

UNIVERSITY OF MIAMI

# Student Rights and Responsibilities Handbook

2019-2020

September 13, 2019

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## FOREWORD

For the purpose of promoting its educational mission, the University of Miami has the inherent right to preserve order and maintain stability through the setting of standards of conduct and procedures for the enforcement of such standards. In addition to maintaining order and stability, the University aims to utilize its student conduct procedure as a developmental process whenever possible. In accordance with this philosophy, educational assignments may be added to any disciplinary penalties. The foundation underlying such student standards relies on the tenet that the exercise of individual rights must be accompanied by an equal amount of responsibility. This assures that the same rights are not denied to others. By becoming a member of the University community, a student acquires rights in, as well as responsibilities to, the whole University community. These rights and responsibilities are defined within this handbook.

Students are required to comply with all University regulations as well as all local, city, county, state, and federal laws. All students are subject to the policies and procedures as contained herein. Also, students who are not undergraduate students and who are not regularly enrolled in a graduate or professional program may be subject to the policies and procedures as contained herein. In addition, any student residing in University residence facilities is subject to any additional policies and procedures set by Housing and Residential Life (HRL) relating to their housing contracts. Any act that constitutes a violation or an attempt to violate any of the policies or procedures contained herein may establish cause for disciplinary and/or legal action by the University. In circumstances where this handbook defines a violation more stringently or differently than Florida law, the handbook's definition shall supersede. The University is not limited to or bound by the definitions contained in the Florida statutes or case law.

Students are also subject to rules and regulations that apply to academic programs of the various academic schools and colleges, including but not limited to, the Undergraduate and Graduate Honor Codes.

In lieu of, or in addition to, disciplinary action, the University also reserves the right to impose fines, take legal action, deny or terminate financial aid and housing privileges, revoke study abroad privileges, withhold student records, revoke other privileges and impose other penalties as may be deemed appropriate. Furthermore, admission of a student to the University of Miami for any semester does not imply or guarantee that such student will be re-enrolled in any succeeding academic semester. Students may also be subject to student conduct proceedings for acts committed before their admission and/or enrollment at the University of Miami.

Students who engage in conduct that endangers their personal health or safety or the personal health or safety of others, may be required to participate and make satisfactory progress in a program of medical evaluation and/or treatment if they are to remain at the University. The determination as to the student's participation and progress is to be made by the Dean of Students with the assistance of the Director of the Student Health Center and the Director of the Student Counseling Center. The University reserves the right to require the withdrawal of a student from either enrollment and/or University housing, whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others. Students who withdraw for reasons of health or safety must contact the Dean of Students Office before seeking readmission to the University. Decisions made under these procedures are final.

From time to time it may be advisable for the University to alter or amend its procedures or policies. Reasonable notice may be furnished to the University community of any substantive changes, but is not required. Whenever specific titles are used in these procedures, they shall include the appropriate designee of the person bearing these titles. Whenever references to the singular appear in this handbook, the plural is also intended; whenever the plural is used, the singular is also intended. Wherever a reference is made to the masculine gender, the feminine gender is included.

These policies apply to both graduate and undergraduate students, however other University rules and regulations may apply. Throughout this handbook, the terms "disciplinary hearing" and "disciplinary process" may be used interchangeably with "student conduct proceedings" and "student conduct process." The rights and responsibilities that follow take effect immediately upon publication of this document.

## STATEMENT ON STUDENT RIGHTS

The University of Miami's mission is to educate and nurture students, to create knowledge, and to provide service to our community and beyond. Committed to excellence and proud of the diversity of our University family, we strive to develop future leaders of our nation and the world.

The University of Miami embraces diversity and situates our students within a unique academic and social environment. University of Miami students enjoy the right to learn, both within and outside of the classroom, in an environment that is free from discrimination on the basis of race, religion, national or ethnic origin, biological sex, gender, gender identity or expression, disability, age, sexual orientation or veteran status. The University encourages academic, social, and spiritual growth among our students and strives to maintain a campus climate that welcomes civil discourse on a myriad of topics and endeavors to provide forums for the exchange of new and varied ideas and opinions.

While it is not possible to address all eventualities, it is important that rights of University of Miami students be embraced by the community and observed in the spirit of the University's mission. These rights include, but are not limited to:

- **The right to be treated equally in academic and social settings**
  - The right to live and/or attend classes in a physically safe environment
  - The right to express diverse opinions in an intellectually safe environment
  - The right to privacy
  - The expectation of a positive living/learning environment
  - The right to hold other students accountable to the Honor Code
- **The right to be educated and nurtured**
  - The right to learn without disruption
  - Access to academic and support services that enhance student learning
  - The right to pursue academic interests
  - The right to engage in mutual collaboration
  - The right to receive student learning outcomes via the university student conduct system
  - The right to explore personal spiritual growth and development
- **The right to participate in the creation of knowledge**
  - The right to know academic requirements and to be evaluated fairly
  - The right to be informed of, and share opinions on, matters affecting the University community
  - Equal access to available research facilities and appropriate resources
- **The right to provide service to our community and beyond**
  - The right to have access to leadership development opportunities
  - The right to engage in service opportunities that enhance learning outcomes, both on and off campus
  - The right to associate with student organizations of one's own choosing
  - The right to participate in a system of shared governance
  - The right to assemble

### **UNIVERSITY OF MIAMI POLICIES AND PROCEDURES FOR IMPLEMENTING THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (the BUCKLEY AMENDMENT)**

The [Higher Education Opportunity Act of 2008 \(H.R. 4137\)](#) was signed into law on August 14, 2008. This Law mandates that the University provide you with a significant amount of information in a variety of formats. Many of the records created as a result of the policies and procedures set forth in this *Handbook* will be made available upon request. To read the entire University policy related to the Buckley Amendment, please click [HERE](#).



## STATEMENT ON STUDENT RESPONSIBILITIES

Students at the University of Miami enjoy the right to exercise freedom of conduct that is consistent with the mission and values of the University. Protection of academic and social freedom is both an individual and community responsibility. Standards of behavior have been established by the University and are intended to ensure that the exercise of individual rights does not deny rights to other individuals or the community.

Admission to the University of Miami is a privilege and the values, principles, rules and regulations of the University are accepted by each student upon their voluntary registration. Central to the educational experience is the trust that all students will learn in, and benefit from, an academic environment that is both rigorous and fair. All University of Miami students are responsible for upholding the Honor Code and promoting the values of Honesty, Responsibility, and Integrity.

While it is not possible to address all eventualities, it is important that responsibilities of University of Miami students be embraced by the community and observed in the spirit of the University's mission. Specific standards of behavior are outlined in the Code of Conduct. General responsibilities include, but are not limited to:

- **Personal responsibility**

- Responsible for cultivating personal growth and development through academic, civic, and social engagement
- Responsibility to pursue educational opportunities to the best of one's ability
- Responsible for academic progression and career planning
- Responsibility to participate in intellectual discourse/attainment or advancement of knowledge
- Responsibility to explore personal growth and development
- Responsibility to partner and/or cooperate with faculty and staff in the promotion of a positive living and learning environment

- **Responsibility to other students**

- Responsibility to participate in student government
- Responsible for approaching differing and diverse views and opinions with an open mind
- Responsibility to recognize the value of diversity and an exchange of ideas within a university community
- Responsibility for showing respect to other students

- **Responsibility to the community**

- Responsible for engaging in appropriate service learning experiences that improve the quality of life of those around them
- Responsible for complying with laws, rules and regulations
- Accountability for one's own actions
- Responsibility to maintain the property and facilities of the University
- Responsibility to maintain a positive image of the University

## THE HONOR CODE – UNDERGRADUATE HONOR CODE

### TITLE I. GENERAL PROVISIONS

#### A. Purpose

In the spring of 1986, at the request of the Undergraduate Student Body Government, this Code was ratified by student referendum and approved by the Faculty Senate and by the President of the University.

This Code is established for the undergraduate student body to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

#### B. The Honor Creed

As a student of the University of Miami, I commit myself to upholding the Honor Code and promoting the values of Honesty, Responsibility, and Integrity.

#### C. Responsibility of the University Community

All undergraduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. The absence of a signed pledge does not free a student from the ethical standards set by this Code. To fulfill the responsibilities of membership in the University community, violations of this Code should be reported by faculty and by all other members of the community.

#### D. Jurisdiction

All undergraduate students, full and part-time, attending the University of Miami shall be subject to this Code. No action under this Code shall be brought against any student who has graduated from, or officially severed all relations with, the University.

#### E. Faculty Cooperation

1. This Code preserves the prerogatives of the University and its faculty. Nothing in this Code shall interfere with the faculty's right to assign grades. Instructors shall be informed of the final outcome of any Honor Council proceedings relating to work for which they are responsible.
2. During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty member is expected to cooperate fully in the implementation of this Code. The faculty member responsible for the course or other academic activity to which the charge relates may, and is encouraged to, file a statement or any document, list of witnesses, or other information deemed relevant to the alleged offense. This information shall be in writing and shall be filed with the Secretary.

### TITLE II. DEFINITIONS

- A. "Day(s)" refers to University working days only.
- B. "The Secretary" means the Honor Council Executive Secretary or their designee.
- C. "President, Vice President, etc.," refers to Honor Council officers unless otherwise indicated by a full title: i.e., Vice President for Student Affairs.
- D. "Accused" refers to a student or students charged with a violation of this Code.
- E. "Student" means any University of Miami undergraduate or group of undergraduates.
- F. "The Committee" refers to the Selection and Appeals Committee.

### TITLE III. VIOLATIONS

#### A. Policy Statement

All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the falsification or misrepresentation of experimental

data, and violating the professional ethics that obtain in clinical activities, research projects and internships. In determining what constitutes academic dishonesty, a student should be guided by the purposes of this Code, common sense, and information provided by the instructor.

**B. Violations**

1. **Cheating** - implies the intent to deceive. It includes all actions, devices and deceptions used in the attempt to commit this act. Examples include, but are not limited to, copying answers from another student's exam, and using a cheat sheet or crib notes in an exam.
2. **Plagiarism** - is representing the words or ideas of someone else as your own. Examples include, but are not limited to, failing to properly cite direct quotes and failing to give credit for someone else's ideas. Plagiarism also includes copying your own work from another class or prior assignment without proper citation.
3. **Collusion** - is the act of working together on an academic undertaking for which a student is individually responsible. Examples include, but are not limited to, sharing information in labs that are to be done individually.
4. **Academic Dishonesty** - includes any other act not specifically covered that compromises the integrity of a student or intrudes, violates, or disturbs the academic environment of the university community. Examples are attempting or agreeing to commit, or assisting in or facilitating the commission of, any scholastic dishonesty violation, failing to appear or testify without good cause when requested by the Honor Council, failing to keep information about cases confidential, supplying false information to the Honor Council and accusing a student of a violation of this Code in bad faith.

**TITLE IV. THE HONOR COUNCIL AND THE SELECTION AND APPEALS COMMITTEE**

**A. The Honor Council**

**1. General**

- a. The Council's purpose is to investigate complaints, determine the facts in a given case and, upon finding a violation of this Code, assess appropriate penalties as provided in Title V(N).
- b. The University of Miami Undergraduate Honor Council is a standing committee deriving its authority from the University.
- c. The Council shall consist of twenty-nine (29) representatives from the undergraduate schools or colleges selected each year for a one-year term by the Selection and Appeals Committee.
- d. The Committee shall attempt to include at least one representative from each undergraduate school or college on the council.

**2. Appointment of the Council**

- a. Full time undergraduate students in good standing (as defined in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council (High school grade point average will be used for first semester freshmen).
- b. Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college or to the office of the Dean of Students at a time designated by the Selection and Appeals Committee. Each Dean shall recommend to the Executive Secretary at least five applicants in addition to the members currently serving from that school or college.
- c. The Selection and Appeals Committee shall interview the students and shall appoint 29 to serve on the Honor Council.

**3. Officers of the Honor Council**

- a. The Honor Council shall elect from its members a President and a Vice President.
- b. The President must have served at least one year as a member of the Council.
- c. The Vice President shall assume the responsibilities of the President when the President is unavailable.
- d. The President shall preside over meetings of the Council.
- e. The President and Vice President shall serve as members of hearing panels when appointed.

