Coordinating Committee. The student should keep a copy of all correspondence and a log of all telephone contacts. If the denial is upheld at the university level and there is still a question of potential violation of the Articulation Agreement, the student may request a hearing before the Articulation Coordinating Committee (Florida Education Center, 722 Turlington Bldg., 325 W. Gaines St., Tallahassee, Florida 32399). The procedures for filing such an appeal with the Articulation Coordinating Committee are as follows:

1. The student submits a statement of the problem; a copy of the letter of denial from the university; a copy of the transcript in question; a copy of the page(s) from the catalog or counseling manual; and a request to have a hearing before the Articulation Coordinating Committee for purposes of adjudication.
2. All student appeals and policy concerns are reviewed by the Articulation Appeals Subcommittee, which then forwards its recommendation(s) to the Articulation Coordinating Committee. Issues not resolved by the subcommittee are sent to the full committee for resolution.
3. The Articulation Coordinating Committee and Articulation Appeals Subcommittee may request the appearance of representatives or statements from the receiving or sending institution to provide additional information or clarification on the issue.
4. A decision letter on the disposition of an appeal is written by the chair of the Articulation Coordinating Committee to the division directors and copies are simultaneously sent to all persons involved, including the student. The decision of the Articulation Coordinating Committee shall be final.



# ACADEMIC DISHONESTY

PROCEDURE 4035

## I. PURPOSE:

This procedure establishes a process for addressing charges of academic dishonesty in a manner that preserves the professional integrity of the faculty member as well as the due process rights of the student. Academic dishonesty includes the following actions, and those that are similar in nature, with respect to a student's academic performance.

- A. Cheating on an examination including unauthorized sharing of information;
- B. Collaborating with others in work to be presented, if contrary to the stated rules of the course;
- C. Plagiarizing, including the submission of others' ideas or papers (whether purchased, borrowed, or otherwise obtained) as one's own;
- D. Submitting, if contrary to the rules of a course, work previously presented in another course;
- E. Knowingly and intentionally assisting another student in any of the above actions, including assistance in an arrangement whereby any work, classroom performance, examination, or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed.

Some related actions of academic dishonesty, such as stealing examinations or course material and falsifying records, may be directly addressed through the *Student Disciplinary Procedure - Procedure 4030*.

## II. ACADEMIC DISHONESTY:

### DEFINITION OF SANCTIONS

Set forth below are levels of sanctions that may be imposed by the College for Academic Dishonesty:

A. Level I Sanctions – Possible sanctions to be imposed by the faculty member:

- 1. A prescriptive sanction of an academic nature (e.g. re-take test, re-submit assignment, and engage in additional coursework)
- 2. Change of grade on item in question (e.g., paper, test, class



- project)
- 3. Grade of "F" on item in question
- 4. A lower grade for the course

B. Level II Sanctions – Possible sanctions to be imposed by an Academic Hearing Committee:

- 1. Any Level I sanction
- 2. A grade of F for the course
- 3. Record a change from W to F for a course
- 4. Any of the remaining sanctions described in *College Procedure 4030, Student Disciplinary Procedure*, including suspension and dismissal.

## III. PROCEDURE:

### A. Preliminary Meetings

1. The faculty member shall meet with the student in a timely manner to inform the student of the alleged act(s) of academic dishonesty of which the student is accused. At that time, the student shall be notified of the College's Students' Rights and Responsibilities, which describes the College's procedure for addressing academic dishonesty. If there is an admission of guilt on the part of the student, the faculty member indicates the sanction(s)

he/she feels to be most appropriate. If a Level I sanction is imposed by the faculty member, and this is accepted by the student, the incident is considered closed and not subject to any further action.

2. If the student does not admit guilt, questions the severity of a Level I sanction, or if the faculty member suggests that the College impose a Level II sanction, a meeting is held within five business days which includes the student, the faculty member, and the department chairperson or equivalent academic manager. The department chairperson/ academic manager confirms that the student has knowledge of the Students' Rights and Responsibilities and the rights he/she possesses under the procedure.

If, at this meeting, agreement is reached as to the validity of the charge and/or the nature of the Level I sanction imposed by the faculty member, the incident is considered closed and not subject to further action.

If there is no agreement reached

with regard to the validity of the charge and/or nature of the Level I or II sanctions, the student shall be advised that a formal hearing may be requested before the campus Academic Hearing Committee.

### **B. Notice of Charge**

Upon receiving a recommendation of a Level II sanction from the department chairperson/academic manager or written request from the student for a formal hearing, the student dean schedules a meeting with the student to provide the student with written Notice of Charge, the nature of the hearing process, and of all the rights applicable to students in academic dishonesty cases.

Within three working days of receiving the Notice of Charge, the student shall deliver to the Student Dean's Office a plea of guilty or not guilty, by completing the appropriate section on the Notice of Charge and returning the Notice of Charge to the Student Dean's Office. If the student does not return the Notice, a plea of "not guilty" is entered, and a Hearing before the Academic Hearing Committee is scheduled.

### **C. The Academic Hearing Committee**

The Academic Hearing Committee (AHC) shall consist of the following individuals appointed by the campus president, upon the recommendation of the academic dean:

1. Two student members who shall be nominated by the Student Government Association;
2. Two faculty members nomi-



- ated by the academic dean;
3. Two academic administrators, one of whom shall be the hearing officer;
4. The dean of students shall serve as the AHC resource person for coordination of the committee's activities and maintenance of official records.

### **D. Hearing Process**

The hearing officer shall be responsible for coordinating and scheduling the AHC Hearing. The hearing officer shall preside over the hearing and shall be responsible for maintaining proper decorum and order, and ruling on admissibility of evidence. The hearing officer shall have the power to exclude any person who impedes or threatens to impede a fair and orderly hearing or who has no legitimate interest in the hearing. Subject to applicable laws, the hearing shall be closed to all persons not directly involved in the process; however, the student and faculty member may each have a nonparticipating observer present at the hearing.

The hearing officer and AHC members have the following responsibilities:

1. At the beginning of the hearing, the Hearing Officer shall briefly explain to the student and the fac-

ulty member the manner in which the hearing will be conducted.

2. To ensure, to the extent possible, that all questions asked and information offered are relevant. Questions as they pertain to the appropriateness of the sanctions should be included.

3. To ensure that the student has the right to examine all evidence, to testify, to present evidence and witnesses, and to hear and question all witnesses appearing and testifying against him/her. The student as well as the faculty member bringing the charge may each have a non-participating observer present.

4. To ensure that no statement against the student is considered by the committee unless the student has been advised during the hearing of its content, and of the name of the person who gave the statement, and unless the student has been given the opportunity to rebut inferences which might be drawn from this statement.

5. To ensure, to the extent possible, that all relevant evidence is introduced before the committee and that the decision is based solely upon the evidence.

6. To conduct the hearing in an orderly manner as set forth below:

- a. The hearing is to be conducted as follows:
  - 1) Introduction of the individuals present
  - 2) Explanation of the procedure of the hearing
  - 3) Explanation by the Hearing Officer of the charges
  - 4) Statement by the student and witnesses
  - 5) Statement by the faculty member and witnesses
  - 6) Questions by committee members to the student and/or the faculty member and/or witnesses
  - 7) Closed deliberations by the committee and a ballot vote. The hearing officer abstains

from voting except to break a tie.  
b. All proceedings of the AHC will be tape recorded, and any written statements or other exhibits will be preserved as part of the official record kept in the office of the student dean. These records will be kept in compliance with and for the duration described in the College *Policy I-25 - Policy Governing Records Retention*.

c. The student dean shall inform the student by certified mail of the Academic Hearing Committee's decision and shall provide copies to the faculty member and chairperson.

d. Within three working days of receipt of the certified mail notice, the student shall have the option to appeal in writing to the campus president, on the basis of severity of sanction and/or violation of the hearing procedures as established in College Procedure. The written appeal must contain a description of

the specific violations upon which the appeal is based, and/or they must contain a statement as to why the sanction is perceived to be too severe. After consideration of the appeal submitted by the student as well as the official record of the Academic Hearing Committee, the campus president shall issue a written determination either:

1. Affirming the action of the Academic Hearing Committee, or
  2. Remanding the matter to a new hearing officer for a new hearing before a different Academic Hearing Committee, or
  3. Reducing the penalty, or
  4. Dismissing the charge against the student.
- e. The decision of the campus president shall be final on the College's behalf. The student shall be notified in writing by certified mail of the campus president's decision.

### **E. Attempts to Avoid Penalty**

Students who have Level I or II sanctions recommended or imposed may not avoid penalty by withdrawing from the course or the College. Students who have withdrawn from the course or the College while in process need to be reinstated.

### **F. Hold on Re-Enrollment**

If a student has been notified of a hearing before the Academic Hearing Committee, and he/she fails to appear for the hearing, the student dean will place a hold on the student's future registration. This hold will prevent the student from re-enrolling at any of the Miami Dade College campuses. The College will notify the student in writing of this action.





## DISCIPLINARY PROCEDURES

PROCEDURE 4030

### **I. PURPOSE:**

All alleged student violations of the Code of Conduct of the College are referred to the Office of the Student Dean.

### **II. PROCEDURE:**

#### **A. Investigation**

A full investigation by the student dean of the alleged violation must be conducted. If the investigator questions the suspected student during the course of the investigation, the student must be informed prior to questioning, that he/she has the right to remain silent and that anything said may be used against him/her. The investigator may not coerce admissions of guilt from a suspected student or require the disclosure of information about the conduct of other suspected persons.

If the investigator believes that the facts of the case substantiate the allegations, the investigator will notify the student or make a reasonable attempt to notify the student in writing to appear at a specified time for a preliminary hearing (described below). Notice of this hearing will be given to the student or sent to the address last furnished by the student to the registrar. If a student does not have an excused absence and does not appear at the preliminary hearing, the student may be charged without a preliminary hearing. If during an investigation interview the student freely admits guilt of the reported violation, the Preliminary Hearing may take place at the time and the student can be charged at its conclusion.

#### **B. Preliminary Hearing**

At the preliminary hearing, the investigator will explain to the student the elements of due process afforded him/her:

1. Inform the student of the alleged violation(s) of which the student is accused.
2. Advise the student of the right to remain silent and that anything the student says may be used against him/her.
3. Advise the student that he/she can make any statements or explanations.
4. At the conclusion of the preliminary hearing, the investigator shall either: (a) advise the student that the matter is dismissed; or (b) advise the student that the College will charge him/her with violating the Code of Conduct.

If it is decided that the College will charge the student with violation(s) of a specific regulation(s) from the Code of Conduct, the investigator will personally present the student with the written charge(s) at the conclusion of the preliminary hearing.