**4. Meetings**

- a. Meetings shall be called by the President.
- b. A quorum of the Council for the purpose of transacting affairs is a majority of the active members.

**5. Vacancies and Removal of Members**

- a. The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. If necessary, it may then seek additional nominations from the Dean.
- b. Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

**B. The Selection and Appeals Committee**

The Selection and Appeals Committee consists of the Executive Vice President and Provost, the Vice President for Student Affairs, or their designees, and a student representative nominated by the President of the Undergraduate Student Body Government and approved by the undergraduate Student Body Government Senate. The student representative may not be a member of the Honor Council.

**C. The Executive Secretary**

1. The Vice President for Student Affairs shall appoint a Secretary to the Council.
2. The Secretary, who shall be the Dean of Students or their designee, shall keep orderly records of all Council and panel proceedings, provide such advice as may be sought by the Council, and perform the other duties specified in this Code.

**TITLE V. PROCEDURES**

**A. Policy Statement**

The Honor Council is not modeled after a court of law. Its hearings are not adversarial proceedings. Neither prosecuting nor defense attorneys shall be present at hearings.

**B. Complaint**

Upon observing or discovering an alleged violation of this Code, a student, faculty member or other member of the University community should submit a complaint to the Secretary. The complaint shall include a statement of:

1. the name of the student charged, if known;
  2. the facts giving rise to the alleged violation;
  3. the names of any witnesses; and
  4. such other factual information or documentation as may be useful in determining the truth of the charge made.
- Complainants should refrain from including their opinions or information not relevant to the alleged violation.

**C. Investigation**

The Investigators shall gather and examine all information for the complaint and prepare findings for presentation to the Hearing Panel. They should interview the student charged, the complainant, the faculty member, if any, responsible for the course or other activity to which the charges relate, and any other potential witnesses. They should also review all documentary evidence available including any statement of the faculty member and shall make such inquiry as appropriate.

**D. Hearing Panel Selection and Regulations**

1. Upon receipt of the investigator's reports, the Secretary shall select a five member Hearing Panel from among the members of the Honor Council and designate one Panel member as the Panel Speaker. The Secretary shall also designate two additional members to investigate the charge. Hearing panels shall be filled on a rotating and impartial basis, subject to review by the Selection and Appeals Committee on its own motion, or upon request of the President of the Honor Council. The Secretary shall supply the members of the Panel with the name of the student charged and the nature of the activity to which the charge relates.
2. Upon receipt of the notice, hearing panel members shall recuse themselves if they are aware of any personal bias or conflict of interest that may improperly affect their judgment, or if they are enrolled in the course section or other academic activity to which the complaint relates. If a hearing Panel member does not offer voluntary recusal, a majority of the Panel, excluding the challenged member, may remove that member for cause.

**E. Charge**

1. Following receipt of the investigator's report and designation of the Hearing Panel, the Secretary shall prepare a charge that includes a brief description of the alleged violation. The Secretary shall then serve the student charged with a copy of the charge and the names of the Hearing Panel members.

2. The accused shall not be given names of a student witness or that of a student complainant prior to the hearing.
3. Service shall be by hand delivery or certified mail to the last local address the student provided the University.
4. The Secretary shall provide a copy of the charge to the complainant.
5. Within one day of the receipt of the names of hearing Panel members, the student charged may challenge any member by submitting to the Secretary a written statement specifying why the Panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel member and shall notify the accused of new Panel members. The accused then has the right to object to any new member following the procedures in this section.
6. Within one day of the receipt of the charge, the accused may challenge the hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the hearing and shall notify the accused student, witnesses, and Panel members in any change in date, time, or location.
7. If a student is charged with a violation of this Code within two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation. If the procedures are not completed prior to graduation, the University reserves the right to delay graduation until the case is fully adjudicated.

**F. Plea**

Upon receipt of the charge and at any time before the hearing, the accused may then admit or deny the charge, in whole or in part. Accused students must always speak for themselves and not through their chosen Advisor.

1. If the accused admits the charge the Panel shall receive mitigating circumstances before retiring to deliberate on a sanction.
2. If the accused student denies the charge, the student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove their innocence.
3. If the accused refuses to enter a plea or speak on their own behalf, the Panel shall enter a plea of "not responsible" for the accused and proceed with the hearing. No inference of responsibility may be drawn from the silence of the accused.

**G. Hearing Procedures**

1. The hearing shall be held in private. Witnesses may attend only to present their testimony. Hearing Panel members, witnesses, and others involved in the hearing shall not discuss the case with anyone outside the hearing.
2. The student charged, the Secretary, the complainant and all witnesses must attend the hearing. In addition to those required by the Council to attend, a University of Miami undergraduate student advisor may attend and assist the accused. This Advisor may not speak on behalf of the accused.
3. If a student enters a plea of "responsible" when charged by the Secretary, the Panel may elect not to hear witnesses or the complainant.
4. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence in order to ascertain the truth of the matter.
5. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by majority vote of the members present.
6. The Hearing Panel may, at any time, conform the charge to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

**H. Presentation of Information**

1. The Speaker of the Panel shall commence the hearing by reading the charge and any statements received from the complainant. The Panel shall hear a report of the investigation. The investigators shall remain in the hearing as resources for the Panel, but shall not participate in deliberations or vote with the Panel. The Panel and the accused student may then question the investigators.
2. The Hearing Panel may consider an affidavit or written statement against the student charged only if the person giving the affidavit or statement cannot appear in person to testify before the Panel. Before any such document is considered, the student charged must have been advised of its content and the name of the person making the affidavit or statement three working days before the hearing. The student must also be given an opportunity to rebut any fact or inference that might be drawn there from.

**I. Witnesses**

1. A Witness may refuse to answer a question if the answer, if truthful, might incriminate the witness.
2. A student witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witnesses' reasons constitute good cause.

**J. Deliberation**

1. When the Panel is satisfied it has heard all evidence in a case, it shall request summary statements before it retires to deliberate to determine responsibility based on clear and convincing evidence. A super-majority vote (4 out of 5) is required to find the accused responsible.
2. The Panel shall not consider prior discipline under this Code in deciding responsibility.

**K. Mitigation Hearing-Finding of Responsible**

A student who enters a plea of responsible or is found responsible by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.

**L. Dismissal-Finding of Not Responsible**

1. If the complaint is dismissed or the student is found not responsible, no record of any complaint against a student shall appear in the student's file, or other official University record.
2. If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the Panel shall dismiss the complaint if it determines, by majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair decision in the case.

**M. Affirmative Rights of the Accused Student**

1. The accused has the right to challenge the hearing date, time, or location. The objection must be submitted in writing to the Secretary of the Honor Council within one (1) day of the receipt of the charge. The objection must fully explain the reasons for the request.
2. The accused has the right to choose a University of Miami undergraduate student to attend the hearing and assist the student. The advisor cannot speak on the student's behalf.
3. The accused has the right to question the complainant and witnesses and submit statements or evidence to prove not responsible, if the charge has been denied.
4. The accused has the right to remain silent and no inference may be drawn from this silence.
5. The accused has the right to call witnesses and present evidence in their defense. A student may offer a written request to the Panel that the Panel call specific witnesses for him/her if those witnesses have previously refused to appear and are shown in the request to be material to the accused student's defense. The Panel shall determine a witnesses' materiality based on the statement presented by the accused.
6. The accused has the right to present evidence of mitigating circumstances before the Hearing Panel retires to deliberate on a sanction, if the student enters a plea of responsible or found responsible by the Panel.
7. The accused, if found responsible, has the right to review a written summary upon which the finding of responsibility and sanction were based.
8. The accused has the right to appeal. The appellate option may only be exercised after a Hearing Panel's decision finding responsible or from penalties arising from the violation. Appeals must be in writing, addressed to the Selection and Appeals Committee and, be submitted within three (3) days of receipt of the hearing summary.

**N. Sanctions**

1. Penalties shall be based on the severity of the violation and shall consist of one or more of the following as defined in the Student Rights and Responsibilities Handbook:
  - a. Expulsion from the University
  - b. Suspension from the University
  - c. Final Disciplinary Probation
  - d. Strict Disciplinary Probation
  - e. Disciplinary Warning
  - f. University service
  - g. Other appropriate action as approved by the Honor Council.
2. Failure to comply with any of the above penalties may result in additional sanctions.
3. The Panel may consider prior student conduct records in assessing sanctions.

**O. Panel's Decision**

1. The Panel's decision shall be made promptly after the hearing. However, when considering complaints involving more than one accused student, the Panel may postpone judgment until the completion of the hearings for all students under the given complaint.
2. Notice thereof shall be given to the student and complainant. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations or elect to be notified of the decision at a later time by the Secretary.
3. In reporting its decision to the student charged, the Panel shall not give reasons for the decision.

**TITLE VI. APPEALS**

**A. Procedures**

1. Appeals by the student may only be taken from a plea of responsible or from a Panel decision finding the charged student responsible of a violation of this Code.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be:
  - a. That the failure to follow the procedures of this Code constituted an error,
  - b. That new evidence has been discovered, or
  - c. That the penalties set were not commensurate with the offense.
4. The appeal statement must be submitted within three (3) days of receipt by the student of the Panel's decision.

**B. Hearing the Appeal**

1. The Selection and Appeals Committee shall have three days from the receipt of an appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing if the student makes a written request specifying the reasons for the extension. A negative determination by the Committee shall result in dismissal of the appeal. If an appeal is to be heard, the Committee shall provide a copy of the appeal to the Secretary.
3. The Secretary's summary shall include the evidence upon which the Panel determined responsibility and sanction.
4. The Committee shall review the record and may:
  - a. Affirm the Panel's decision,
  - b. Reduce the sanction,
  - c. Increase the sanction, or
  - d. Refer the case back to the Hearing Panel for appropriate action.
5. The decision of the Committee shall be final.

**TITLE VII. PUBLICATION OF DECISIONS AND PENALTIES AND AMENDMENT PROCEDURES**

**A. Publication**

1. A report of each hearing may be published in The Miami Hurricane without revealing personally identifiable information concerning the student or faculty involved.
2. The Secretary of the Honor Council shall be responsible for preparing and releasing such reports.

**B. Amendment of this Code**

1. The Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.
2. The provisions of this Honor Code document as written are subject to change. Please contact the Secretary for information regarding any changes.

**C. Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of the publication of this document.

## THE HONOR CODE – GRADUATE HONOR CODE

### Purpose

In the spring of 2001, at the request of the Graduate Student Body Government, the Graduate Student Honor Code, hereinafter referred to as “Code,” was ratified by The Graduate Student Senate, approved by the Graduate Council, the Faculty Senate, and by the President of the University.

This Code is established for the graduate student body to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among graduate students, and to foster a climate of fair competition. While a student’s commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University’s requirements, the student will never engage in falsification, plagiarism, or other deception regarding the materials he/she presents. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

### TITLE I. DEFINITIONS

- A. **“Accused”** refers to a student or students charged with a violation of this Code.
- B. **“Chair”** refers to the Hearing Panel Chair.
- C. **“Code”** refers to the Graduate Student Honor Code.
- D. **“Council”** refers to the Graduate Student Honor Council.
- E. **“Day(s)”** refers to University working days only.
- F. **“GSA”** refers to the Graduate Student Association.
- G. **“Panel”** refers to the Panel selected to hear a complaint.
- H. **“Secretary”** refers to the Honor Council Secretary or designee.
- I. **“Student”** refers to any full-time or part-time University of Miami graduate student who is not enrolled either in the School of Law or in the MD program. Students who are dual enrolled are subject to the Graduate Student Honor Code while attending non-law and/or non-MD courses.