If the student does not appear at his/her preliminary hearing, the charges may be sent to the last local address provided the registrar by the student, or the investigator may present the charges to the student by personal delivery. The mailing of the charges may be verified by a certified mail RETURN receipt requested or registered letter. If a student fails to receive the notification, a dean's hold will be placed on any subsequent registration until the matter is resolved.

#### **C. Formal Charging**

The Notice of Charges(s) should inform the student of:

1. The policy or regulation alleged to have been violated in sufficient detail to allow the student to prepare a defense.
2. The possibility of expulsion, suspension, or other disciplinary sanctions.
3. The right not to be compelled to testify against oneself.
4. The right to a hearing as established under these disciplinary procedures.
5. The right to examine the evidence and to cross-examine witnesses appearing and testifying against him/her and to offer witnesses and evidence in his/her behalf. Such evidence must be requested no less than 48 hours before the hearing.
6. The right of an advisor of his/her choice, at his/her own expense, acting in an advisory capacity only; the advisor may not speak. The name and address of the advisor shall be provided to the Student Dean's Office no later than 24 hours prior to a hearing. Only the charged student is allowed to speak at a College hearing.
7. The right to enter a plea of guilty or not guilty within three school days after the charging.
8. If the student fails to enter a plea within three (3) school days, a plea of not guilty will be entered and a hearing date will be set by the student dean.
9. The right to a closed hearing unless the student requests that it be open to the public, subject to applicable law.  
Procedure 4030
10. The right to waive a hear-

ing before a Campus Discipline Committee and have the student dean hear the case.

#### **D. Public Court Cases**

1. If a student is charged by public authorities with an act that is also a violation of a College policy or procedure, the College may charge the student after a preliminary hearing and stay its proceeding pending the outcome of the case. If the student cannot appear at the preliminary hearing, charges will be sent to the last local address provided to the College by the student. The verdict or finding in a public court shall be used as a finding of fact in the College's disciplinary proceeding for the violation of College policy.

2. A plea of guilty in the court by the charged student shall operate as a conclusive finding of guilty under these disciplinary proceedings even when adjudication of guilt is withheld.

This will not apply if the plea was entered to a charge based upon different facts than those needed to support charges pending at the College.

3. If a student is charged with an offense by public authorities, and the offense is made the basis of charges under these disciplinary procedures, the finding in court will be the same finding used at the College, even if the student pleads guilty to a lesser charge.

4. If no verdict or finding is established in court, the College may proceed with the case according to these disciplinary procedures.

5. If the student is found guilty in a public court based on the same or similar facts arising at the college, the College will immediately notify the student to appear before the student dean for a penalty assessment.

#### **E. Pleas**

Within three (3) school days after a student receives Notice of

Charge(s), the student shall deliver to the Student Dean's Office a plea of guilty or not guilty. The student may enter a plea by filling out the appropriate section on the Notice of Charge(s) and returning the notice to the Student Dean's Office. If a



student does not enter a plea within the prescribed three school days, the student shall be deemed to have pleaded not guilty. The following procedures shall apply for each of the available pleas:

1. Plea of guilty: If the student enters a plea of guilty, the penalty assessment phase shall proceed according to campus regulations.
2. Plea of not guilty: If the student enters, or is deemed to have entered a plea of not guilty, he/she shall have a right to an administrative hearing or an appearance before the Campus Discipline Committee. The hearing officer shall set the time and place for the hearing. The hearing should be held within 14 business days of the entry of a not guilty plea. The hearing officer may, at his/her own discretion, extend the date of the hearing. A student may waive his/her right to a Campus Discipline Committee hearing and have the case heard before a student dean.

Notwithstanding the terms herein, if a student is simultaneously charged in a public court proceeding with a similar matter, the College may stay a preliminary hearing pending the outcome of the public court case.

#### **F. Preliminary Matters**

The College shall provide witness and document list for the hearing no later than 48 hours prior to the hearing. The hearing officer shall have the right to determine the relevance of all material and witnesses to the hearing.

#### **G. Campus Discipline Committee**

This committee consists of the following members appointed by the campus president: two students (names submitted by the Student Government Association); two faculty members (names submitted by the academic dean); two administrators, one of whom shall be the student dean, or the dean's designee, and will serve as a hearing officer.

The hearing officer is charged with the responsibility for maintaining proper decorum and order, and may exclude any person who, in the hearing officer's opinion, has no legitimate interest in the hearing or whose conduct impedes or threatens to impede a fair and orderly hearing.

Each committee member shall have one vote. The hearing officer will vote only in the event of a tie vote.

If a student challenges the appointment of a committee member for cause because it is felt there may be a conflict of interest, the hearing officer shall have the right to make final judgement on the matter. The hearing officer shall have the right to excuse for cause any faculty or student member of the committee at any time, either upon the hearing officer's own initiative or at the request of the College or the charged student.

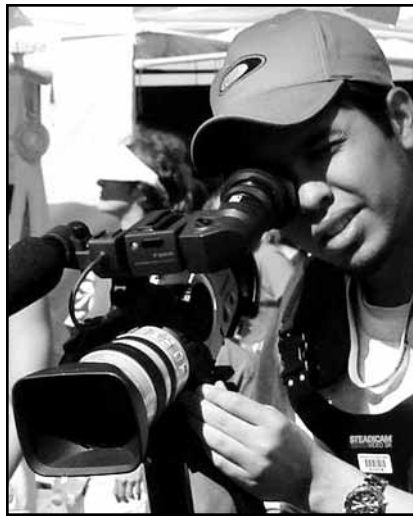
If a committee member is dismissed or is unable to continue to serve, an appropriate alternate will take the member's place. The hearing will continue and this individual will be brought current on

matters to date. The hearing officer shall attach in writing to the final record of the hearing the reasons for dismissing any member of the committee.

## H. Committee Responsibilities

The Campus Discipline Committee will have the following responsibilities during a hearing for a case in which a plea of not guilty has been entered:

1. At the beginning of the hearing, to briefly explain to the student the manner in which the hearing will be conducted and to apprise the student of the consequences of giving false testimony.
2. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of guilt or innocence in the fact-finding portion of the hearing, and, if the student is found guilty, that information of a mitigation plea nature is reserved for the penalty recommending portion of the hearing.
3. To ensure that the accused student will have the right to examine evidence, to testify and to present evidence and witnesses. The student will have the right to hear and question all witnesses appearing and testifying against him/her.
4. To ensure that no statements against the accused student are considered unless the student has been advised of their content and of the names of those who made them, and unless the student has been given the opportunity to rebut unfavorable inferences that might be drawn.
5. To ensure that all relevant evidence is introduced before the committee and that the decision of innocence or guilt will be based solely upon the evidence.
6. To ensure that the rules of evidence as contained in these procedures are upheld during the course of the hearing.
7. To conduct the hearing in the



following recommended manner and order:

- a. Introduction of participants
  - b. Reading of the charge(s) by the Hearing Officer and advising the charged student of the possible penalties
  - c. Student's response to charges
  - d. Investigator's summary report of allegations
  - e. Student's summary of defense to allegations
  - f. Introduction of College witnesses and/or exhibits with questions from panel, student charged, and investigator
  - g. Introduction of student's witnesses and/or exhibits with questions from committee, charged student and investigator
  - h. Questioning of investigator by charged student and committee
  - i. Questioning of charged student by investigator and committee
  - j. Closing statements by investigator and charged student.
8. At the conclusion of the fact-finding portion of the hearing, the hearing participants will be excused. Subject to applicable laws, the committee will consider the matter in a closed session based on the evidence presented and will make a determination as to the guilt or innocence of the student by majority vote. If the accused student admits guilt during the fact-finding portion of the hearing,

the committee will immediately go into the penalty-recommending portion of the hearing.

9. If there is a finding of guilt, the committee will inform the student of the finding and instruct the student that the penalty recommendation portion of the procedures allows the student, prior to the determination of the penalty to be recommended, the right to present any mitigating circumstances or other factors that may affect the penalty. After hearing the extenuating circumstances or other factors from the student and the investigator, the committee will consider the information presented, in closed session, render a recommendation as to a penalty, subject to applicable laws.

10. The student is informed that the recommended disciplinary action will be forwarded to the student dean, who will render the penalty decision. The student is instructed to make an appointment within three school days to receive the decision.

11. To compile for the Student Dean's Office a complete file of the case to include both an abstract and a verbatim record, such as a tape recording of the hearing, all written statements and exhibits utilized in the proceedings, and the committee's decisions and penalty recommendations.

A record of the committee's final decision will be made.

For purpose of appeal, the student alone shall have access to the record of the hearing, which must remain in the Student Dean's Office. The record of the hearing shall be available. Appeal is filed subject to applicable laws.

## I. Administrative Hearings

A student may elect to waive a hearing before the Campus Discipline Committee and have a hearing before the Student Dean. The same elements of due process as are

applicable to Campus Discipline Committee hearings shall apply. If the student dean finds the accused student guilty, the penalty portion of the hearing will begin. Otherwise, at the conclusion of the hearing, the student is instructed to make an appointment with the student dean within three school days to receive a decision of guilt or innocence. If the student is found guilty, he/she shall have the right to appear before the student dean who is hearing the case to present any mitigating circumstances or other factors that may affect the penalty.

#### **J. Effective Dates of Penalties**

Unless the student dean who delivers the penalty specifically states otherwise, all penalties shall be effective as of the date of the commission of the offense, even though the student may have attended classes and/or taken examinations during the interim.

#### **K. Burden of Proof**

The College shall have the burden of proving the student's guilt by a preponderance of the evidence.

#### **L. Evidence at Hearings**

The hearing officer may exclude evidence that is deemed to be irrelevant, immaterial, repetitious, incompetent, or untrustworthy in nature, and take other appropriate action to facilitate the orderly conduct of a fair hearing and a full and true disclosure of the facts.

#### **M. Hearing in Absentia**

If the student, after due notice, does not appear at the hearing, he/ she can be tried in absentia. The College must meet the burden of proof before guilt can be found.

#### **N. Hold On Re-Enrollment**

If a student has been formally notified that he/she has an appointment for an investigatory meeting or if the student has been charged with

a violation of College regulations as contained in the Code of Conduct and he/she fails to appear thereafter, either because of withdrawal from the College or for failure to complete the last term of enrollment, the Student Dean will place a hold on the student's future registration. This hold will prevent the student from re-enrolling at any of the Miami Dade campuses. The College will notify the student in writing of this action, request that the student appear at the College to rectify the matter, and inform the student that he/she is not in good standing with the College.

#### **O. Confidentiality of Hearings and Deliberations**



Subject to applicable laws, the proceedings of the Campus Discipline Committee shall be regarded as confidential and no record of the proceedings shall be kept other than that of the abstract and verbatim record which is retained by the Student Dean's Office. The deliberations of the committee as to innocence or guilt or the discussion as to the recommended penalty are regarded as confidential and no other participants in the case shall be present during these deliberations. No record shall be made of the discussion or vote in these deliberations. Where a not-guilty finding occurs, all records of the charges and proceedings shall be destroyed.

#### **P. Postponements**

The Campus Discipline Committee may postpone and/or recess a case if necessary and at the request of the committee or other parties involved in the case.

#### **Q. Procedures Not Specifically Provided Herein**

Additional procedures may be implemented by the Campus Discipline Committee provided that such additions are not precluded in these procedures and would serve to arrive at a full and true disclosure of facts.

#### **R. Temporary Suspension**

The student dean may temporarily suspend any student when: (1) the student is ordered by an administrator, officer or faculty member to cease and desist any activity that disrupts the orderly operation of the College; (2) the student persists in activity that is disruptive after receiving the warning and order, and the disruptive activity still constitutes a threat to the orderly operation of the College; and (3) for reasons relating to the physical or emotional safety and well-being of the student, other students, faculty or College property. The student dean shall decide on evidence

seen or reported that the activity disrupts the orderly operation of the College or is a clear and present danger or impinges upon or invades the rights of others in the College community.

When a student is temporarily suspended as a result of a charge against him/her, he/she shall be entitled to petition the campus president for a hearing after five school days following the original order of suspension. Within five school days of receipt of the request, the campus president must hear the student. The jurisdiction of the campus president in the matter of the temporary suspension is limited to the question of whether or not the suspen-

sion shall continue until a hearing is held on the merits of the case that caused the temporary suspension. If a hearing is not held within three school days as provided herein, the temporary suspension shall be automatically lifted, provided the delay is not caused by the student. In the case of a student who is temporarily suspended and subsequently found innocent, he/she shall be allowed to make up, without prejudice, any class work or examinations missed because of suspension.

## S. Disciplinary Sanctions

1. Community Service – Disciplinary sanction that requires a student to complete mandatory campus community service hours, as designated by the student dean or Campus Discipline Committee.

2. Restriction or Revocation of Privileges – Temporary or permanent loss of privileges, including, but not limited to, the use of a particular College facility or parking privileges.

3. Restitution - Reimbursement for damage to, or misappropriation of, property of the College or other persons. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages as directed by the student dean.

4. Final Disciplinary Probation – A disciplinary sanction serving notice to a student that his/her behavior is in flagrant violation of the College standards under which the following conditions exist:

- a. The sanction is for the remainder of the student's attendance at the College.
- b. Another conviction of a violation of the College Code of Conduct will result in the Imposition of the minimum sanction of suspension.

5. Disciplinary Probation – A disciplinary sanction serving notice to a student that his/her behavior is in serious violation of College standards and that continued



enrollment depends upon the maintenance of satisfactory citizenship during the period of probation. A time period is indicated for this probation. Students will be released from the disciplinary probation status after the specified time period has elapsed.

6. Disciplinary Censure – A disciplinary Sanction serving notice to a student That his/her behavior has not met College standards. This sanction remains in effect for the duration of one complete term. Future violations of the College Code of Conduct, if occurring while Disciplinary Censure is in effect, could result in more serious disciplinary sanctions.

7. Temporary Suspension – Action taken by the student dean that requires a student's temporary separation from the College. The campus president shall determine whether or not the suspension shall continue until a hearing is held on the merits of the case that caused the temporary suspension.

A student on temporary suspension is barred from visiting privileges and class attendance at any of the campuses of Miami Dade College.

8. Suspension – Mandatory separa-

tion from the College for a period of time as specified in the order of suspension. A student who has been suspended is barred from enrolling at, or visiting, any of the campuses of Miami Dade College during the suspension. Students may re-enroll at the College when the suspension order has elapsed.

9. Dismissal – Mandatory separation from the College with no promise of future readmission. An application for readmission will not be considered until such time as specified in the order of dismissal has elapsed. Readmission is subject to the approval of the campus president. A student who

has been dismissed is barred from enrolling at, or visiting, any of the campuses of Miami Dade College.

10. Other Appropriate Action – Disciplinary action not specifically set out above but deemed proper and imposed by the student dean. These actions are deemed to be in support of more severe actions such as dismissal, suspension, final disciplinary probation, disciplinary probation and disciplinary censure.

## T. Retention of Disciplinary Records

Disciplinary records of students are kept in a secure place by the student dean. The procedures followed are in accordance with federal and state regulations pertaining to the destruction of records (*Procedure 4085 – Release of Student Information and Procedure 4088 – Destruction and Expunction of Student Records*).

## U. Appeals

A student found guilty of, or who pleads guilty to, an offense and has been sentenced by the student dean shall have the option to appeal on the basis of severity of penalty and/or violation of the student's rights

as contained in these procedures within three school days of the sentencing. Any such appeal must be made no later than ten (10) days after issuance of the findings. All appeals will be taken before the campus president or his/her designee. Appeals must be made in writing and must contain a description of the specific errors upon which the appeal is based, or they must contain a statement that the penalty is too severe. Appeals in cases involving guilty pleas shall not place at issue any issue of fact or law previously settled by the guilty finding. Appeals in cases involving public court guilty pleas shall not place at issue any established fact of law ruled upon by the public court.

The campus president will set a time and place for a hearing on the points raised by the appeal if a hearing is requested in the written appeal. After consideration of the facts presented by the student and the College, the campus president shall issue a written determination either:

1. Affirming the action of the Campus Discipline Committee and/or the student dean, or
2. Remanding the matter to a new hearing officer for a new hearing before a different Campus Discipline Committee, or
3. Reducing the penalty, or
4. Dismissing the charge(s) against the student.

## **V. Final Appeals**

Determinations by the campus president or his/her designee is final on behalf of the College, and may not be further appealed.

## **W. Administration of Discipline When Committee is Not in Operation**

Whenever the Campus Discipline Committee is not in operation, such as during vacation or examination periods, and there is a not-guilty plea during that time, the case will be referred to the student dean for adjudication.





# STUDENT APPEAL OF GRADES

PROCEDURE 8301

## I. PURPOSE:

To establish an orderly process for a student to appeal an assigned course grade in cases where the student challenges the equity of the grade.

## II. INTRODUCTION:

The responsibility for academic evaluation and the assignment of grades is that of the faculty member who has been assigned responsibility for a course. When any student believes that he/she has not been evaluated as prescribed in the course syllabus, an avenue of appeal must be provided. The Student Bill of Rights guarantees that students will have protection, through orderly procedures, against unfair academic evaluation. The basic position of the College is that decisions by any individual are subject to review. This procedure for appeal of grades is consistent with that position. It is set forth to ensure that both students and faculty will be aware of the processes that are to be followed when a course grade is challenged.

## III. PROCEDURE:

### A. Specifying the Grading and Evaluation Process

1. At the outset of the course, the faculty member has the responsibility to make clear to students the grading and evaluation process that will be employed; this process will be stated in writing in the course syllabus.
2. If the student is unclear concerning any portion of the stated evaluation and grading process, it is the responsibility of the student to seek further clarification at that time.
3. Should any misunderstanding or disagreement arise regarding grades

assigned in any portion of the work, the student should seek clarification with the instructor at once rather than waiting for the end of the term and the final grade.

4. For situations with extenuating circumstances in which the student was unable to officially withdraw from a course by the appropriate deadline, *Procedure 4018, Student Petitions Committee*, specifies how the student may submit a written petition to the campus Petitions Committee for a grade change to "W." For specified events occurring after the midpoint of the term (illness or injury, involuntary work change, jury duty, etc.), the student may petition for a "WN" withdrawal without refund. In no instance is the Petitions Committee authorized to deal with grade changes that question the professional judgment by the faculty member of the student's performance in the course.

### B. Appeal Process

1. Informal – When a student believes that he/she has not been graded according to the grading and evaluation process stated in the course syllabus, the first step is to informally appeal the grade through academic channels: first to the faculty member; if unresolved, to the chairperson, and only then to the associate dean/school director.

The administrator(s) to whom the student has informally appealed should solicit information from the faculty member prior to making a recommendation. If after discussing the student's informal appeal, the administrator believes that the grade should be changed, the recommendation will be made to the faculty member. If the

faculty member still believes the grade should stand, the student will be informed by the last administrator to whom the informal appeal has been made. The student has the option to file a formal grade appeal.

2. Formal – A formal grade appeal must be filed by the end of the next major term following the assignment of the grade. Once a student has initiated a formal appeal, only the student can elect to terminate the process before a final decision has been reached by the committee.

To appeal an assigned course grade formally, the student must: obtain a Grade Appeal Application Form ("application") from the Academic Dean's Office, complete it, attach relevant documentation, and return the application and attachments to the Academic Dean's Office.

The Academic Dean's Office submits the application and attachments to the faculty member who assigned the grade in question. If the faculty member is not available to receive the application (on leave, retired, etc.), it should be submitted to the department chairperson ("chairperson") who will attempt to obtain a response from the absent faculty member. If a faculty response is not obtainable, the chairperson will respond on behalf of the faculty member using documentation the department has on file.

The faculty member has five working days, from the date in which the application and attachments were received by the Academic Dean's Office, to respond in writing to the application. This response will be communicated to the student by the chairperson.

If the student is not satisfied with the faculty member's response or if the faculty member does not respond within the five working days from the date in which the application and attachments were received by the Academic Dean's Office, the student may continue by formally appealing the grade to the chairperson. This appeal to the chairperson must be made within five working days of the faculty member's response or failure to respond.

The chairperson responds in writing to the student's appeal on the application Form and submits it and the attachments to the associate dean or school director within five working days from the date of receipt of the application and attachments from the faculty member.

The associate dean or school director responds in writing to the student's appeal on the application Form and submits it and the attachments to the Academic Dean's Office within five working days from the date of receipt of the application and attachments from the chairperson.

Once the Academic Dean's Office receives the application with the appropriate signatures, the office requests a hearing officer to convene the committee within 10 working days from the date in which the application and attachments were received and provides the completed application and all attachments.

The academic dean may extend any of the timelines specified above if there are extenuating circumstances that make this necessary.

The Academic Dean's Office will notify the student of the hearing date by certified mail.

### **C. Grade Review Committee**

Each campus will have a Grade Review Committee, which makes final decisions concerning grade appeals on behalf of the College. The committee will be comprised

of: three full-time faculty members, two administrators, including a hearing officer, and two students.

An administrator appointed by the academic dean will serve as hearing officer. This individual assures that the appeal is carried out according to College Procedure and does not vote unless to break a tie vote.

The Grade Review Committee may be a standing committee, a standing committee that draws from a pool of prospective members, or an ad hoc committee to hear a specific appeal. In any case, the administrator and faculty are appointed by the campus president; the students are appointed by the student dean.

### **D. Grade Appeal Hearing**

A list of witnesses, if any, must be submitted by the student and faculty member to the hearing officer at least three working days prior to the hearing date. The hearing office will approve witnesses based on the relevancy of their information to the appeal. Witnesses must accommodate the committee's schedule, and participation in the hearing is limited to their testimony.