### TITLE II. GENERAL PROVISIONS

- A. **Responsibility of the University Community**  
All graduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. To fulfill the responsibilities of membership in the University community, faculty, students, and all other members of the community should report violations of this Code.
- B. **The Honor Creed**  
As a student of the University of Miami, I commit myself to upholding the Honor Code and promoting the values of Honesty, Responsibility, and Integrity.
- C. **Jurisdiction**  
This Code shall apply to all graduate students as defined herein throughout their enrollment and up to five years after graduation or date of last attendance. This Code does not, however, apply to graduate students to the extent they are subject to codes and procedures adopted by a particular school or department.
- D. **Choice of Procedure**  
Students charged with violations of the Code may choose to have their matter heard by a panel of members selected from the Council or by administrative hearing.
- E. **Faculty Role**  
This Code preserves the prerogatives of the University and its faculty. Nothing in this Code shall interfere with the faculty member’s right to assign grades. Faculty members shall be informed of the final outcome of any Council proceedings relating to work for which they are responsible.

During a pending proceeding, faculty members are encouraged to provide documents relevant to the proceedings. The faculty are encouraged to cooperate fully in the implementation of this Code. The faculty member responsible for the course or other academic activity to which the charge relates may, and is encouraged to, file a statement,



and provide any documentation, list of witnesses, or other information deemed relevant to the alleged offense. The faculty member shall present this information in writing to the Secretary.

**F. Delegation of Duties**

Whenever a holder of a particular office or title is authorized to make appointments under this Code, they may delegate that authority to a designee.

**TITLE III. VIOLATIONS**

**A. Policy Statement**

All forms of academic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Academic dishonesty includes attempting or agreeing to commit to any of the violations listed below and/or assisting another student to commit any such violation. In determining what constitutes academic dishonesty, a student should be guided by the purposes of this Code, common sense, and information provided by the faculty member.

**B. Violations**

1. **Cheating** – An act intended to deceive. Cheating includes all actions, devices, and deceptions used in an attempt to cheat. Examples include, copying answers from another student's exam, using a cheat sheet, and getting aid or assistance from another person with respect to academic assignments.
2. **Plagiarism** – Representing the words or ideas of someone else as one's own. Examples include failing to cite direct quotes properly and failing to give credit for someone else's ideas or materials.
3. **Misrepresentation** – Lying to or otherwise deceiving a member of the faculty, staff, or administration for personal benefit, the benefit of another, to enhance one's grade, or to meet other academic requirements.
4. **Collusion** – Working together on an academic undertaking for which a student is individually responsible. Examples include sharing information on lab projects when the projects are to be done individually.
5. **Falsification of Data or Records** – Tampering with, manipulating, or otherwise deceptively altering research or University information. It can apply to inappropriate manipulation of equipment. Data or records subject to this rule include documents, reports, and records that do not accurately represent the work performed.
6. **Fabrication** – Making up research results or other University information.
7. **Disruption of Council Procedures** – Examples include, failing to appear without good cause when requested by the Council, failing to keep information about cases confidential, supplying false information to the Council, accusing a student of a violation of this Code in bad faith and any attempt to compromise, threaten, or intimidate any individual associated with a Council proceeding.
8. **Unauthorized or Inappropriate Use of University Computing Facilities** – Unauthorized or inappropriate use of University computing facilities are those as stated explicitly in Information Technology Policy Number: AO46.

**TITLE IV. HONOR COUNCIL**

**A. General**

The Council's purpose is to hear alleged cases of violations of this Code, to determine the facts of a given case, and, upon finding a violation of this Code, to assess the appropriate penalties. The Selection and Appeals Committee will interview and select the members who will serve.

**B. Members**

The Council shall be comprised of twelve members consisting of six students and six faculty. The faculty members shall be selected by the Dean of the Graduate School in consultation with the Graduate Council. The student members shall be selected by the Vice President for Student Affairs in consultation with the President of GSA. The President of the GSA will be responsible for the recruitment of the pool of student applicants to serve on the Council.

Of the twelve members, two faculty members and two student representatives will be selected from each of the Coral Gables Campus, the Marine Campus, and the Medical Campus. Each of these twelve members will serve a one- year term. The Council derives its authority from the University.

**C. Business Meetings**

1. The Secretary shall call business meetings of the Council.

2. A quorum of the Council for the purpose of transacting affairs is seven of the active members, including at least two faculty members and at least two student members.

**D. Vacancies and Removal of Members**

1. Vacancies on the Council will be filled in the same manner as original selection.
2. Members of the Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Secretary for failure to attend meetings or hearing, or for other good cause.

**E. Secretary**

1. The Dean of the Graduate School and the Vice President for Student Affairs shall appoint a Secretary to the Council who will be the Dean of Students or a graduate faculty member.
2. The Secretary shall draft charges, keep orderly records of all proceedings, provide such advice as may be sought by the Council, and perform other duties specified in this Code.

**TITLE V. HEARING PROCEDURES**

**A. Policy Statement**

Council hearings are not modeled after a court of law and are not required to follow legal rules of procedure or evidence. Neither prosecuting nor defense attorneys shall be permitted to be present at hearings.

**B. Complaint**

1. Upon observing or discovering an alleged violation of this Code, a student, faculty member, or other member of the University community may submit a written complaint to the Secretary of the Council. The complaint shall include a statement of:
  - a) The name of the accused, if known,
  - b) The facts underlying the alleged violation,
  - c) The names of any witnesses, and
  - d) Such other factual information or documentation as may be useful in determining the truth of the complaint.
2. Complainants should refrain from including their opinions or information not relevant to the alleged violation.

**C. Panel Selection and Regulations**

1. Upon receipt of a complaint, the Secretary shall draft a charge that includes a brief description of the alleged violation.
2. Six members shall serve on a Hearing Panel.
  - a) Two members of the Panel shall be Council member students selected by the Secretary. One must be from the campus from which the complaint was received.
  - b) Four members of the Panel shall be Graduate Faculty members selected by the Dean of the Graduate School. At least three of these four members shall be chosen from the Council members.
  - c) One of the four Graduate Faculty members on the Panel shall be a knowledgeable member of the relevant professional community who can provide expertise in the academic area that will be the subject of the hearing.
  - d) One of the four Graduate Faculty members on the Panel shall be from the campus from which the complaint was received.
  - e) The Secretary shall designate one member of the Panel as Chair. The Chair will be non-voting.
3. Upon receipt of the notice, Panel members shall recuse themselves if they are aware of any personal bias or conflict of interest that may affect their judgment or if they are enrolled in the course section or other academic activity to which the complaint relates. If a Panel member is challenged on this basis, a majority of the Panel, excluding the challenged member, may remove that member for cause.

**D. Charge**

1. Following receipt of the complaint and designation of the Panel, the Secretary shall serve the accused with a charge document, a notice of the rights of the accused, the names of the Panel members, and the hearing date, time, and location.
2. The accused shall not be given the name of a student witness or of a student complainant prior to the hearing.
3. Service to the accused shall be by hand delivery, certified mail, or email to the last local address the student provided the University.

4. The Secretary shall provide a copy of the charge to the complainant.
5. Within one day of the receipt of the names of the Panel members, the accused may challenge any member by submitting to the Secretary a written statement specifying why the Panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel member and shall notify the accused of new Panel members. The accused, following the same procedures, has the right to object to any new Panel member.
6. Within one day of the receipt of the charge, the accused may request a change of the hearing date, time, or location by providing the Secretary with a written request specifying the reasons. The Secretary shall determine if the request provides a valid reason to alter the date, time, or location of the hearing and shall notify the accused, witnesses, and Panel members of any change in date, time, or location.
7. If a student is charged with a violation of this Code less than two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation. If the procedures are not completed prior to graduation, the University reserves the right to delay graduation until the case is fully adjudicated.

**E. Investigation**

An administrative staff member of the Dean of Students Office shall investigate the complaint and present the results of that investigation to the Panel. The investigator should interview the accused, the complainant, the faculty member, if any, responsible for the course or other activity to which the complaint relates, and any other witnesses who are deemed to have relevant material information. The investigator should also review all documentary evidence available, including any statements from the faculty member, and make appropriate additional inquiries.

**F. Hearings**

1. The hearing shall be held in private and the proceedings shall be confidential.
2. The accused, the Secretary, the complainant, and all witnesses deemed by the investigator to have relevant material information must attend the hearing. The accused may choose a University of Miami student, faculty, or staff to attend and assist him/her. This advisor may not speak on behalf of the accused during the proceeding.
3. It is not the function of the Panel to act as prosecutor of the case against the accused, but to examine all evidence in order to ascertain the truth of the matter.
4. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall resolve the matter by majority vote of the members present.
5. The Chair of the Panel shall commence the hearing by reading the charge and any statements received from the complainant.
6. The investigator shall give a report of their findings. The Panel and the accused may then question the investigator. The investigator shall remain at the hearing as a resource for the Panel but shall not participate in deliberations or vote with the Panel.
7. At any time, the Panel may modify a charge to reflect the evidence; however, the student charged must be given an opportunity to respond. If a modification occurs following a hearing during Panel deliberations, the hearing shall be reopened to allow a response by the student charged.

**G. Plea**

1. Upon receipt of the charge and at any time before the hearing, the accused may admit or deny the charge, in whole or in part.
2. If the accused enters a plea of responsible when charged by the Secretary, the Panel may elect not to hear witnesses or the complainant. After admitting the charge, the accused shall have the opportunity to present evidence of mitigating circumstances before the Panel retires to deliberate on a sanction.
3. The accused student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove innocence.
4. If the accused fails to appear at the hearing, or refuses to enter a plea or speak on their own behalf, the Panel shall enter a plea of not responsible for the accused and proceed with the hearing. If the accused remains silent, no inference may be drawn from this silence.

**H. Witnesses**

1. The Panel shall hear from any witnesses deemed to have relevant material information by the investigator in the case. The accused will have the opportunity to question any witnesses present at the hearing. Witnesses may refuse to answer a question if they believe the answer might incriminate them as it relates to the Code or to possible criminal proceedings. A student witness called by the Panel may be sanctioned by the Panel for refusing

to appear without good cause. The Panel shall determine if the witness's reasons constitute good cause.

2. The Panel may consider an affidavit or written statement against the accused only if the person giving the affidavit or statement has good cause to justify the inability to appear in person to testify before the Panel. The Panel may not consider any such document unless they have advised the accused of its content and the name of the person making the affidavit or statement three working days before the hearing. They must also give the accused an opportunity to rebut any fact contained therein or inference that might be drawn therefrom.
3. All evidence that is pertinent to the matter under consideration may be heard, whether or not it would be admissible in a court of law.
4. Irrelevant evidence shall be excluded, whether or not it would be admissible in a court of law.

**I. Deliberation**

1. When the Panel is satisfied that it has heard all available evidence in a case, the accused and complainant will be allowed to make closing statements before the Panel retires to deliberate. The Panel shall find the accused responsible only if it finds clear and convincing evidence of responsibility. A majority vote is required to find the accused responsible and to assess a penalty.
2. The burden of proof in a hearing shall be on the Dean of Students Office. In reaching its decision on responsible or innocence, the Panel shall consider only the evidence or information presented at the time of the hearing.

**J. Responsible Finding – Mitigation Hearing**

An individual who enters a plea of responsible or whom the Panel has found responsible shall be given an opportunity to present evidence relevant to the determination of the penalty.

**K. Dismissal and Finding of Not Responsible**

1. The Panel shall dismiss the complaint before hearing evidence if it determines, by majority vote of those present, that the passage of substantial time between the alleged violation and the filing of the complaint has materially prejudiced its ability to reach a fair decision in the case.
2. If the Panel dismisses the complaint or finds the student not responsible, no record of any complaint shall appear in the student's file or other official University record.
3. If the student is found not responsible and a failing grade or an incomplete has been given as a result of the charge, the Panel may suggest that the faculty member review the grade.

**L. Rights of the Accused**

1. The accused has the right to question any complainant and the witnesses present.
2. The accused has the right to call witnesses and to present evidence. An accused may make a written request that the Panel call specific witnesses if those witnesses have refused to appear. If the Panel believes the witnesses requested are material in the defense of the accused this request will be honored. The Panel shall determine a witness's materiality based on the statement the accused presents.
3. If the accused remains silent, no inference may be drawn from this silence.
4. The accused, if found responsible, has the right to review the written summary of the evidence upon which the finding of responsibility and penalty are based. The Chair of the Panel shall prepare the summary.