At least one working day prior to the hearing, the student and faculty member will receive from the Academic Dean's Office copies of all documentation that will be considered at the hearing, including the application, attachments and list of witnesses. No further written documentation will be considered by the committee during the hearing.

The faculty member and student may each have one observer present at the hearing; this individual does not participate in the hearing. Observers must accommodate the committee's schedule. The student, faculty member and observers are allowed to be present throughout the hearing.

If the faculty member or student fails to appear at the hearing when scheduled, the hearing officer, unless aware of extreme circumstances, will hold the hearing with those present.

The hearing is conducted as follows:

- a. Introductions and instructions by the hearing officer
- b. Student presentation
- c. Presentation by student's witness(es) and questions by committee members
- d. Faculty member presentation
- f. Presentation by faculty member's witness(es) and questions by committee members
- g. Question and answer period conducted by the hearing officer
- h. Closed deliberation by committee members only (this excludes the student, faculty member and any observers) and vote by secret ballot; a tie vote will be broken by the hearing officer.

The decision of the majority of committee members is communicated as soon as possible, within five working days after the hearing is concluded, provided there are no extenuating circumstances. The decision shall be written on part IV of the application and disseminated to all parties: the student (by certified mail), the faculty member, and academic administrators. The committee's decision is final and not subject to further appeal within the College.

If the committee votes in favor of the student, a grade change form will be generated by the hearing officer and co-signed by the academic dean.

The Application and all attachments submitted to the committee will be retained in the Academic Dean's Office.



## STUDENT PETITIONS

PROCEDURE 4018

### I. PURPOSE:

The student petitions process only considers written petitions from students who are requesting exceptions. This procedure applies to a student requesting a grade change to a non-punitive withdrawal (“WN”) without refund or an administrative withdrawal (“WA”) with a 100 percent refund in one of the following categories due to extenuating circumstances:

1. A request for a grade change from “F” or “W” to “WN” without refund.
2. A request for a 100 percent refund (“WA”) where the student has received an “F” or a “W” and where there are extenuating circumstances that occurred after the 100 percent refund date but before the midpoint of the term as defined in the College’s Academic Calendar (*Policy I-33*).

Documentable extenuating circumstances shall be defined as follows:

- a. Illness/Injury to the student or immediate family member.
- b. Involuntary work schedule change or transfer.
- c. Death of a member of the student’s immediate family.
- d. Jury duty or direct involvement by the student with a current legal action.

### II. PROCEDURE:

Set forth below is the process for filing a petition.

#### A. Time frame for Filing a Petition

All petitions must be filed no later than the end of the next major term following the term for which the

petition is submitted. Major terms are fall and spring. All petitions must be submitted on the College’s standard petition form which is available in the Student Dean’s Office. The student dean may in appropriate circumstances grant an exception to the deadline for filing the petition.

#### B. Operating Procedures

The College has established operating procedures for the Petitions Committee. They are as follows:

Students must submit completed petitions to the Student Dean’s Office or designee, as applicable, on the petition form described under Item “A.” above. The dean’s office will maintain a petition and appeal log and will prepare petition packages to be reviewed by the Petitions Committee.

The Petitions Committee, consisting of an administrator, staff member and faculty member, appointed by the campus president or designee, will meet as needed to review petitions. The Petitions Committee will make every effort to respond to petitions within four (4) to six (6) weeks. The committee chair, assigned by the student dean, will serve as an advisor and will ensure that all petitions are approved or denied based on (*Policy IV-35*.) The committee must provide a reason(s) for denying petitions.

The Petition Committee Chair will provide written notification to the student regarding the committee’s decision. All approved petitions along with the necessary documentation will be forwarded to the Office of Admissions and Registration for processing.

The Financial Aid Office will be

notified of results of the approved petitions in order to make financial adjustments, which may require repayments to the College on the behalf of financial aid recipients.

Guidelines for student appeal of grades other than those listed above are provided in *Procedure 8301 – Student Appeal of Grades* (see page 27).

#### C. Petition Review

In appropriate circumstances, the student dean is authorized to make exceptions to the financial and academic procedures of the College without a formal committee process, subject to applicable laws.

#### D. Appeals

Decisions of the designee or the Petitions Committee may be appealed to the Student Dean’s Office where the petition was filed. The appeal must be in writing, and submitted within 30 calendar days of the Petitions Committee decision. The decision of the dean shall be final on behalf of the College and is not subject to further appeal.





# DISCRIMINATION AND HARASSMENT GRIEVANCE PROCESS

PROCEDURE 1665

## **I. PURPOSE:**

To provide a grievance procedure for students, employees, or applicants for admission or employment alleging discrimination or harassment based upon sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetics information. All supervisory and administrative personnel, faculty and staff are expected to become familiar with this Procedure and to assist the College and a complainant whenever instances of discrimination or harassment, as described in this procedure, are observed or reported. The College's Office of Equal Opportunity Programs/ADA Coordinator (OEOP/ADA) serves as the College's Primary resource on all matters relating to discrimination and harassment.

## **II. DEFINITIONS:**

### **A. Discrimination:**

Adverse treatment based on an individual's sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetics information.

### **B. Harassment:**

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

1. *Quid Pro Quo* Harassment consists of unwelcome conduct when:

a. 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

b. submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment, employment decisions, or academic advancement.

### 2. Hostile Environment

Harassment consists of unwelcome conduct when:

a. such conduct has the effect of unreasonably interfering with an individual's work or academic performance, or

b. such conduct has the effect of creating an intimidating, hostile or offensive working or learning environment.

### **C. Retaliation:**

Conduct causing any interference, coercion, restraint or reprisal against a person complaining of discrimination or harassment or participating in the resolution of a complaint of discrimination or harassment.

### **D. 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 same gender, directed at an employee, student or applicant by another when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational career;

2. submission to or rejection of such conduct is used as a basis for employment and/or educational decisions affecting the individual; or

3. 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.

4. Amorous relationships: The College strongly discourages amorous relationships, whether consensual or not, between employees who supervise students; between faculty members and students in their classes; and between supervisors and subordinates. In recognition of interests in privacy and free association, the College does not prohibit fully consensual amorous relationships. However, members of the College who hold positions of authority should avoid actions that can be considered sexual harassment. Even an apparently consensual amorous relationship may lead to sexual harassment or other breaches of professional obligations if one of the individuals in the relationship has a professional responsibility toward or is in a position of authority with respect to the other, such as in the context of instruction, advisement, or supervision. Due to the difference in authority, there may be the appearance of favoritism and it may be difficult to assure that the relationship is truly consensual. If involved in an amorous relationship with someone over whom he or she has supervisory authority, the individual must remove him or herself from any participation in recommendations or decisions affecting evaluation, employment conditions, instruction, or the academic status of the other person in the relationship, and must inform his

or her immediate supervisor. The supervisor informed of the amorous relationship will document such and will take appropriate action to comply with the provisions of this section.

### **III. PROCEDURE:**

Any Miami Dade College employee, student, applicant for admission or employment or other participant in the College's programs or activities who believes he or she has been unlawfully harassed or discriminated against on the basis of sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetics information is urged to communicate that information to an appropriate College official, as more fully described below.

**ALL COLLEGE EMPLOYEES ARE EXPECTED TO REPORT ANY HARASSMENT OR DISCRIMINATION THAT THEY OBSERVE, HAVE HEARD ABOUT, OR BELIEVE MAY BE OCCURRING.**

**A.** All complaints must be in writing and on the "Complaint Form," which may be obtained from the OEOP/ADA or from the College's Web site ([www.mdc.edu](http://www.mdc.edu)) and be filed in a timely manner within 30 days after the occurrence of the most recent allegedly discriminatory act. At the discretion of OEOP/ADA, the date may be extended due to extenuating circumstances. In addition to or instead of filing with OEOP/ADA, the complainant may file a formal charge of discrimination with a state or federal agency authorized by law to receive such claims.

**B.** The complaint should include the complainant's name and signature; describe the act or acts complained of; identify the person or persons purportedly responsible (the "Respondent"); and indicate

the date(s) or approximate date(s) on which the act or acts occurred. The complaint should also include names, addresses, and phone numbers of potential witnesses; the effect the alleged acts have had on the complainant; complainant's desired resolution; and any other information the complainant believes is relevant.

### **C. Initial Contact and Filing of Complaint**

1. If the matter involves a student, whether as a complainant or a respondent, the Office of the Dean of Students of each campus or a designee of his or her professional staff ("collectively referred to in this procedure as the "dean's office") shall be the initial point of contact. This office must provide assistance and support, respond to inquiries and provide general information regarding discrimination issues. This office must also provide a copy of the official complaint to the OEOP/ADA. The dean's office shall also describe the discrimination complaint process to the complainant; review information relative to the complaint; and schedule any meetings or hearings requested or required by this Procedure. If a complainant cannot



state a sufficient basis in fact or law to support a discrimination or harassment claim, the dean's office shall attempt to assist the complainant with selecting a more appropriate internal means of resolving the specific complaint.

2. If the matter involves a complainant between employees or an applicant, the OEOP/ADA shall be the initial point of contact. The OEOP/ADA will provide assistance and support, respond to inquiries and provide general information regarding discrimination issues. The OEOP/ADA shall also describe the discrimination complaint process to the complainant; review information relative to the complaint; and schedule any meetings or hearings requested or required by this Procedure. If a complainant cannot state a sufficient basis in fact or law to support a discrimination or harassment claim, the OEOP/ADA shall attempt to assist the complainant with selecting a more appropriate internal means of resolving the specific complaint.

### **D. Informal Resolution of Complaint**

Complainants are encouraged, where appropriate, to attempt initially to resolve complaints by informal resolution. The informal resolution process is an attempt to resolve complaints quickly and to the satisfaction of all parties, while protecting confidentiality to the extent authorized by law. OEOP/ADA will be available to provide assistance to the employment unit or academic department in order to resolve the complaint. If the complaint cannot be resolved through the informal resolution process, a formal complaint may be filed as outlined in this procedure. The informal resolution process shall be handled by the following offices:

1. In cases where the complainant is a student, an applicant for admission, or the complaint involves a

student as respondent: the Office of the Dean of Students;

2. In cases where the complainant is an employee, the office of the campus president, district vice provost, College provost, or designee (collectively referred to in this procedure as the “Area Head”) or the OEOP/ADA;

3. In cases where the complainant is an applicant for employment, the OEOP/ADA.

No later than ten (10) working days after the filing of the complaint, the appropriate office, as referred above, will meet separately with the complainant and respondent to determine the factual allegations on which the complaint is based and to discuss the complaint procedures. If it is determined that the complaint is suitable for informal resolution, that option will be discussed and offered to the complainant and the respondent, who will be given five (5) working days to decide whether to proceed with informal resolution. If the complaint is deemed by the appropriate office to be unsuitable for informal resolution, or if either party declines to participate in or to make a decision regarding informal resolution, OEOP/ADA will conduct an investigation. At any time during the informal resolution process, both parties may elect to terminate the process, and the complaint will then be investigated by OEOP/ADA. OEOP/ADA reserves the right not to proceed with an investigation if it determines that during the informal resolution process a complainant was offered and refused all of the relief to which he or she would be entitled. Generally, OEOP/ADA will not involve any person other than the complainant and respondent in the informal resolution process, except as it may be necessary to consult with appropriate College officials regarding College policies and procedures. Informal resolution should be completed no later than thirty

(30) days after the complainant and the respondent have agreed to this process. If the complaint is successfully resolved, each party will sign an “Informal Resolution Form,” prepared by OEOP/ADA, which describes fully the agreed-upon terms. A copy of the complaint and the Informal Resolution Form will be available to the complainant, the respondent and the appropriate area head as defined in this procedure.