**M. Penalties**

Penalties for a Code violation shall be based on the severity of the violation and may consist of one or more of the following:

1. **Expulsion from the University:** Permanent dismissal from the University without a right to future readmission under any circumstances. A student who has been expelled is also barred from campus visiting privileges.
2. **Suspension from the University:** Mandatory separation from the University for a period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the University. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students or the Dean of the Graduate School grants specific permission.
3. **Disciplinary Probation:** A disciplinary sanction serving notice to a student that their behavior is in serious violation of University standards. For the time period indicated in the sanction any further violation of University policies and regulations may result in Suspension or Expulsion from the University even if the second violation, standing alone, might result in a lesser penalty.

4. **Disciplinary Warning:** A disciplinary sanction serving notice to a student that their behavior has not met University standards. This sanction remains in effect until the conclusion of a designated number of semesters of attendance after which it is removed from the student's file.
5. **Fines:** Penalty fees payable to the University as directed by the adjudicating body for violation of certain regulations. Such fines are additional to any administrative charges imposed by the University.
6. **Restitution:** Payment made for damages or losses to the University, as directed by the adjudicating body.
7. **Restriction or Revocation of Privileges:** Temporary or permanent loss of privileges including, but not limited to, the use of a particular University facility or campus, visitation privileges, and parking privileges. All recommendations of restriction or revocation of privileges must be approved by the Dean of Students.
8. **Revocation of a Degree:** Where good cause such as fraud, deceit, or error is shown and the student is afforded a hearing under this Code a student's degree may be withdrawn.
9. **Counseling Intervention:** When a student's behavior indicates that counseling may be beneficial, the student may be referred to the Counseling Center. The University reserves the right to administratively withdraw a student whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others.
10. **University Service.**
11. **Other Action:** Disciplinary action not specifically defined in this section but approved by the Dean of Students. Students placed on Disciplinary Probation, or Disciplinary Warning may be required as a condition of probation to attend follow up counseling sessions or present educational workshops. Examples include loss of the privilege of representing the University or of participating in extra-curricular activities.

**N. Maintenance and Retention of Student Conduct Records**

1. The Dean of Students Office shall maintain records of disciplinary action as follows:
  - a) Disciplinary Warning – maintained for specified number of academic semesters in which the student is in attendance.
  - b) Strict Disciplinary Probation and Final Disciplinary Probation – maintained for two years after student graduates or withdraws from the University.
  - c) Suspension and Expulsion – maintained indefinitely.
  - d) After the time periods specified above, the Dean of Students Office will remove the record of disciplinary action from its files. However, other offices within the institution may have knowledge or records that indicate that a student has been subject to disciplinary action.
2. Failure to comply with any of the conditions of a penalty may result in additional charges. In assessing penalties, the Panel may consider prior responsible findings under this Code or any similar Code or University policy.

**O. Panel's Decision**

1. The Panel's decision shall be made within seven working days after the hearing. However, when considering complaints involving more than one accused, the Panel may postpone judgment until the completion of the hearings for all students under the given complaint.
2. The Secretary will notify the accused and the complainant in writing of the Panel's decision and will include a written summary of the evidence.

**TITLE VI. ADMINISTRATIVE HEARING**

A student alleged to have committed an offense may opt for an administrative disposition of their case without a panel. The student must select this option in writing within three (3) days after being provided with the charge document. The Dean of the Graduate School and Secretary shall then meet with the student and reach a decision based upon the available information presented by the investigator and by the Secretary of the Council. If the Dean makes a finding that the student is responsible of the offense and that a sanction should be imposed, the student shall be afforded a mitigation hearing with the Dean before a final determination is made. The student shall be informed in writing of the Dean's decision. Students may appeal the decision of the Dean of the Graduate School pursuant to the appeal procedures; however, students who appeal an administrative decision are not afforded the right to a hearing before the Council. If the Dean of the Graduate School administratively hears a case, the appellate body will consist of the Associate or Vice Dean of the School in which the student is enrolled, a student appointed by the GSA, and the Vice President for Student Affairs.

## **TITLE VII. APPEALS**

### **A. Selection and Appeals Committee**

The Selection and Appeals Committee consists of the Vice President for Student Affairs, the Dean of the Graduate School, and a graduate student representative appointed by the President of the GSA. The student representative may not be a member of the Council.

### **B. Procedures**

1. Appeals may only be taken from a Panel's responsible finding or from penalties arising from the violation. Only the accused may appeal.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be
  - a) failure to follow the procedures of this Code,
  - b) newly discovered evidence,
  - c) excessive penalty for the offense
4. The appeal must be submitted within three (3) days of receipt of the hearing summary to the Graduate Student Honor Code Selection and Appeals Committee, 244 Ashe Building.

### **C. Appellate Hearings**

1. The Selection and Appeals Committee shall have three days from the receipt of an appeal to decide whether it is timely and based upon proper grounds. If these criteria are met, the Selection and Appeals Committee or their appointees shall reconvene.
2. The Selection and Appeals Committee may extend the time for filing if the student submits a written request specifying the reasons for the extension.
3. The Secretary provides the hearing summary to the Selection and Appeals Committee.
4. The Selection and Appeals Committee shall question and hear from the accused and the Chair of the Panel.
5. The Selection and Appeals Committee may:
  - a) Affirm the Panel's decision;
  - b) Reduce the penalty;
  - c) Refer the case back to the Panel for appropriate action; or
  - d) Dismiss the matter (which shall result in removal of charges from all University records)
6. The decision of the Selection and Appeals Committee shall be final.

## **TITLE VIII. PUBLICATION OF FINDINGS AND PENALTIES AND AMENDMENT PROCEDURES**

### **A. Publication**

A report of each hearing shall be published in the appropriate newspaper and announced at the next Graduate Council meeting without revealing personally identifiable information concerning the student(s) or faculty members(s) involved. The Secretary of the Council shall be responsible for preparing and releasing such reports.

### **B. Amendment of this Code**

The Code may be amended solely by formal action of the President of the University following approval of the Faculty Senate, the Graduate Council, the Executive Council of the GSA, and the Graduate Student Association.

### **C. Effective Date**

This version of the University of Miami Graduate Student Honor Code is effective as of the Spring 2001 semester.  
University of Miami Graduate Student Honor Code (August 2010 printing)

## STUDENT CODE OF CONDUCT

University of Miami encourages all students to engage the University community towards their personal excellence. The University also seeks to partner with students who choose to exercise freedom of conduct consistent with the mission and purpose of the University. The basic responsibilities outlined in the Student Code of Conduct are intended to ensure the well-being of the University community, while also offering transparency and providing parameters for students who are a part of the community. UM also understands that some students may fall short of the University's standards resulting in violations of University policies and procedures. Such violations will introduce students to the student conduct process. The Dean of Students, or their designee, has the authority and responsibility for the administration of the student conduct system and the establishment of procedures which apply to all students alleged to be in violation of this Code of Conduct. The partnership between the student and the University governs student behavior whether an incident occurs on campus or in any location off campus from the time of admission to the University of Miami through the time when a student has permanently severed ties with the University.

The student conduct system is divided into three different processes for **individual students**: University level offenses, Major level offenses, and those offenses that stem from incidents involving Sexual Misconduct or Gender Discrimination. Major offenses, as well as those stemming from incidents involving Sexual Misconduct or Gender Discrimination may result in suspension or expulsion from the University, or in certain cases the loss of financial aid. University offenses are those that result in sanctions up to, but not including suspension, expulsion, or the loss of financial aid.

All **student organizations** are subject to University rules and regulations concerning conduct as set forth in this handbook, whether an incident occurs on campus or anywhere off campus.

Procedures for investigating and adjudicating each kind of incident are provided later in this *Handbook*.

In circumstances where this handbook defines a violation more stringently or differently than Florida law, the handbook's definition shall supersede. The University is not limited or bound to the definitions contained in the Florida statutes or case law.

### A. GENERAL ADMINISTRATIVE POLICIES AND GUIDELINES

#### A.1 Age of Majority

Persons 18 years of age or older may now legally sue, marry, hold professional and occupational licenses, obtain medical services and contract on their own behalf. Similarly, persons 18 years of age or older must meet the responsibilities of adulthood including those of being sued, divorced, having professional and occupational licenses revoked, being held liable for contractual agreements, and of proving financial responsibility for various purposes.

#### A.2 Employment

The rights and responsibilities of student employees of the University are detailed in the Employment Policy and Procedure Manual available from the Office of Student Employment or in any department which hires students. You can also access a copy of the general Practices and Procedures by clicking [HERE](#). This manual includes rates, payroll information, rest periods, illness, injuries, worker's compensation, personal appearance and conduct, performance evaluation, personnel grievance procedures, and discipline and termination procedures for student employees.

#### A.3 Equal Opportunity/Non-Discrimination

It is the policy of the University of Miami that no person within the jurisdiction thereof shall, on the basis of race, religion, color, sex, age, disability, sexual orientation, gender identity or expression, veteran status, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment (including all forms of sexual harassment and sexual violence) under any program or activity of the University, regardless of whether such program or activity occurs on-campus or off-campus. A retaliatory action against any person who has reported a potential violation or participated in a subsequent investigation is also prohibited.

Additional information and resources for addressing harassment and discrimination at the University of Miami can be found later in this Handbook, or by visiting the following web address:

<https://www.hr.miami.edu/working-at-the-u/index.html>

#### **A.4 Grievance Procedure for Discrimination based on Disability**

The University of Miami, through the Office of Disability Services, has adopted a grievance procedure providing for prompt resolution of complaints by persons who believe they have been subjected to discrimination based upon their disability.

- All complaints must be directed to the University of Miami, Office of Disability Services, P.O. Box 249003, Coral Gables, Florida. 33124 and addressed to the Director of the Academic Resource Center.
- All complaints must be in writing and must contain the name and address of the complainant. In the grievance, the student or individual must set forth specific facts in support of their complaint. All grievances must be signed by the student or individual.
- All grievances must be filed within 90 days of the alleged discriminatory event. If the complaint involves the denial of a student's request for auxiliary aids and services or other modifications, the grievance must be filed within ten (10) days after the student receives notification that their request for auxiliary aids and services or other modifications has been denied. All additional documentation regarding your appeal must be submitted at the time of the individual's appeal request.
- The grievance will be reviewed and adjudicated by the Director of the Academic Resource Center, or her designee (the "Director"). In no event, will the designee be the same individual who made the initial determination as to the request for auxiliary aids, services, or other modifications or accommodations.
- An investigation, if deemed appropriate by the Director, will be conducted by the Director following receipt of the grievance. The Director may review information and documentation contained in a student's file and/or any other information an individual may submit in support of their grievance.
- Within twenty (20) days of the receipt of the grievance, the grieving party will receive a written decision from the Director.
- The decision of the Director of the Academic Resource Center shall be considered the final decision on the matter.

Retaliation against a person who files a grievance, or opposes a policy he/she believes to be discriminatory is prohibited.

Persons may contact the Assistant Director of Disability Services, who is responsible for coordinating the University of Miami's 504 compliance efforts at (305) 284- 2374 (P.O. Box 249003, Coral Gables, Florida, 33124), with any questions or concerns.

Individuals, who believe that they were subjected to discrimination on the basis of disability by the University of Miami, are encouraged to use the grievance procedure to resolve their concerns. Individuals may, however, wish to file a complaint directly with the U.S. Department of Education, Office for Civil Rights, 61 Forsyth St., Southwest, Suite 19T10, Atlanta, Georgia, 30303 (404) 562-6350.

#### **A.5 Graham-Leech-Bliley Act Compliance**

The privacy of nonpublic, personal information is very important to the University Miami. As required by law, the University has a program set forth to comply with the requirements of the Gramm-Leach-Bliley Act (GLBA). This Program applies to (i) any record containing nonpublic personal information about a student or other third party who has a continuing relationship with the University, whether in paper, electronic or other form, which is handled or maintained by or on behalf of the University and (ii) any record containing nonpublic personal information pertaining to customers of other financial institutions that have provided such information to the University. For these purposes, the term nonpublic personal information shall mean:

- a) Personally identifiable financial information, defined as any information (i) a student or other third party provides in order to obtain a financial product or service from the University, (ii) about a student or other third party resulting from any transaction with the University involving a financial product or service, or (iii) otherwise



obtained about a student or other third party in connection with providing a financial product or service to that person.

- b) Any list, description or other grouping that is derived using any personally identifiable financial information that is not publicly available.

Complete information regarding the University's GLBA program can be found online at:

<https://www.osas.miami.edu/about-us/glba/index.html>

Questions regarding the University's GLBA policy or regarding information security may be e-mailed to:

[GLBA@miami.edu](mailto:GLBA@miami.edu)

#### **A.6 Incarceration**

It is the policy of the University of Miami administration not to intervene with legal authorities on behalf of a student who is arrested on any charge, whether the alleged crime occurred on or off campus. This policy prohibits the University's posting of a bond or otherwise obtaining a release of any student so involved or providing legal assistance to such student.

#### **A.7 Indebtedness to the University**

All charges are due when assessed, unless the Office of Student Accounts has approved, in writing, deferred payment arrangements setting forth minimum periodic payment amounts and due dates. Release of transcripts or diplomas is prohibited when students have an outstanding balance owed the University.

Finance charges may be assessed on all outstanding balances as provided by Student Account Services.

#### **A.8 Off-Campus Residency**

The University does not approve, inspect, or supervise any off-campus student residences. The University does expect, however, that students living off-campus will conduct themselves in a manner that will reflect credit on themselves and the University which includes observing all local, state, and federal laws as well as all rules and regulations contained in this handbook.

In the event of a change of residence from Housing and Residential Life to an off-campus location, a student should notify the Office of the Registrar of their new address.

#### **A.9 Restriction/Revocation of Facilities Use**

The University of Miami reserves the right at any time to deny, revoke, or modify authorization to use any University facility or premises.

Decisions to authorize use of University facilities are made by the appropriate facility coordinator. Decisions to deny, revoke, or modify the authorization to use University facilities, because of potential danger, are made by the President of the University upon recommendation by the Vice President and/or the appropriate administrator involved with use of such University facilities. When possible, such decisions will be made only after review of a written recommendation by the appropriate facility coordinator. Decisions made in accordance with the policy are final and may not be appealed.

#### **A.10 Student Organization Rights and Responsibilities**

All University of Miami students who pay the student activities fee are eligible to join University organizations. Student Organizations must be sponsored by a University Department on campus or register with the Committee on Student Organizations (COSO) each year in order to be considered a student organization with rights and privileges on campus, including the reservation and/or use of University facilities. A complete list of all the rights and responsibilities of registered organizations can be found by clicking <https://saso.studentaffairs.miami.edu/resources-and-policies/student-organization-policies/index.html>

All student organizations are under the disciplinary jurisdiction of the Dean of Students Office. All student organizations and groups are subject to the rules and policies of the University of Miami, including but not limited to the Student Rights and Responsibilities Handbook and the Policy and Procedures for Student Organizations.

The right of a student organization, including a Greek Organization, to exist at the University may be revoked by the University at any time.

Information on establishing any other type of student organization or maintaining a current one can be obtained by contacting the Department of Student Activities & Student Organizations, Shalala Student Center 206 or online at [www.miami.edu/coso](http://www.miami.edu/coso). With the exception of Greek Organizations, the Committee on Student Organizations grants final approval for student organizations to exist on campus.

The policies and procedures for establishing a new Greek Organization on campus can be obtained by contacting the Dean of Students Office which grants approval for the establishment of all fraternal organizations on campus.

Sororities and Fraternities may also be governed by a governing council - the Panhellenic Association (PA), the Interfraternity Council (IFC), the National Pan-Hellenic Council (NPHC), and the Multicultural Greek Council (MGC), each of which is a member of the Association of Greek Letter Organizations (AGLO). The policies, governing constitutions, bylaws, rules and regulations of these councils shall not conflict with the rules and policies of the University of Miami. The University of Miami rules and regulations supersede any conflicting rules or regulations.

The Dean of Students Office shall conduct a thorough investigation to determine whether a case involving any student organization, including fraternities or sororities, will result in charges of violation/s of the Code of Conduct and whether those charges will be seen as Major or University offenses. See Section III. Conduct Procedures for Student Organizations for details on how these cases will be adjudicated.

Any organization determined to be responsible for violating the Code of Conduct will be sanctioned in accordance with the violation. Sanctions imposed as a result of a Greek Organization student-run disciplinary panel must be consistent with the purpose of the applicable governing constitution and by-laws of the organization as well as the University of Miami.

Student organizations may appeal any disciplinary sanction imposed upon them. Procedures for an appeal can be found in the Section of this Handbook entitled "Conduct Procedures for Student Organizations".

#### **A.11 Greek Organization House Inspections**

In an attempt to assist the fraternities in providing appropriate living environments which maintain acceptable living conditions, health requirements and safety standards for students residing in Greek Organization houses, the Greek Organizations must comply with required inspections including but not limited to:

##### **A. Fire Safety Inspection**

Each Greek Organization house is required to have an annual fire safety inspection scheduled conducted by the City of Coral Gables Fire Inspector. The inspection is to be completed during the summer months and a copy of the inspection report must be submitted to the Dean of Students Office no later than September 15.

Each organization is responsible for the costs of any and all inspections.

It is the responsibility of each Greek Organization to ensure that its members maintain acceptable living conditions. As part of this responsibility, each Greek Organization should take all necessary steps to maintain its property in a safe, clean, and sanitary condition.

Failure to comply with this policy could result in various penalties and sanctions, including closure by the University.

**A.12 Rental or Use of a Greek Organization House or Suite**

Rental or use of Greek Organization houses or suites is permitted for current undergraduate members of the organization that owns/leases that space only. All other occupancy or use is prohibited.

**A.13 Indebtedness to a Greek Organization**

Upon written request by a Greek Organization Alumni Advisor, the University may withhold grades, transcripts, diplomas, and registration materials of any student owing money for room and/or board to the Greek Organization or related entities. The University, by taking such action, neither verifies the indebtedness nor accepts liability for incorrect billings or actions. If a dispute arises as to whether a student owes money to the Greek Organization, the student may present evidence to the Dean of Students who shall have the discretion to release grades, transcripts, diplomas, and registration materials if he/she determines that there is a good faith dispute as to the existence of any indebtedness.

**A.14 Greek Organization Membership and Participation**

To be eligible for Greek Organization membership and participation in related campus activities, including residing in a Greek Organization house, Greek intramural sports teams, and other all-Greek activities, a student must be enrolled in a minimum of 12 credit hours of academic work as an undergraduate student at the University of Miami. Graduating seniors in their last semester who are enrolled in enough credit hours to graduate at the end of the semester may be exempted from this requirement.

**To be eligible to participate in formal recruitment activities** for joining a Greek Organization a student must:

- A. Have completed a minimum of 12 credit hours of college-level coursework while physically participating in coursework on a single college campus. Coursework in advance placement or dual status programs involving a high school, or credit hours earned on-line will not be counted toward this requirement;
- B. Have earned a minimum cumulative grade point average of 2.50 in the aforementioned college-level coursework; and
- C. Be enrolled in a minimum of 12 credit hours as an undergraduate student at the University of Miami.

**To be eligible for initiation** into a Greek Organization, a student must:

- A. Have earned a minimum cumulative grade point average of 2.50 at the time of initiation (as reflected in the most recent records of the Office of the Registrar);
- B. Have maintained enrollment in at least 12 credit hours of academic work during the entire pre-initiation (pledging/new member/intake) process.
- C. Be enrolled in at least 12 credit hours of academic work at the time of initiation

Eligibility for beginning the membership process or initiation must be verified in advance by the Dean of Students Office.

Residence in fraternity houses is limited to male University of Miami students in houses owned and/or operated by housing corporations of recognized University-affiliated fraternities

In addition to the above, the University of Miami recognizes and respects that some Greek Organizations, as part of their historical basis, have adopted certain religious or spiritual values. Consequently, membership in these Greek Organizations may require students to take certain prescribed oaths and affirmations, or use prescribed symbols during the process of joining the organization and/or during a person's tenure as a member. Each Greek Organization and sorority is required to disclose the nature and philosophical basis of any religious or spiritual contents of all oaths, affirmations, or symbols to prospective members at the beginning of the recruitment process to the extent that a student may make an informed decision regarding their affiliation with a particular organization.

**A.15 Greek Organization Initiation Requirements**

All Greek Organization are required to initiate new members within 8 weeks (56 days) of the day the student was invited to join the organization. Exceptions will not be made for Spring Break, Weekends, Holidays, etc.

#### **A.16 Administrative Requirements for Greek Organizations**

During the course of regular business, the Dean of Students Office or other branches of the University will make requests for either information related to a particular organization, or payments of outstanding monetary balances a Chapter has incurred for services provided by the University. If, at any point during the course of a year, an organization becomes delinquent in remitting the information or payments requested by a University agency, the organization will be considered "inactive" and will be required to cease all functions until the information has been submitted or account balance has been made current.

For the purposes of this policy, "inactive" organizations:

- Will not be permitted to host or attend any social, service, or philanthropic functions, or to participate in AGLO, Council specific, or other student governing body meetings, events, or activities.
- Will not be permitted to host any recruitment or new member education events and activities.

Additionally, the following guidelines will apply:

##### **A. Requests for Information**

Regular requests for information and/or updates to previously recorded information should be expected. In all cases the organization's President (or equivalent) will be contacted in writing by the Dean of Students Office. S/he will be given a reasonable and finite amount of time within which to complete the request. If the organization fails to do so by the posted deadline, the organization will be deemed "inactive" immediately and will remain inactive until the information is submitted or for a period of no less than one month, whichever is greater. The individual organization will be notified of such a determination in writing and the Inter/National organization will be notified of the Chapter's change in status at the University.

##### **B. Requests for Payment of Outstanding Balances Owed to the University**

The University will charge individual organizations for services rendered that include, but may not be limited to, rent owed for use of a suite in the Panhellenic Building, utilities, lawn care at a particular Greek Organization house, maintenance, and other expenses. Anytime the Dean of Students Office is notified that a Greek Organization account balance exceeds \$500.00 and has not been previously paid by the deadline/s provided by Accounts Payable, the organization's President (or equivalent) will be contacted in writing by the Dean of Students Office. The organization will then be given a reasonable and finite amount of time within which to remit payment to the University. If the organization fails to remit payment by the Dean of Students deadline, the organization will be deemed "inactive" and will remain inactive until payment is submitted or for a period of no less than one month, whichever is greater. The individual organization will be notified of such a determination in writing and the Inter/National organization will be notified of the Chapter's change in status at the University.

#### **A.17 Greek Organization Additional Insured Requirements**

All Greek organizations must maintain commercial general liability insurance per the requirements below in order to remain in good standing with the university:

Greek organizations shall, at their own expense, maintain Commercial General Liability insurance with minimum limits of \$1,000,000 per occurrence/\$2,000,000 aggregate written on an occurrence basis. The University of Miami shall be named as an additional insured under the Greek organizations General Liability policy. These coverages and limits are to be considered minimum requirements and in no way limit the liability of the Greek organization. Greek organizations shall provide a certificate of insurance naming the University of Miami as an additional insured on an annual basis. It is the Greek organization's responsibility to make sure a current certificate is on file with the Office of Risk Management at riskmanagement@miami.edu. Renewal certificates should be sent to the Office of Risk Management at least one month prior to the expiration of a prior certificate. Greek Organizations who fail to meet these requirements will be considered inactive and will not be recognized by the University of Miami.

#### **A.18 Reopening Dormant Greek Organization Chapters**

Greek Organization chapters that close or go inactive due to lack of membership will not be permitted to return to active status / reopen with fewer than five (5) new members who hold junior standing or below.