#### **E. Formal Complaint Process**

If it is determined by the appropriate office that informal resolution is not appropriate, or it is not agreed to by both parties OEOP/ADA will conduct an investigation. As a condition of employment, employees of the College are required to cooperate with these types of investigations by providing truthful and complete information. It is the College’s expectation that the employee will answer all questions and provide any knowledge he or she possesses that may be helpful to the inquiry. Employees, who refuse to answer questions related to their employment, are subject to discipline, up to and including termination of employment. The investigation will include, but not be limited to:

1. Interviews with material persons who may have relevant information;
2. Reviewing relevant files and records such as personnel files, departmental and/or unit files, and others;
3. Comparing the treatment of complainant to that of others similarly situated in the department or unit; and
4. Reviewing applicable policies and practices.

The investigation shall be concluded within sixty (60) working days of its inception, and OEOP/ADA shall issue a written report making findings of fact and any appropriate recommendations as to whether or not a policy violation is substantiated



or has been substantiated. Copies of the report will be provided to the complainant, the respondent, and the appropriate Campus president/District Vice Provost, Vice Provost for the Division of Human Resources or College Provost. Confidentiality of the investigation shall be maintained to the extent authorized by law.

If OEOP/ADA concludes that the complainant’s allegations are substantiated, the report will recommend that a directive be issued to stop the discriminatory practice, if it is ongoing; recommend disciplinary or other corrective action against the respondent and others; and, if appropriate, recommend provisions for the complainant, such as reinstatement, hiring, reassignment, promotion, training, back pay, or other compensation or benefits.

The appropriate Area Head will make a determination, upon review of the OEOP/ADA’s report, consultation with the Dean of Students, the Vice provost for the Division of Human Resources, and any other appropriate department head; and upon consideration of any other relevant information, including aggravating or mitigating circumstances, whether disciplinary action

is warranted. If the Area Head determines that disciplinary action should be initiated, then, consistent with due process requirements, the respondent will be notified of such determination, in accordance with applicable Florida Board of Education and College policies and procedures, collective bargaining agreements and the Code of Student Conduct. All appropriate disciplinary procedures as provided for therein will be followed.

The OEOP/ADA will notify the complainant and the respondent of the results of the investigation and subsequent disciplinary or other corrective Action taken, if any, to the extent allowed by laws. If OEOP/ADA concludes that the complainant's allegations are not substantiated, the OEOP report may, if appropriate recommend reasonable steps to restore the reputation of the respondent. The OEOP/ADA will notify the respondent of the results of the investigation when

no policy violation is found and not further action planned. The OEOP/ADA report represents the final disposition on the part of the College.

**F. Other Provisions:**

**A.** Employees and students may be accountable for discrimination or harassment under applicable local, state and federal law as well as under College policies. The College, at its sole discretion, may elect to proceed or may elect to stay disciplinary action while other agency proceedings, either civil or criminal in nature, are pending. College disciplinary action will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

**B.** The College prohibits retaliation Against employees, students, and Applicants who file complaints of Discrimination or harassment.

**C.** This procedure does not eliminate other College policies authorizing individual employees to seek

relief through established administrative channels to the college president; however, the aggrieved employee may select only one internal process for the purpose of resolving any one complaint alleging discrimination or harassment. The employee's use of these processes may be terminated at any level, if the complaint has been mutually resolved, or, if the employee concurrently seeks relief through sources external to the College. The matter shall be concluded if the complaint is resolved internally or externally.

**D.** Employees who wish to file complaints external to the College may contact the Equal Employment Opportunity Commission (EEOC) at One Biscayne Tower, 2 South, Biscayne Blvd., Suite 2700, Miami, Florida 33131.

**E.** Students who wish to file complaints external to the College may contact the U.S. Department of Education, Office For Civil Rights at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).









## ACCOMMODATIONS PROVIDED FOR STUDENTS WITH DISABILITIES

PROCEDURE 4055

To provide general information and guidelines concerning the accommodations available for students with disabilities, including the granting of substitutions, modifications, or waivers of requirements for admission or graduation for students with disabilities.

### A. Responsibility for Development and Implementation –

Responsibility for the development and implementation of College Procedures to comply with the provisions of Policy I 21 relating to students with disabilities will reside with the District Office of Education, working in cooperation with the director of equal opportunity programs, academic deans, student deans, and ACCESS directors (also known as Coordinators of Services to Students with Disabilities). ACCESS directors are available at each campus.

### B. Definitions of Disabilities –

Disabilities may include but are not limited to physical disability, hearing impairment, visual impairment, and specific learning disabilities including reading or writing disorders, speech or language disorders, mathematics disorders, or other cognitive processing or attention disorders (e.g. non-verbal learning disability, attention deficit hyperactivity disorder). Learning disabilities may be developmental (i.e., inherited or congenital), secondary to a neurological disorder, or acquired

through trauma (e.g. head injury).

While the College is guided by the definitions that follow, the legal authority of the provision of services clearly requires that the institution be concerned with the functional limitations that inhibit student performance.



The definitions provided in *State Board of Education Rule 6A 10.041, Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges,*

*and Postsecondary Vocational Institutions informed and extended by definitions contained in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990* for persons with disabilities shall be applied for determining student eligibility to submit a request for substitution, modification, or waiver of any college requirements for admission or graduation.

#### 1. **Hearing impairment:**

A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000 Hz, ANSI, unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone-hearing loss of deafness, and acoustic trauma hearing loss or deafness.

#### 2. **Visual impairment:**

Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, peripheral field so constricted that it affects one's ability to function in an educational setting, or a progressive loss of vision that may affect one's ability to function in an educational setting. Examples include, but are not limited to, cata-

racts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.

#### 3. **Specific learning disability:**

A disorder in one or

more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological process. Such disorders do not include learning problems, which are due primarily to visual, hearing, or motor dysfunctions, to mental retardation, to emotional disturbance, or to an environmental deprivation.

**C. Identification of Disabilities for Eligible Students** – The campus ACCESS directors will serve as the primary contact point for persons who may qualify under the terms of this procedure (see attachment A “Guidelines and Criteria”). Students with disabilities are asked to self-identify as they register for classes. Students may also be referred by faculty or may make direct contact with the campus ACCESS Department, where they are asked to complete a form, which indicates their disability, which is required by the state auxiliary learning aids regulations. In addition, they will be asked to supply appropriate documentation to verify the disability.

Depending on the disability, documentation must be sent from a licensed or certified professional such as a medical doctor, neurologist, audiologist, psychologist, education specialist, or other health care specialist and must include a written statement of the disability (identifying the instruments used), and professional interpretation of testing results. Such documentation of a disability may include, but is not limited to, a physician’s statement, vocational rehabilitation records, or public school records.

Students seeking a course substi-



tion or a CLAST Waiver and who have learning disabilities should have a psycho-educational or neuropsychological evaluation not older than three years, which includes a battery of generally accepted, current, and well-standardized assessment tests including IQ, comprehensive academic achievement, and cognitive processing tests. (See, Access Director for “Guidelines & Criteria.”)

The College may seek the advice of a qualified outside consultant regarding review of documentation, to validate a disability and the need for accommodation, whenever appropriate. At the College’s option, the student may be required to obtain a second opinion if the documentation does not support the “disability” claim of the student. In addition, the College reserves the right to refer the student to a designated professional for a new evaluation at the College’s expense.

**D. Maintaining Confidentiality** – Student records will be maintained securely at all times. Only designated ACCESS Department staff and their supervisors shall have access to documentation of disability. Student data entered in Odyssey under

Disability screens will be accessible only to those College personnel designated by each campus ACCESS director. At all stages in the process of requesting accommodations, College staff will maintain its confidentiality. At the discretion of the ACCESS director and upon the request of the student, parent or guardian if the student is a dependent student as defined in Title 26 U.S.C. s. 152 of the Internal Revenue Code or has legally appointed guardian, sensitive information in the documentation may be excluded in the course substitution or CLAST Waiver review processes if it is not related to the disability condition prompting the substitution or waiver.

**E. Admission to Programs** – As a College with an “open door” admissions policy, Miami Dade College provides equal educational opportunity for every individual. Applicants with disabilities are provided with appropriate testing accommodations on the basic skills assessment tests. The academic and technical standards required for acceptance to a particular program or for participation in a specific activity shall be carefully studied and documented by the program manager to provide reasonable access for all students with disabilities.

The College will provide reasonable instructional support services as well as substitution, modification, or waiver of any requirement for admission or graduation for any student with a documented disability which substantially impairs that person’s visual, auditory, manual or speaking abilities, or who has a learning disability as recognized by the State Board of Education Rules or ADA (a) where documentation can be provided that the student’s failure to meet the requirement is related to the disability, and (b) where the failure to meet the requirement does not constitute a

fundamental alteration of the nature of the program of study. A student need not be admitted to a program (a) where the College can demonstrate undue hardship in the provision of the modifications, or (b) where the student, even if modifications are made, poses a direct threat to the health or safety of students, staff or others.

**F. Identification of Instructional Support Services, Reasonable Course Substitutions, CLAST/TABE Waivers or Formal Program Modifications** – Appropriate instructional support services are offered for students with a documented disability. Such auxiliary aid assistance must be arranged through

the campus ACCESS Department. Course modifications (e.g. additional time on tests, oral versus written tests, etc.) and other forms of special assistance will be provided for students based on the appropriate documentation. Before course substitutions are considered, students will be expected to demonstrate and establish that they made at least one valid

attempt to complete the course requirement while receiving services from the campus ACCESS Department. However, in those situations where special course modifications and accommodations are not sufficient to permit the student with a disability to successfully complete the requirement, course substitutions may be requested

through the campus ACCESS Department.