**A.19 Holds on Student Records**

Schools and colleges, University administrative departments and other student related offices have the ability to put holds on student records. These holds can be financial, academic or disciplinary in nature and may delay a student's ability to register, to receive an official transcript or to receive a diploma. Holds on a student's record normally require action on the part of the student, i.e., a payment, completion of paperwork and/or disciplinary sanctions, etc. Specific information on a hold and what is required to remove it can be obtained from the office/department that initiated the hold.

**A.20 Sexual Misconduct**

A copy of the University's Sexual Misconduct Policy can be found at:

[https://compliance.miami.edu/policies/sexual\\_misconduct/index.html](https://compliance.miami.edu/policies/sexual_misconduct/index.html)

The purpose of this policy is to provide a single document for students, employees, faculty, and other affected by sexual misconduct to access information regarding the University's rules and procedures as well as the University and community resources that are available. Additionally, specific policies and procedures to address issues of sexual misconduct are posted later in this Handbook.

**A.21 No Contact Orders**

Any student can contact the Dean of Students Office to request they issue an Administrative No Contact Order to another student for any reason. No Contact Orders are not considered disciplinary related measures but they can result student conduct charges if they are not adhered to. Contact includes any physical or verbal face-to-face contact or electronic contact by any means, which includes but is not limited to text, video, or audio messages of any kind, through any form of social media or other electronic communication, and methods not yet invented but used for the same purposes. It also includes intentional contact made through a third party. No Contact Orders remain in place until otherwise directed by the Dean of Students Office. No Contact Orders are issued to both parties involved no matter who requests the order.

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**B. GENERAL MISCONDUCT POLICIES – FAILURE TO COMPLY WITH THE POLICIES NOTED BELOW IS PROHIBITED**

**B.1 Alcoholic Beverages**

- A. Possession of beverage/s containing alcohol by any person under the age of 21, including residue/remnants of alcohol that may be found in glassware (this includes the presence of the aforementioned within a student's room or contained within their possessions or vehicle)
- B. Consumption/use of alcohol by any person under the age of 21
- C. Intoxication requiring transport to a hospital for treatment (Medical Amnesty may apply in certain situations. See page 103, section D for details)
- D. Possession or use of any paraphernalia that enables the playing of "drinking games" or other activities that encourage binge drinking
- E. Unlicensed distribution of beverage/s containing alcohol, including the purchase for and/or delivery of alcohol to any individual(s) under the age of 21
- F. Operating a motor vehicle while under the influence of beverage/s containing alcohol, or possession of open containers of beverage/s containing alcohol while in a vehicle while parked or in operation
- G. Public intoxication, regardless of age
- H. Failure to follow the guidelines for social events involving alcohol (detailed in the full policy on page 38 of this *Handbook*)

**B.2 Animals**

Students are responsible for the actions of any animal that either they or one of their guests bring onto the campus grounds or into one of the campus facilities.

- A. Students must adhere to the related policies specific to any building or classroom where an animal may or may not be taken (See Pets on Campus Policy at <https://newsletter.miami.edu/assets/acad-prov/pdf/18-050-petpolicy.pdf> )

The following is intended to address actions taken toward an animal by a student:

- B. The inhumane or cruel treatment, including failure to take proper care of animals or other creatures
- C. The capture of wild/feral animals or creatures and re-release of said animal or creature into a campus facility

**B.3 Assault**

To threaten bodily harm or discomfort to another person or commit or aid in the commission of an act that causes bodily harm or discomfort to another person is defined as assault. For University purposes, self-defense or defense of another is limited only to the use of force sufficient to protect a person from injury by another; use of excessive force will therefore be considered retaliatory

**B.4 Bicycles**

Parking/securing bicycles is only allowed in designated bicycle racks. Any bicycles parked/secured in unapproved locations are subject to impound by the University Police, Crime Prevention Office.

**B.5 Bribery**

To give, offer, promise, request, solicit, accept or agree to accept for oneself or another any financial or other benefit with an intent or purpose to influence the performance of any act or omission is defined as bribery.

**B.6 Business Operations**

Business operations are defined as any operation of a private or individual business or businesses that is not consistent with the purpose of, and registered with, the Launch Pad within University of Miami properties or facilities including, but not limited to, Residence Hall facilities, Greek Organization, the Student Center Complex and the Student Wellness Center

**B.7 Classroom Decorum** (See Classroom Decorum policy on page 43)

**B.8 Closing Hours**

To enter or remain in any University building or facility, including the swimming pool, or in the academic areas of the University, after closing hours, without advance written permission from authorized University personnel.

**B.9 Complicity**

To be knowingly associated with or to aid or otherwise assist another person or persons whose behavior is in violation of University policy.

**B.10 Computer and Telecommunications Use** (See Information Technology Resources Policy on page 51)

**B.11 Consensual Relationships** (See Policy Statement on Consensual Amorous, Romantic or Sexual Relationships for Students in Supervisory Roles on page 44)

**B.12 Contracting on Behalf of the University**

Any attempt to enter into a contract on behalf of the University without proper authorization from the Office of Financial Operations. Any contract entered into on behalf of the University by a student without proper authorization is void.

**B.13 Damage or Vandalism to Property**

Damage or vandalism of property belonging to the University or others

**B.14 Dangerous Items (Explosives, Firearms, Fireworks, Weapons)** (See Dangerous Items Policy on page 46)

**B.15 Demonstration** (See Demonstration Policy on page 46)

**B.16 Disorderly Conduct**

- A. Loud, threatening or aggressive behavior or any other behavior which disturbs the peace and/or impedes the rights of other person(s); and/or disrupts the orderly functioning of the University;
- B. Lewd, indecent or obscene conduct or expression made by any means;
- C. Disruptive behavior which substantially interferes with, obstructs, or in any way negatively impacts the safety, viewing, or enjoyment of other attendees in the context of a University of Miami event, or when travelling to or from an event.

**B.17 Distributing or Posting Printed Media** (See full policy on page 54 and the Solicitation Policy on page 57)

**B.18 Dress Standards**

Failure to wear suitable attire on the campus and/or failure to comply with posted dress standards is prohibited. Students and/or guests may be required to leave University property or University sponsored events for failure to comply with this regulation.

**B.19 Drugs, Drug Paraphernalia**

The possession (including the presence of a substance as identified below within a student's room or contained within their possessions), manufacture, distribution, use, abuse, or sale of the following:

- A. Possession or use of any form of cannabis including any cannabidiol (CBD) derivative regardless of tetrahydrocannabinol (THC) content.
- B. Possession or use of other illegal drugs, including but not limited to ecstasy/MDMA, lysergic acid diethylamide (LSD), cocaine, and/or heroine
- C. The inappropriate use, or misuse of legally obtained over the counter medications or other substances including but not limited to salvia, spice, "bath salts", flakka, and/or NBOMe
- D. Use of any drugs requiring transport to a hospital for treatment. (Medical Amnesty may apply in certain situations. See page 103, section D. for details)

- E. The misuse or un-prescribed possession of prescription medications
- F. Possession of drug-related paraphernalia or any item that potentially contains illegal residue
- G. Unlicensed distribution or sale of illegal drugs or prescription drugs that were not prescribed to the person receiving the drugs

**B.20 Emergency Equipment and Procedures** (See Emergency Equipment and Procedures Policy on page 49)

**B.21 False Information**

Knowingly providing false, misleading, or otherwise untruthful information to any agency of the University or to any other person or business. This includes, but is not limited to the following:

- A. Knowingly giving false testimony during a University investigation or proceeding;
- B. Knowingly providing false information on University records or other documents, including but not limited to admission, registration, financial aid, student disciplinary, academic, health records, parking permits, and student employment records;
- C. Knowingly providing false information for the purposes of defrauding an agency of the University or to any other person or business.

**B.22 Fire**

To either intentionally or otherwise ignite a fire that causes damage to University or personal property.

**B.23 Gambling and/or Games of Chance**

Participating in or wagering on any games of skill or chance. This includes, but is not limited to the following examples:

- A. Participation lay in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student organization.
- B. Students or student organizations may not sponsor or co-sponsor events at gambling establishments or host gambling themed events on University premises. Such events include, but are not limited to, poker tournaments and casino nights.
- C. To sell, barter, or offer tickets, entries, or any interest in a scheme of chance, such as a raffle, drawing, or similar activities by any other name on University premises or at any affair sponsored by a student organization without authorization.
- D. To wager on any University-affiliated team, club, organization, or other group that is competing in any inter- or intra-institutional contest or event.

**B.24 Guests**

The buildings and grounds of the University of Miami are private property. Students are welcome to bring guests to the campus but assume responsibility for the conduct of their guests and must accompany them at all times. It is the responsibility of the student serving as the host to inform their guests of the applicable policies. If a guest violates a policy of the University of Miami or causes damage to any person or property while visiting the University of Miami, the student host will be held accountable for the behavior in question.

If a guest is asked to leave a specific area of campus, it is the responsibility of the student host to cooperate with the University official making the request. The University reserves the right to exclude visitors from any area on campus or University property at any time and for any reason the University deems appropriate.

Additional rules related to specific areas of campus may also govern the behavior of students and their guests. Such areas include the Residential Colleges and University Village, the adjacent Fraternity Houses, and the Merritt Panhellenic Building. It is the responsibility of the student or student organization serving as the host to inform their guests of these additional policies.



**B.25 Harassment or Harm to Others**

- A. Unwelcomed and/or discriminatory words or acts, whether intentional or a product of the disregard for the safety, rights, or welfare of others, which intimidate, degrade, demean, threaten, bully, haze or otherwise interfere with another person's daily activity.
- B. Words or acts that have the effect of excluding or are intended to exclude another student from participation under any program or activity of the university in violation of the University's Equal Opportunity / Non-Discrimination policy (contained in the Administrative Policies and Guidelines section of this Handbook)
- C. Words or acts considered as a bias incident. A bias incident is defined as an action, behavior, or expression against an individual's or group's actual or perceived identity. (See full Bias Related Incident Definition on page 43)

**B.26 Hazing** (See Hazing Policy on page 49)

**B.27 Health and Safety** (See Health and Safety Policy on page 50)

**B.28 Herbert Wellness Center Policies and Procedures**

University of Miami students and their guests who utilize the facilities managed by the Department of Wellness and Recreation (WR) must comply with the policies and procedures established by the department. An electronic version of the departmental policies can be found on the WR website ([www.miami.edu/wellness](http://www.miami.edu/wellness)) under the "Membership" tab. Additional policies may be posted in the Herbert Wellness Center, the intramural field building, and the tennis courts. For additional information, please contact 305-284-8500 or send an e-mail to [wellnesscenter@miami.edu](mailto:wellnesscenter@miami.edu).

**B.29 Identification Cards** (See Identification Cards Policy on page 50)

**B.30 Interference with University Investigations, Student Conduct Proceedings, or Records**

Interference with any University investigations, administrative procedures, or student conduct proceeding. Additionally, no person may, without authorization, examine, take possession of, alter or destroy University investigative material, evidence, or records.

**B.31 Lake Swimming**

Swimming in Lake Osceola or the adjacent waterways.

**B.32 Littering**

To throw, discard, place, or deposit litter in University buildings or on University grounds except in receptacles provided for such purpose.

**B.33 Misuse of Telephones**

To use University telephone lines or University telephone accounts without proper authorization from University personnel.

**B.34 Noise and Nuisance**

Members of the University community and their guests are prohibited from activity creating any form of disturbance that is believed to be in violation of the ordinances in the City of Coral Gables, South Miami, or other municipality of record. This includes, but is not limited to:

- A. The prohibition of any activity that causes a disruption or nuisance in a residential area, and
- B. The prohibition of sound from any instrument or amplified device being plainly audible outside a residence between the hours of 11:00p.m. and 7:00a.m. the following day, Sunday through Thursday; or between the hours of 12:00a.m. and 7:00a.m. the following day, on Friday or Saturday.

**B.35 Online/Internet Social Networking Usage**

All students are responsible for their postings on the internet and/or social networking sites. Prohibited usage of

internet/social networking sites may include:

- A. Stalking, harassing, or threatening another person or group;
- B. Creating language on a social network that is hateful, threatening, vulgar, or derogatory;
- C. Displaying or being displayed in an activity that violates federal, state, or local law and/or any regulation outlined in the University of Miami Student Rights and Responsibilities.

**B.36 Parking and Motor Vehicle Policy** (See Parking/Motor Vehicle Policy on page 53)

**B.37 Projection of Objects or Materials**

To project or drop any objects or materials that litter University property or that could cause injury or damage to persons or property.

**B.38 Rathskeller Policies and Procedures** (See Rathskeller Policies and Procedures on page 55)

**B.39 Removal or Ejection from a University-Sponsored Event**

Behavior which causes removal or ejection from any University-sponsored event, occurring either on- or off-campus.

**B.40 Requests or Orders**

Failure to comply with any reasonable requests or orders made by University officials, representatives acting on behalf of the University, or by members of law enforcement agencies.

**B.41 Housing and Residential Life Policies and Procedures**

All residents of and guests in the residential colleges, or University Village are required to comply with Housing and Residential Life Policies and Procedures at all times. A complete list of all Housing and Residential Life Policies and Procedures can be found in the Department of Housing and Residential Life main office and on their website at: [www.miami.edu/residentguide](http://www.miami.edu/residentguide) . Violations of such policies may result in disciplinary action.

**B.42 Retaliation**

To directly harass or threaten, to engage another person to commit an act on your behalf, or otherwise commit an act against another person who has reported a possible policy violation or who has participated in an investigation into the possible violation of a policy.

**B.43 Smoking** (See Smoking Policy on page 56)

The Coral Gables Campus and the Miller School of Medicine are smoke free environments.

**B.44 Solicitation** (See Solicitation Policy on page 57)

**B.45 Speakers / Public Presentations**

The full text of this policy can be found in the Office of Student Activities in the Whitten University Center

**B.46 Student Center Complex Policies and Procedures**

Failure to comply with Student Center Complex policies and procedures is prohibited. These policies pertain to use of the Shalala Student Center, the Whitten University Center, the Student Center Complex Patio, the Foote Green, and the Rock. The full text of these policies and procedures can be found on the SCC website at: [www.miami.edu/scc](http://www.miami.edu/scc)

**B.47 Student Organization Rights and Responsibilities**

All student organizations and Greek Organizations are subject to University rules and regulations concerning conduct as set forth in this handbook.

**B.48 Theft or Unauthorized Possession**

Taking, selling, or being in possession of property without the consent of its owner without proper remuneration, or

failing to pay for services rendered.

**B.49 Trespass** (See Trespass Policy on page 57)

**B.50 Unauthorized Entry**

Any student who enters, attempts to enter, or remains in or on top of any room, building, motor vehicle, trailer, machinery or other structure without proper authorization may be subject to University disciplinary action, as well as arrest and prosecution by legal authorities.

**B.51 Unauthorized Possession of University Property**

Unauthorized possession of property owned or controlled by the University of Miami or the University Bookstore. Students in violation of this rule may also be referred to legal authorities for prosecution.

**B.52 Video and/or Audio Copyright Violation**

Federal copyright law restricts the use and/or distribution of copyrighted video and audio recordings without appropriate licenses.

**B.53 Violation of Disciplinary Probation**

Violating University policies or procedures while serving a term of Strict or Final Disciplinary Probation for a previous violation is prohibited and may serve as grounds for Major student conduct action.

**B.54 Visitation of Campus**

A person who has been suspended or expelled from the University for disciplinary reasons, or whose record prohibits admission without prior approval, may not have visiting privileges on the University campus. A student who has been placed on Temporary Suspension may, as result of such suspension, be prohibited from having visiting privileges on the campus. Violators of this policy may jeopardize their readmission status and/or may be subject to legal or disciplinary action by the University.

## C. SEXUAL MISCONDUCT POLICIES

For University purposes, Sexual Misconduct includes the following specific policies: Dating Violence, Domestic Violence, Sex or Gender Based Discrimination, Sexual Assault (including Sexual Battery), Sexual Exploitation, Sexual Harassment, and Stalking. Sexual Misconduct is prohibited and may result in conduct action consistent with the Conduct Procedures for Reported Incidents of Sexual Misconduct (page 78).

Students found responsible for violating Sexual Misconduct policies may be subject to the full range of disciplinary actions described in this handbook, including the possibility of suspension or expulsion.

You may report sexual misconduct to the University online at [www.miami.edu/itsonus](http://www.miami.edu/itsonus) or in person by contacting the Dean of Students Office (305-284-5353) or the University's Title IX Coordinator (305-284-8624). You may report sexual misconduct to the police by reaching UMPD (305-284-6666).

For more information and resources on sexual misconduct and how to overcome sexual violence at UM, you may contact the Sexual Assault Resource Team's hotline at 305-798-6666 or visit [www.miami.edu/itsonus](http://www.miami.edu/itsonus).

The Sexual Misconduct policies and procedures outlined in this Handbook are consistent with the campus-wide Sexual Misconduct Policy [https://compliance.miami.edu/policies/sexual\\_misconduct/index.html](https://compliance.miami.edu/policies/sexual_misconduct/index.html).

*Note: In order to encourage reporting of these issues, amnesty may be granted to students who in reporting an incident, or in the course of collaborating in a sexual misconduct investigation, disclose that at the time of the incident they may have violated portions of the Alcohol or Illegal Drugs policies, or other policies herein. For example, a charge for personal consumption of alcohol in violation of the policies outlined in this handbook will not be applied to a student who, in reporting an incident of sexual misconduct or gender discrimination, reports that they were under the influence of alcohol at the time when they were the target of the misconduct. This policy is designed to encourage reporting and it is not intended to be used as a defense after a student is found to have been in violation of University policies.*

**C.1 Relationship Violence** includes any act of sexual, physical, or psychological violence, abuse, or aggression, or threats thereof, which is committed by one person against another person with whom they are (or were) in a dating/intimate or domestic relationship. Dating Violence and Domestic Violence, each defined below) are forms of Relationship Violence. Dating Violence and Domestic Violence are prohibited regardless of the sexuality of the persons involved, or the presence of multiple parties in the relationship.

- a. **Dating Violence** means violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by the length, type, and frequency of interaction between the parties involved. Dating Violence can take on the same forms as Domestic Violence (defined below).
- b. **Domestic Violence** means abusive behavior that is used by an intimate partner to gain or maintain power and control over the other party. Domestic Violence can take the form of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Examples of domestic relationships include: current or former spouses; individuals who have a child in common or with whom a child in common has been conceived; individuals who have lived together in a domestic partnership; and a child or other protected individual of the person.

**C.2 Sex or Gender Based Discrimination** means unlawful discrimination against an individual because of the individual's actual or perceived sex or gender in regard to hiring, termination, promotion, compensation, training, admission, dismissal, advancement, graduation or any other term, condition or privilege of employment or student status. Prohibited sex discrimination under Title IX includes, but is not limited to: (1) harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature; (2) applying any rule concerning parental, family, or marital status that treats persons differently on the basis of sex; and (3) discriminating against or excluding any student

from its education program or activity, including any class or extracurricular activity on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

**C.3 Sexual Assault / Battery** means any act, of a sexual nature, directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. For purposes of this Policy, Sexual Assault/Battery includes the following acts:

- a. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c. **Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

For purposes of this Policy, Sexual Assault also includes sexual intercourse by any person who has chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/acute salpingitis, syphilis, or human immunodeficiency virus infection, when such person knows they are infected with one or more of these diseases and when such person has been informed that they may communicate this disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmissible disease and has consented to the sexual intercourse.

**Consent** means an intelligent, knowing, and voluntary agreement to engage in specific activity, and shall not be construed to include submission obtained by force, intimidation, threat, blackmail, extortion, or any other method of coercion or duress. For purposes of this definition:

- Intelligent means verbally or otherwise communicated;
- Knowing means the person must have specific knowledge of each activity they are agreeing to engage in; and
- Voluntary means done, given, or acting of one's own free will, and not through force, intimidation, threat, blackmail, extortion, or any other method of coercion or duress; "giving in" is not the same as providing consent.

Consent cannot be given:

- By someone who Respondent knew or should have known was under 18 years of age; or
- By someone who Respondent knew or should have known had a temporary or permanent disability making them unable to consent; or
- By someone who Respondent knew or should have known was intoxicated (by alcohol or another substance).

While this is not an exhaustive list of indicators for intoxication, the following factors should be considered in determining whether a person was intoxicated:

- Respondent knew the person had been drinking or using drugs, and/or knew how much the person had consumed;
- The person was visibly stumbling or otherwise was at a loss of equilibrium;
- The person had noticeably bloodshot, glassy or unfocused eyes;
- The person exhibited any of the signs of alcohol poisoning;
- The person was known to have vomited as a result of consumption of an intoxicating substance;
- The person was known to be disoriented or confused as to their whereabouts, or the time and date; or
- The person has exhibited the loss of consciousness at any point between the consumption of the intoxicating substance and the alleged sexual activity.

**C.4 Sexual Exploitation** means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit, or for the advantage or benefit of anyone other than the person being exploited.

For purposes of this Policy, Sexual Exploitation also includes: (1) Knowingly compiling, entering into, or transmitting by use of computer, computer online service, Internet service, local bulletin, board service, cellular phone, or any other device capable of electronic data storage or transmission; (2) Making, printing, publishing, or reproducing by any means; (3) Knowingly causing or allowing to be entered into or transmitted; or (4) Buying, selling, receiving, exchanging, or disseminating, any of the following:

- a. Any notice, statement, or advertisement of a person's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information, for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with that individual; or
- b. Any audio recording and/or visual depiction of sexual conduct with an individual.

**C.5 Sexual Harassment** means any unwelcome sexual advance, unwelcome request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature, generally characterized by non-consensual, unwelcome sexual behavior whether between people of the same gender or different genders or sexual orientation when:

1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University program or activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation-related decisions affecting an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment, (a) of a specific individual or those around them; (b) even if someone else is the target of the behavior; or (c) even if the individual is initially unaware of the behavior.
4. Sexual Harassment, including sexual violence, can include any or all of the following behaviors, as well as others which are not listed:
  - a. Harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and sexual demands;
  - b. Subtle or overt pressure to comply with demands of sexual activity;
  - c. Remarks about another person's clothing, body, sexual activities, sexual preferences, gender identity or sexual orientation, as well as teasing, jokes, remarks, or gestures which are sexual in nature;
  - d. Unnecessary touching, pinching, patting, or exposure of another person's body;
  - e. Unwarranted staring at another person's body;
  - f. Unwanted communications of a sexual nature in any form, over any medium, and in any media;
  - g. Requests or demands for sexual favors accompanied by implied or overt threats or promised rewards, e.g., grades, class or clinical assignments, recommendations, student employment (for students) or assignments, promotions, discipline, references (for employees);
  - h. Repetition of unwanted invitations for dates; or
  - i. Physical assault of a sexual nature, up to an including attempted or actual rape.

**C.6 Stalking** means a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices are used.

## UNIVERSITY POLICIES AND PROCEDURES

All University of Miami students are subject to the following additional policies and procedures and are responsible for becoming familiar with them for the benefit of the UM community. Violation of the policies and/or procedures may result in various disciplinary actions by the University as well as charges by city, local, state and federal authorities.

### ALCOHOLIC BEVERAGES

The University of Miami has adopted the following policy which permits the consumption of alcoholic beverages, within reasonable limits, by persons of legal age. This policy also provides for the limited use of alcoholic beverages at social events approved by the University.

The use or possession of alcoholic beverages is permitted only in those campus facilities so specified by the University's Board of Trustees and in accordance with the terms stated in the Alcoholic Beverage Policy. Empty alcoholic beverages containers and alcohol paraphernalia (including but not limited to "beer pong" tables, funnels, or any other object used in the consumption of alcohol) may also constitute possession, and are not permitted.

Alcohol is permitted to be consumed in residential student rooms only by students who are 21 years of age or older. See *The Department of Housing and Residential Life Rules and Regulations Handbook* for further information.

#### SECTION I: GENERAL PROVISIONS

The following provisions are applicable to all persons, organizations, and functions unless otherwise provided herein.