The campus ACCESS directors, working in conjunction with the Discipline Committee conveners and academic deans will be responsible for maintaining, reviewing, and updating the recommended course substitutions list (see, ACCESS Director for List of Approved Course Substitutions) on a regular basis. Any updated listing of course substitutions will be submitted to the College Academic and Student Support Council (CASSC) via the curriculum approval process for review and approval as needed. The College-wide ACCESS Committee and campus offices for Academic Advisement will make



this information about course substitutions readily available for student inquiries. The availability of course substitutions and CLAST/TABE Waivers to qualified students with disabilities will be included in various college-wide publications with sufficient information to assure that the student will know what steps he or she needs to take

to initiate the process. A publication developed by the College-wide ACCESS Committee is distributed by the ACCESS departments to staff in the Registration Office, the office for Academic Advisement, and the New Student Center to apprise potentially qualified students of this procedure and refer an interested student to the campus ACCESS directors.

Student requests for course substitutions and a CLAST Waiver, if applicable, (refer to section G) or formal program modifications will be considered in accordance with the following guidelines:

1. Students must earn a grade of “C” or better in at least 12 non-elective college level credits required

for an Associate in Arts degree, or an Associate in Science degree designated by the state of Florida that requires CLAST for transfer purposes, before requesting course substitutions or formal program modifications.

2. The Course Substitution Request Form and the CLAST/TABE Waiver Request Form (see, attachment C

for copies of each form) for students seeking an Associate in Arts degree or an Associate in Science degree designated by the state of Florida that requires CLAST for transfer purposes, will be submitted with all appropriate documentation by the respective campus ACCESS directors to the College-wide ACCESS Committee for consideration. The

College-wide ACCESS Committee will be responsible for confirming that:

- a. the department chair from the appropriate disciplines at the respective campus has reviewed the student's request;
- b. the documentation of the disability is valid;
- c. the course substitution requested along with formal program modification information for the individual situation is appropriate;
- d. for the requested course substitution, the student has made a valid attempt to complete a prerequisite to the course or a lower level course (depending upon the student's placement scores);
- e. Other factors deemed relevant by the College-wide ACCESS Committee are satisfied.

If approved by the College-wide ACCESS Committee, each substitution request for any of the required communications or mathematics courses, including the documentation of disability, will be submitted to the campus academic dean for final approval or denial. The campus ACCESS Department will notify the student if the course substitution is approved, and the approved course substitution document will be forwarded to the campus Advisement Office for entry in the Odyssey Degree Audit System after substituted courses are successfully completed.

If the course substitution is approved by the academic dean, and the student is seeking an Associate in Arts degree or an Associate in Science degree designated by the state of Florida that requires CLAST for transfer purposes, a CLAST Waiver Request will be forwarded from the campus Academic Dean's Office to the CLAST Waiver Committee for Students with Disabilities for a timely decision.

#### G. Students in A.S. Degree



Programs Requiring Satisfaction of College Readiness in Mathematics – Some A.S. degrees have no mathematics requirements except that students are required to show either through CPT scores or course completion that they have met the requirement that they are college-ready in mathematics.

In these cases, students with disabilities must complete a TABE Waiver Form which is signed by the ACCESS director. This form is submitted with supporting documentation to the College-wide ACCESS Committee for their review. If it is accepted, the chair signs it.

The ACCESS director on the originating campus presents the form to the director of Academic Advisement and the student's CPT requirement is then changed to show that the requirement has been met.

The form will be retained in the ACCESS Department in the student's folder.

Should the student later change to an AS degree program with a mathematics requirement or choose to pursue an AA degree, a new request for course substitution and/or CLAST waiver must be submit-

ted following the usual procedures.

#### H. Requests for CLAST Waivers –

The provisions provided in State Board of Education Rule 6A-10.0311, Assessment of Student Attainment of College-Level Communication and Computation Skills shall be applied for evaluating requests for exemption from the testing requirements of this rule, which are submitted by students with disabilities. A CLAST Waiver Request must be submitted at the same time as the course substitution request unless a course substitution has already been approved (refer to Section F-2). The student must have earned a grade of "C" or better in at least 12 credits of non-elective college level work required for an A.A. degree or A.S. degree designated by the state of Florida that requires CLAST for transfer purposes before the CLAST Waiver request is submitted.

All CLAST Waiver Requests will be submitted utilizing the procedures outlined in Section F-2. The College-wide ACCESS Committee will review all CLAST Waivers submitted either as part of the course substitution process or as a separate waiver based upon disability condition, and will indicate whether it approves or disapproves the waiver.

An approved request will be submitted to the District Institutional Research Office by the Campus academic dean. The CLAST Waiver Request will be reviewed by the CLAST Waiver Committee for Students with Disabilities. Following approval or denial at any stage, the student will be advised in writing of the decision. The communication to the student must make clear that under state rule the college will not officially grant the waiver unless it is in conjunction with the completion of all graduation requirements for the

awarding of the degree. ACCESS directors will alert the Graduation Advisor who will notify the CLAST Testing Specialist in the District Institutional Research Office to post the CLAST Waiver when a student has met graduation requirements. Subsequent to the posting, the CLAST Testing Specialist completes required documentation for reporting the granting of the CLAST Waiver to the state.

The CLAST Waiver can be approved at any time during the student's career; however, entry on Odyssey cannot be made for a waiver until the student has met all other requirements for graduation with an Associate in Arts degree or an Associate in Science degree designated by the state of Florida that requires CLAST for transfer purposes.

I. Requests for TABE Waivers – Waiver of the subtest requirements of the TABE will be initiated based on an official request from a student who has a documented disability that affects his or her ability to be successful in the subtest for which he or she is requesting a waiver. Before a TABE Waiver can go forward, the ACCESS director on the respective campus shall seek the approval in writing signed by the Vocational Program/School Director using the CLAST/TABE Disability Waiver Request Form. The student should have taken the TABE subtest from which he or she is seeking to be exempted at least twice before the TABE Waiver request is submitted. The respective campus ACCESS director will submit the completed form and the attached documentation to the College-wide ACCESS Committee for consideration. The College-wide ACCESS Committee will be responsible for including a designated representative from the vocational program/school that the student is seeking to enter during

the consideration process and for confirming the following:

1. the validity of the documentation of the disability;
2. the appropriateness of the TABE waiver request;
3. other factors deemed relevant by the college-wide group of ACCESS directors.

Following approval by the College-wide ACCESS Committee, final review of the TABE Waiver request packet will be by the campus academic dean. Following approval or denial, the student will be advised in writing of the decision. The communication to the student must state clearly that the college will not officially grant the waiver of TABE exit requirements unless it is in conjunction with the completion of all other graduation requirements for the awarding of a vocational certificate. The availability of such a waiver will be included in various college publications. A memorandum outlining the procedure will be circulated to appropriate managers by the academic dean on each campus.

J. Appeals – Any student may submit an appeal to the next level of the review process regarding the denial of a course substitution, a CLAST Waiver, or a TABE Waiver request. The findings of the CLAST Waiver Committee for Students with Disabilities may be appealed directly to the college president.

K. Student Records – Student records will be maintained to reflect dates and specific requests for services as well as the nature of services received. Records of each request for a program/course substitution, or modification will be forwarded by the campus ACCESS director to the College director of equal opportunity programs for permanent retention and completion of required state reports. Files providing full documentation for individual stu-

dents will be maintained by the campus ACCESS directors.

The Institutional Test Administrator (ITA) in the District Institutional Research Office will maintain records of the requests for CLAST and TABE Waivers.

L. Articulation – In accordance with State Board Rule 6A-10.041(3), Florida Administrative Code, the College will accept all substitutions previously granted by a state post-secondary institution. The ACCESS director at each campus will be responsible or working with the student to gather documentation of disability and course modifications or substitutions. The dean of students on each campus will be responsible for assuring that substitutions are appropriately entered into the student records.

When initiating a course substitution request, a student will be advised to contact any college or university to which the student is planning to transfer in order to determine whether the course substitution will be accepted at that institution and also determine the extent to which the course substitution affects a student's planned program of study.

M. Resource and Web Site Information – The following resources and Web sites provide additional recommendations and/or information for the procedures.

Policies and Procedures for Granting CLAST Waivers for Learning Disabilities Among Community College and Universities (Addendum to Student Attainment of College-Level Academic Skills in Florida in 1999-2000).

See [www.disability.gov](http://www.disability.gov) for federal laws, regulations, and guidelines.



## RELEASE OF STUDENT INFORMATION

PROCEDURE 4085

### **I. PURPOSE:**

In accordance with state of Florida and federal laws, Miami Dade College has established a procedure to protect the privacy rights of students and parents. This procedure provides the opportunity for the inspection of educational records, the correction of such records if warranted, and protects students and parents from release of information without written consent.

### **II. PROCEDURE:**

A student or parent (if the student is a dependent student of such parent as defined in Title 26 U.S.C. §152 of the Internal Revenue Code) has the right to inspect records that are maintained by the College on behalf of the student. These records include admissions and registration records, health and medical records, disciplinary records, records of personal counseling, student and family financial income records,

permanent academic records or transcripts, and student placement records. Pursuant to federal and state law, only parents of dependent students have rights to access, inspect, request changes to any student records and reports. The burden of proof rests with the parent to demonstrate the student is dependent. All references to “parent” or “parents” in this procedure refers to parents who meet the burden of proof.



The College maintains three separate categories of records: (1) directory information records, (2) limited access records, and (3) sole possession records. Records maintained by Miami Dade College that relate exclusively to a student as an employee are not subject to inspection under this procedure.

**A. Custodians of Records** – The following officials of the College are designated as custodians for either Directory Information or Limited Access Records:

1. Applicants – The registrar of the campus the student will attend is the custodian of all academic and related records prior to actual enrollment of the student.
2. Academic – The registrar of the campus the student is attending or last attended is the custodian of all permanent academic records.
3. Disciplinary – The campus student dean is the custodian of all disciplinary records.
4. Financial – The college comptroller is the custodian of all financial records. These include all records of fees assessed by and collected by the College for each student.
5. Financial Aid – The campus director of financial aid is the custodian of all records pertaining to applications for an award of financial aid to students.
6. Placement – The campus testing office is the custodian of placement records.
7. Testing – The campus director of testing is the custodian of all non-classroom test records.
8. Athletics – The college director of athletics is the custodian of records pertaining to athletic participation.

**B. Records Locations** – Miami Dade College - North  
11380 N.W. 27th Ave., Miami, FL  
33167, 305-237-1111

Miami Dade College - Kendall  
11011 S.W. 104 St., Miami, FL  
33176, 305-237-2222

Miami Dade College - Wolfson  
300 N.E. Second Ave., Miami, FL  
33132, 305-237-3333

Miami Dade College - Medical  
950 N.W. 20 St., Miami, FL  
33127, 305-237-4444

Miami Dade College - Homestead  
500 College Terrace, Homestead,  
FL 33030, 305-237-5555

Miami Dade College -InterAmerican  
627 S.W. 27 Ave., Miami, FL  
33135, 305-237-6045

Miami Dade College - Hialeah  
1776 W. 49th St., Hialeah, FL  
33012, 305-237-8775

Miami Dade College - West  
3800 N.W. 115th Ave., Miami, FL  
33178, 305-237-8900

**C. Disclosure of Directory Information** – State of Florida and federal laws allow the College to disclose certain categories of student information as “directory information,” which may be published, disclosed or released to the general public without student or parent consent. All references to “parent” shall mean that the student is a dependent of such parent as defined in Title 26 U.S.C. §152 of the Internal Revenue Code and is enrolled in the College. Students not wishing the dissemination of any part or all of “directory information” must notify the office of the registrar at the home Campus of attendance by completing a Request to Prevent Disclosure of Directory Information. If no request exists for the last term a student was in attendance and the student is no longer enrolled, directory information may be released. The legal authority that allows the College to publish, disclose or release directory

information does not obligate the College to do so. The College has designated the following categories of information as directory information:

1. student name;
2. major field of study;
3. participation in officially recognized activities and sports;
4. weight and height of members of athletic teams;
5. degrees, honors and awards received.

The College reserves the right to release any of this information as it may desire.

**D. Disclosure of Limited Access Records** – Limited access records

pertain to the permanent academic records of the student, disciplinary records, financial information, and testing data. This category also covers all records maintained officially by the institution that do not come under the categories of directory information or sole possession records. The College will not release information in limited access records except with the written permission of the student or parent. Exceptions to this provision as provided by law are as follows:

1. personnel within the institution determined by the College to have legitimate educational interests;
2. officials of other accredited colleges and universities in which the student sought to enroll;
3. persons or organizations providing financial aid to the student or those persons or organizations determining financial aid decisions concerning eligibility, amount, condition, and the enforcement of the terms of the financial aid;
4. organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction. Those organizations may not disclose personal identifica-

tion of students, and information secured must be destroyed when no longer needed for their projects. The College will require assurances in writing. Decisions to participate in such activities will be according to established procedures;

5. accrediting organizations carrying out their accrediting functions;
6. persons in compliance with a judicial order or lawfully issued subpoena. With the exception of subpoenas from federal grand juries or subpoenas issued for law enforcement purposes that order the College to not disclose the existence of the subpoena, the College will notify the student or parent before the compliance date;
7. disclosure to a court if a parent or student has initiated legal action against the College or the College has initiated a legal action against a parent or student;
8. appropriate parties in connection with emergencies if knowledge of the information is necessary to protect the health or safety of the student or other persons;
9. the disclosure to an alleged victim of any crime of violence, as the term is defined in Title 18, U.S.C., of the results of any disciplinary proceeding conducted by the College against the alleged perpetrator with respect to the crime according to applicable laws;
10. the attorney general of the United States, the United States secretary of education, the United States commissioner of education, the director of the National Institute of Education, the assistant secretary for education, the comptroller general of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the U.S. Department of Education, or in applicable state statutes and rules of the State Board of Education;

11. alcohol or drug violations to parents of students under the age of 21, without regard to whether the student is a dependent.

The College will maintain records of the parties who requested information in accordance with the College's policy and procedure for the retention and destruction of records. If limited access information is released by the College, the date of its release, and for what legitimate purpose it was released will be provided to the student.

E. Sole Possession Records – Records of instructional, supervisory, and administrative personnel, which are in the sole possession of the maker and are not accessible or revealed to any other person except as a temporary substitute for such persons, constitute sole possession records. Examples of records of this type include: records created or maintained by a physician, psychiatrist, psychologist or other recognized professional acting in his or her professional capacity, and which are created, maintained or used only in connection with the provisions of treatments to students. Records that come under this category are not open to inspection by the student or parent. However, these records can be reviewed by other professionals of the student or parent's choice after a release form is executed.

F. Third Party Disclosure – Any information that is provided to a third party will carry the message that under the state of Florida and federal law, the information may not be released to any other party without the written consent of the student or parent.

G. Student Transcript – Official transcripts ordered by students, either for personal receipt or to be sent to a third party, are subject to a

\$5 per transcript charge, regardless of whether the transcript is ordered via paper or electronic transmission. The only exceptions are:

1. After a student graduates from a Bachelor's, AA, AS or Certificate program, s/he is entitled to three free transcripts. Once those three transcripts are issued, the student will be charged \$5 per subsequent transcript ordered.
2. For up until one month from initial order, if a student claims that a transcript has not been received by the third party, another transcript will be issued at no charge. The student will be charged \$5 for any subsequent request(s) after that one month grace period.
3. If a student has an outstanding obligation to Miami Dade College the student will be unable to receive and/or send an official transcript until the obligation has been satisfied. Obligations to the College include (but are not limited to) unpaid fees, overdue loans, defaulted loans, library books, audiovisual and/or athletic equipment borrowed and never returned, or any other obligations owed to the College.
4. Unofficial transcripts can be viewed or obtained by a student through his/her MyMDC student portal site. There is no charge for unofficial transcripts. Students are responsible for their own printing and the security of their unofficial transcripts.
5. Diploma Reorders. After graduating from an approved program of study, a student is issued one free diploma of the degree earned. For any reprint of that same diploma, the student will be charged \$20 per item. An unofficial copy of a student's academic transcript will be released at no charge upon request by the student, providing the student has no outstanding financial obligations to the College or disciplinary holds and provided all required admissions documents have been received.

1. Official copies of the student's academic transcript will be released and mailed at no charge to anyone designated by the student provided the student has no financial obligation to the College or disciplinary holds and provided all required admissions documents have been received. Documents supporting the application for admission or for transfer credit will not normally be returned to the student, nor sent elsewhere at the student's request. A transcript from another college, or a high school record, will not normally be sent to a third institution. The student must request such transcripts from the institution from which those transcripts were originally issued. In hardship cases, where original documents are extremely difficult or impossible to obtain, the registrar may, at his or her discretion, release copies of transcripts issued by other educational institutions to the student or parent.

H. Right to Inspect Records and to Obtain a Copy of the Information (except Sole Possession Records) – Students and parents are afforded the right to inspect either directory information records or limited access records pertaining to the

student if proper identification is presented to the custodian of the records. The College shall use its best efforts to provide access to records within thirty (30) days after receipt of request by the College. Access to financial information within a student's educational record may be denied if the parent that claims the student as a dependent does not want his or her financial information disclosed to his or her spouse. The parent who claims the student may ask the College not to redisclose this information to the spouse or former spouse. Additionally, students and parents have a right to be provided a copy of the records that are maintained by the College.

In keeping with legal requirements concerning access of records, the College shall establish copying fees in accordance with §119.07, Florida Statutes, as may be amended. This fee may be waived in extenuating circumstances by the Campus student dean.

I. Confidential Letters or Statements – Students and parents have a right to see letters of recommendations, character references, and evaluations unless they waive such right of access.

J. Faculty and Administrative Staff of the College – Student limited access records will be made available to the faculty or staff of the College who can demonstrate to the custodian of the records a need for such information. Posting of grade lists or other student record information with student identifying designations is not permitted without the student's written consent.

K. Challenge to the Content of Records – Students may request an informal conference with the custodian of a student record to challenge the content of the educational record, if the student believes or has reason to believe that information contained in the record is inaccurate, misleading or false. Information in the record that is proven to be inaccurate, misleading or false will be corrected. Students who are not satisfied with the outcome of the conference may request that the campus student dean hold a formal hearing.

L. Formal Hearing – If there is a need for a formal hearing regarding the accuracy of information contained in the College record, the hearing will be held within a reasonable time after the request has been made, and the student and/or parent will be given notice of the date, place, and time in advance of the hearing. The hearing will be conducted by an official of Miami Dade College, as appointed by the Campus president, who does not have a direct interest in the outcome of the hearing. The student and/or the parent shall be afforded a full and fair opportunity to present evidence regarding the claim that the College is maintaining inaccurate records. The student and/or parent may be assisted or represented by individuals or an attorney of his or her choice and at his or her sole expense. The campus president, after receiving the recommendation



of the hearing officer, will make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely upon the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. This decision may be appealed to the appropriate campus president whose decision shall be final on behalf of the College. Under no circumstances will the College and its District Board of Trustees assume or become responsible for payment of legal fees incurred by the student and/or parent as a result of the formal hearing process or for any appeal that may be exercised thereunder.

M. Complaint Procedures – If a student or parent believes that their rights have been violated in regard to their rights of privacy, they may pursue legal remedies available, including petitioning the following:

1. Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. S.W., Washington, DC 20202-4605.

This federal office is responsible for investigating and conducting hearings on alleged privacy violations by higher education institutions. Final decisions in such matters are made in conjunction with a panel or hearing officer in collaboration with the Secretary of Education.

2. Circuit Court.

N. Retention and Destruction of Records – The retention and destruction of educational records will be consistent with the State Division of Archives, History and Records Management, as required in § 119.041, Florida Statutes and College policy and procedure regarding this matter.

O. Notification – At the beginning of each academic year a copy of this procedure will be published in College and student-related publications as a means of informing all students of the rights accorded to them.





## STUDENT FEE WAIVERS AND FEE EXEMPTIONS

POLICY 1170A

### **I. PURPOSE:**

To provide a means whereby eligible students may receive matriculation, tuition, other fee waivers and fee exemptions in accordance with policies established by the District Board of Trustees in compliance with State Board of Education Regulation 6A-14.054.

### **II. PROCEDURE:**

A. The following procedure will be observed in the processing of registration fee waivers:

1. All waiver forms, and related records, including names of students and amounts of waivers, will be retained by the Financial Aid Office and as part of the financial records of the College in accordance with State Board of Education Rule 6A-14.054.

2. All exemption documents, and related records, including names of students and types of fee exemptions, will be retained by the Registrar's Office for the College.

B. The following types of students qualify for a special type of waiver for credit courses as specified below:

1. State Employee Waiver § 1009.265: As a benefit to the employer and employees of the state, subject to approval by an employee's agency head or the equivalent, each state university and community college shall waive tuition and fees for state employees to enroll for up to 6 credit hours of courses per term on a space-available basis (in accordance with Technical Manual of Procedure 1100:351415).

2. WOA - Out of State Waiver: A fee waiver typically awarded to

athletic students based upon the recommendation of the Director, Intercollegiate Sports.

C. The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, community college, or state university, according to Florida Statutes §1009.25; 1009.26; 1009.27; 446.021:

1. A student enrolled in a dual enrollment or early admission program pursuant to § 1007.27 or § 1007.271.

2. A student enrolled in an approved apprenticeship program, as defined in § 446.021.

3. A student who the state has determined is eligible for the Road-to-Independence Scholarship, regardless of whether an award is issued or not, or a student who is or was at the time he or she reached 18 years of age in the custody of a relative under § 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction and completion of the college-level communication and computation skills testing program. Such an exemption is available to any student who was in the custody of a relative under § 39.5085 at the time he or she reached 18 years of age or was adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption remains valid for no more than 4 years after the date of graduation from high school.

4. A student enrolled in an employment and training program

under the welfare transition program. The regional workforce board shall pay the state university, community college, or school district for costs incurred for welfare transition program participants.

5. A student who lacks a fixed, regular, and adequate night time residence or whose primary night time residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

6. National Guard fee waiver (Florida Statute §1009.26, 250.10, 6A-10.045).

7. Relative caregiver/foster care (Florida Statute §1009.25(2) (c))

8. Spouses of state employees and spouses of deceased state employees (eligible for workers' compensation death benefits; Florida Statute §1009.26).

9. Children of firefighters and law enforcement officers killed in the line of duty.

Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Education and the community college board of trustees for up to 40 full-time equivalent students at each institution.



## NOTIFICATION OF STUDENTS' RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit to the registrar, dean, head of the academic department or other appropriate official, written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures

will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff), a person or company with whom the College has contracted (such as an attorney, auditor or collection agent), a person serving on the Board of Trustees or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the College discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. When available in College records, any data labeled Directory Information may be released without student consent each time a request is made. Students not wishing dissemination of any part or all

of "directory information" must notify the office of the registrar at the home campus of attendance by completing a Request to Prevent Disclosure of Directory Information form not later than the last day for one hundred percent refund as published in the College academic calendar. The request must be made each term. If no request exists for the last term a student was in attendance and the student is no longer enrolled, directory information may be released. Directory information will be released only by the Office of the Dean of Student Services or designee, after the requestor has demonstrated a legitimate need to have such information. Directory information will include the following:

- a. Student name
- b. Major field of study
- c. Participation in officially recognized activities and sports
- d. Weight and height of members of athletic teams
- e. Degrees, honors and awards received

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by "The College" to comply with the requirements of FERPA. The name and address of the office that administers FERPA are: Family Policy Compliance Office / U.S. Department of Education / 400 Maryland Avenue, SW / Washington, D.C. 20202-5920.



## NOTIFICATION OF SOCIAL SECURITY NUMBER COLLECTION AND USAGE

In compliance with Florida Statute 119.071(5), Miami Dade College (MDC) issues this notification regarding the purpose for the collection and usage of Social Security Numbers.

MDC collects your Social Security Number in order to perform the College's duties and responsibilities. To protect your identity, MDC will maintain the privacy of your Social Security Number and shall not release your Social Security Number to unauthorized parties. Each student at MDC will be issued a unique student identification number which is used for educational purposes,

including access of your college records.

Federal Legislation relating to the Hope Tax Credit requires that all postsecondary institutions report the Social Security Number of all postsecondary students to the Internal Revenue Service. This IRS requirement makes it necessary for community colleges to collect the Social Security Number of every student. A student may refuse to disclose his/her Social Security Number to MDC, but refusing to comply with the federal requirement may result in fines established by the Internal Revenue Service.

In addition to the federal reporting requirements, the public school system in Florida uses the Social Security Number as a student identifier. This use is authorized in Florida Statute 1008.386. It is beneficial for postsecondary institutions to have access to the same information for purposes of tracking and assisting students in the transition from one educational level to the next.

All Social Security Numbers are protected by Federal regulations and are not to be released to unauthorized parties.



## STUDENT TRAVEL

POLICY 4096

### **I. PURPOSE:**

To prescribe the guidelines for circumstances for student travel to events in which student(s) is representing a College interest or when the College requests such travel of the student(s).

### **II. PROCEDURE:**

A. Travel within Miami-Dade County: Students may travel to designated college activities and meetings within the Miami-Dade County by either arranging their own means and method of transportation; or the College, at its sole discretion, may arrange transportation.

B. Out of Miami-Dade County within the state of Florida: The

College, at its discretion, may arrange all such travel. A student, who is traveling individually, is at least 18 years of age and is approved by the College, may travel without a College designated chaperone. The College may require a group of students to travel with College designated chaperone(s) and to travel altogether as one group. The College encourages that a designated chaperone accompany students traveling as a group, and that group travel without a designated College chaperone be approved only in extraordinary situations. The College may restrict individual students from traveling independently of the group. Any student who travels independently of the group with-

out prior College approval shall not be considered a part of the group of traveling students authorized by the College under this Procedure.

C. Out of state and/or international travel: Domestic and international travel shall follow the same guidelines as "Out of Miami-Dade County within the state of Florida." The burden is on the traveling student(s) to ensure that any and all necessary immigration paperwork is completed, filed and approved by the appropriate federal governmental agency and/or any other governing entity for travel within and outside of the United States of America.



# ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) GUIDELINES

POLICY II-87

## **I. PURPOSE:**

To establish a College policy regarding HIV and AIDS that informs College students and College employees of College guidelines affecting those diagnosed as infected with HIV and/or AIDS. This policy is subject to applicable laws, including the Americans with Disabilities Act and the Rehabilitative Act of 1973, as amended.

Throughout this policy, HIV and AIDS shall be collectively referred to as "HIV."

## **II. POLICY:**

MDC will offer its students and College employees diagnosed as HIV positive the same opportunities and benefits offered to other students and employees in accordance with Center for Disease Control (CDC) guidelines and appropriate laws. These include access to

educational programs, advisement and counseling services, employment opportunities and financial aid. The College is committed to a policy of non-discrimination in the conditions and privileges of employment for those having been diagnosed as HIV positive, but who are otherwise qualified and able to perform the essential functions of the job. Except where course work or employment requires involvement with body fluids, no special policies, procedures or rules will be imposed on students or employees diagnosed with HIV that will limit or restrict the students' participation in College activities, programs or the employees' rights to employment, use of benefits or livelihood.

### **A. Education of Students and Employees**

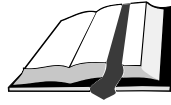
The College will conduct HIV

education programs for students and employees and will adopt such work and educational procedures as may be necessary to maintain and utilize universal disease control procedures as defined by the United States Center for Disease Control (CDC).

### **B. Employees With HIV**

The College will permit employees with HIV, or any of its related conditions, to continue to work and will provide reasonable accommodations, as long as the employee can perform the essential functions of the job and does not pose a direct threat to their own health or safety, or the health or safety of others. Employees who withhold services or who harass or otherwise discriminate against those with HIV will be subject to disciplinary action by the College.





## RELIGIOUS OBSERVANCES

PROCEDURE 4067 - POLICY 11-25A

### I. **PURPOSE:**

In accordance with the requirements of §1006.53, Florida Statutes, Miami Dade College shall reasonably accommodate religious observances when they conflict with:

1. admission and registration;
2. attendance in class, class activities, examinations, and official ceremonies;
3. class work and assignments.

### II. **PROCEDURE:**

A. Students who wish to participate in religious observances will be excused from class. They are to

notify the instructor in advance and will be excused for such absences without penalty.

B. Students will be responsible for any material covered during the excused absence, but will be permitted a reasonable amount of time to make up any missed work. Where practicable, major examinations, major assignments, and College ceremonies will not be scheduled on the day of a significant religious observance.

C. Students who are absent from academic or social activities because

of religious observances will not be penalized.

D. The procedure on religious observances will be included in the Students' Rights and Responsibilities and in various College publications.

E. Students who believe they have been unreasonably denied an education benefit due to their religious belief or practice may seek redress as outlined in *College Procedure 4065 - Institutional Grievance Process for Students Alleging Discrimination or Harassment*.



## DEMONSTRATIONS

PROCEDURE 1409

### I. **PURPOSE:**

In accordance with its full support for academic freedom, Miami Dade College values an exchange of ideas and the dissemination of knowledge. It respects the First Amendment rights of its students

and employees, which include the right to free speech and the right to free assembly. In order to enable the exercise of these important constitutional rights, while at the same time protecting the rights of non-participants and the core function

of the institution, the College has established the process fully set out in newly created *Procedure 1409 - Demonstrations*.



## EQUAL ACCESS/EQUAL OPPORTUNITY

POLICY I-21

### **I. PURPOSE:**

To establish a College policy regarding equal access/equal opportunity as an employer and educator in compliance with all Federal and State legislation and regulations pertaining to non-discrimination.

### **II. POLICY:**

A. Miami Dade College is an equal access/equal opportunity institution which does not discriminate on the basis of sex, race, color, marital status, age, religion, national origin, disability, veteran's status, or sexual orientation, or genetic information.

B. The College is committed to providing equal employment and equal educational opportunities to its employees, students and applicants for employment or admission in an environment free from harassment or other discriminatory practices based upon sex, race, color, marital status, age, religion, national origin, disability, veteran's status, or sexual orientation, or genetic information.

C. The College is an equal access/equal opportunity employer and committed to recruit, employ, grant salaries, and promote personnel without regard to sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetic information in compliance with all Federal and State legislation and

regulations pertaining to non-discrimination.

D. The employees of the College are expected to teach or work with other employees, and to supervise or be supervised in their work by other employees without regard to sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetic information.

E. The College is committed to provide equal educational opportunities to all students regardless of sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation, or genetic information. This commitment to equal access/equal opportunity includes the following: recruitment, admission, programs and activities, facilities, counseling and testing, financial assistance, and placement.

F. The College shall provide reasonable instructional support services as well as substitution, modification, or waiver of any requirement for admission or graduation for any student with a physical or mental disorder(s) which substantially impairs that person's visual, auditory, manual, speaking abilities and bodily functions, or who has a learning disability where documentation can be provided that the student's

failure to meet the requirement is related to the disability.

G. The College shall make reasonable modifications for students and employees with disabilities except where such modifications (1) fundamentally alter the nature of a service, program or activity; (2) the College can demonstrate undue hardship in the provision of the modifications; or (3) the person, even if modifications are made, poses a direct threat to the health or safety of students, staff or others.

H. Any Miami Dade College employee, student, applicant for admission or employment or other participant in the College's programs or activities who believes he or she has been unlawfully harassed or discriminated against on the basis of sex, color, age, disability, national origin, race, religion, marital status, veteran's status, sexual orientation, or genetic information may seek resolution to his/her complaint through College Procedure 1665 Discrimination and Harassment Grievance Process. College Procedure 1665 is available on the College website at [www.mdc.edu](http://www.mdc.edu) including the MDC Students Rights and Responsibilities Handbook at [www.mdc.edu/policy/student\\_rights\\_and\\_responsibilities](http://www.mdc.edu/policy/student_rights_and_responsibilities).



Miami Dade  
College

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Miami Dade College is an equal access/equal opportunity institution and does not discriminate on the basis of sex, race, color, marital status, age, religion, national origin, disability, veteran's status, sexual orientation or genetics information. Contact the Office of Director, Equal Opportunity Programs/ADA Coordinator, at 305-237-2577 for assistance.