- A. Possession of beverage/s containing alcohol is prohibited by any person under the age of 21 (this includes the presence of alcohol within a student's room or contained within their possessions)
- B. Consumption/use of, or intoxication caused by beverage/s containing alcohol is prohibited by any person under the age of 21
- C. Intoxication requiring evaluation and/or treatment by emergency personnel is prohibited
- D. Possession or use of any paraphernalia that enables the playing of "drinking games" or other activities that encourage binge drinking is prohibited
- E. Unlicensed distribution of beverage/s containing alcohol, including the purchase for and/or delivery of alcohol to any individual(s) under the age of 21 is prohibited
- F. Operating a motor vehicle while under the influence of beverage/s containing alcohol, or possession of open containers of beverage/s containing alcohol while in a vehicle while parked or in operation is prohibited
- G. Public intoxication by students regardless of age is prohibited

#### SECTION II: TYPES OF ALCOHOL

There shall be no alcohol served by use of a common container; therefore, kegs, party balls, beer funnels, beer pong tables and punches containing hard liquor are prohibited. At parties or functions where 10 or more people will be present, the serving of alcohol is limited to canned beer and malted beverages (including but not limited to "hard lemonade," wine coolers, or any other beverages that is able to be purchased in a standard grocery store in the State of Florida). No hard liquor is permitted. All beverages packaged in a glass container must be served in a plastic cup (exceptions to this policy may be made by the person responsible for the area where the event will occur, see below for details).

#### SECTION III: CONSUMPTION OF ALCOHOL BEVERAGES AT SOCIAL FUNCTIONS

The following guidelines are to be used for the management of social events where alcohol will be served.

##### A. On-Campus Social Events

On-campus social events at which alcoholic beverages may be consumed/served may be held in those facilities and areas designated below after they have been registered with and approved by an authorized University official. For areas not designated below, any organization desiring to conduct any social event at which alcoholic beverages will be consumed/served must have the approval of the University official responsible for that area and the permission of the Dean of Students or their designee. Students should contact the Dean of Students Office to determine the University

official responsible for a particular area. Alcoholic Beverage Permit forms may be obtained from the Dean of Students Office.

Undergraduate students and undergraduate student organizations are not permitted to plan, promote, or host an event in any of the facilities located on the Coral Gables campus where alcohol will be served. Additionally, alcohol should not be served to undergraduate students at events that are planned, promoted, or hosted on the Coral Gables campus that are exclusively for undergraduate students or undergraduate student organizations.

#### **Campus Facilities/Responsible University Officials**

- Athletic Facilities: Director of Athletics and/or designee
- Classrooms: Dean, Academic Services and/or designee
- Faculty Club: Manager Auxiliary Enterprises and/or designee
- Fraternity Houses: Dean of Students and/or designee
- Gusman Hall: Concert Manager and/or designee
- Law School: Dean of the Law School and/or designee
- Lowe Art Museum: Director, Lowe Art Museum and/or designee
- Panhellenic Suites: Dean of Students and/or designee
- Rathskeller: Director, Rathskeller
- Recreational Facilities: Executive Director, Wellness and Recreation
- Residence Areas: Executive Director, Housing and Residential Life and/or designee
- Ring Theatre: Chairman, Drama Department and/or designee
- Shalala Student Center -
  - ♦ Graduate Student or Graduate Student Organization Events: Dean of Students and/or designee
  - ♦ Law Student, or Law Student Organization Events: Vice President for Student Affairs and/or designee
  - ♦ All Other Events: Executive Director, University Center and Shalala Student Center
- Whitten University Center: Executive Director, University Center and Shalala Student Center

For all other areas, please contact the Dean of Students for more information

On-campus facilities may have additional guidelines and procedures regulating the consumption/serving of alcoholic beverages. In such instances those policies will supersede the general policies outlined in this handbook.

#### **1. University Facilities**

Once a use of a facility has been approved, the petitioning group must register its event no later than eight calendar days prior to the date of the event for weekday events and by Tuesday at 12:00 p.m. for weekend events (Friday and Saturday).

#### **2. Undesignated Areas**

Areas and facilities not specifically designated in this policy are under the purview of the Dean of Students and/or their designee and the University official responsible for the area and for the determination of whether the area will be suitable for the consumption/serving of alcoholic beverages will be made by these individuals. Contact the Dean of Students for more information about gaining approval for these events.

#### **3. Participants / Guests**

Under the conditions of this policy, participation in social events will generally be confined to members of University community, including recognized organizations, students, faculty, and staff. Only under limited circumstances will non-students or other persons not associated with the University of Miami be permitted to participate at such events as guests of the University. Any specific provisions for guests' participation are available upon request in the offices of the various responsible University officials.

#### **4. Use of Third Party Vendors**

For all events where alcohol will be served on the Coral Gables campus, a third party vendor must be utilized to control the alcohol that is served.



## **5. Promotional Activities**

All promotional activities involving alcoholic beverages must adhere to the following guidelines:

- a. Uncontrolled sampling of alcoholic beverages is not permitted and no sampling or other promotional activities may include “drinking contests.”
- b. Materials that show the consumption/serving of alcoholic beverages for promotional purposes must be approved by The Dean of Students Office.
- c. Display or availability of promotional materials may be determined in consultation with the Business Services Office.
- d. Alcoholic beverages may not be provided as free awards/rewards to students, individuals or campus organizations.
- e. Promotional activities may not be associated with existing campus events or programs, which utilize alcoholic beverages without the prior knowledge and consent of the Dean of Students or their designee.

## **6. Advertising and Marketing**

The advertising and or marketing of an event where alcohol will be present must adhere to the following guidelines:

- a. Advertising programs that market alcoholic beverages specifically targeted to students and/or held on campus should comply with all policies outlined in this handbook and should avoid demeaning sexual or discriminatory portrayal of individuals.
- b. A promotion of alcoholic beverages should not encourage any form of alcohol abuse by placing an emphasis on quantity or frequency of use.
- c. Marketing programs should have educational value and subscribe to the philosophy of responsible and legal use of the products represented.
- d. On campus alcoholic beverage advertising, which targets students, including advertising and marketing in the University’s media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic status.
- e. Advertising and other promotional campus activities may not associate alcoholic beverage consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.
- f. On campus advertising of local off-campus marketing activities shall be advertised only with the prior approval of authorized University officials. (Posters, leaflets, etc. are included.)

## **B. General Provisions for Social Functions Involving Alcoholic Beverages**

### **1. Food and Non-Alcoholic Beverages**

Food and non-alcoholic beverages, other than the usual “mixers” for alcoholic drinks, must be provided for guests.

### **2. Time Limit**

Events may not last longer than four hours. The consumption/serving of alcoholic beverages must stop at least 30 minutes prior to the scheduled end of an event. Alcoholic beverages are not permitted outside the area in which a social event takes place. No persons are permitted to enter or leave the premises during the event with alcoholic beverages or alcohol containers in their possession.

### **3. Sponsoring Organization**

All organizations are subject to all applicable city, local, state and federal laws governing alcohol consumption, possession, and distribution, as well as the regulations and policies of the University of Miami. Hosting organizations assume responsibility for maintaining compliance with these laws and policies. The organization sponsoring a social event, its officers, individual members, and guests will be held accountable for knowing and observing these policies. All guests at an event where alcohol is consumed/served must be invited by personal invitation only. Invited guests cannot exceed the total number of student members in the sponsoring organization or 125, whichever is lesser. Exceptions to this regulation must be approved by the Dean of Students.

### **4. Event Management**

Organizations sponsoring a social event at which alcoholic beverages are to be consumed/served must have a supervisor who will register the event and serve in the capacity of host during the event. This person must be a member of the sponsoring organization. He/she will, in the name of the organization, assume overall responsibility for the event. An organization consuming/serving alcoholic beverages or permitting the same should employ a means to be assured that only persons of legal drinking age are being served. The Division of Alcohol Beverages and Tobacco set guidelines for accurate identification. Persons serving alcoholic beverages at events where 10 or more minors or

students are in attendance must complete an orientation workshop in compliance with state alcohol beverage regulations. The Dean of Students Office will present the orientation. Contact the Dean of Students Office to schedule a session for your organization.

**5. Police Officers**

All social events at which alcoholic beverages are consumed/served, and where there are 10 or more students who are under the legal drinking age, must have a police officer present for the duration of the event. This provision includes fraternity houses where there are 10 or more non-resident guests present. The University Police reserve the right to dictate the number of officers needed based on the projected size of the event. Any costs for securing the police for an event must be paid for by the sponsoring organization.

**6. Supervisory Agreement**

All requests for the use of University facilities by organizations must meet certain standards of supervision designed to enforce observance of state law. This responsibility must be undertaken by one or more persons of legal age willing to sign a supervisory agreement with the University for that purpose. The number of persons required to act in this capacity may vary somewhat depending upon the nature of the facility to be used, type of organization acting as sponsor, and the anticipated size of the event. The names of these persons must be provided by the sponsoring organization in advance of the event and must be acceptable to the responsible University official. The person serving in this capacity may be a member of the University faculty or staff, an alumnus, a student of legal age, or other persons acceptable to the responsible University official.

**7. Purchase of Alcoholic Beverages**

University funds will not be used to pay for or sponsor a party, meal, or event, on or off campus, where alcoholic beverages are consumed/served or sold in violation of Florida law.

**8. Off-Campus Social Events**

The University expects that those who participate in off-campus social events, and the organizations or groups sponsoring such events, observe the laws of the State of Florida and all policies of the University of Miami, and will conduct themselves in a manner which reflects credit upon themselves and the University.

**9. Co-Sponsorship**

No organization may co-sponsor an event with a distributor of alcoholic beverages, charitable organization, bar or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) where alcohol is to be given away, sold or otherwise provided to those present.

**C. Additional provisions for Functions at Fraternity Houses and/or the Panhellenic Building**

In addition to the provisions above, Greek Organizations are also expected to follow the provision of this policy documented below when planning events at their off-campus houses or in the Merritt Panhellenic Building.

**1. Event Registration**

If alcoholic beverages are to be consumed/served on Greek Organization premises, including living quarters or public areas, by ten (10) or more members and/or guests together, the event must be registered with the Dean of Students Office.

**2. Days and Times**

Events at which alcoholic beverages are consumed/served shall end no later than 2:00 a.m. on Saturday or Sunday (for events that began the previous night).

**3. Conduct**

Greek Organizations are responsible for the conduct of their members and guests.

**4. Publicity**

Fraternities/Sororities may not advertise that alcoholic beverages will be consumed/served at an event. A Student Affairs Dean must approve all publicity for any Greek Organization function.

**5. Rental or Use**

The use of fraternity houses or Greek Organization suites by non-member groups for the purpose of having social activities where Alcoholic beverages are consumed/served is strictly prohibited.

**6. Guest Policy**

All guests at an event where alcohol is consumed/served must be invited by personal invitation; this includes all individuals who are either initiated or new members of the hosting organization. A guest list must be submitted to the Dean of Students Office by the Monday immediately before the event. The number of invited guests must be less than the maximum allowable capacity of the useable common areas as determined by the Fire Marshall, two times the

total number of members of the sponsoring organization, or 125 total persons, whichever is lesser. The Dean of Students or their designee may make exceptions to this policy.

An additional Greek Organization guest list, equal to but not to exceed 10% of the allowable number of guests for the function, is permitted to be added on site at the entrance to the function. However, the maximum allowable capacity for the useable common areas is the maximum number of persons permitted to be inside those spaces at any given time.

A copy of the complete guest list must be kept at the entrance of the function. Events, to which persons other than University students and/or staff are invited must have special approval from the Dean of Students Office. Any exceptions to the guest policy must have the approval of the Dean of Students Office

#### **7. Food and Non-Alcoholic Beverages**

Food and Non-Alcoholic beverages must be provided by the sponsoring organization(s) throughout the entire event.

#### **8. Event Management**

Members and guests in attendance at social functions involving alcohol must bring their own alcoholic beverages to the event. Alcoholic beverages may not be purchased through the chapter treasury nor may the purchase of alcoholic beverages for members or guests be undertaken or coordinated by any member or guest at the event. All functions must adhere to the guidelines listed in this section and must comply with all regulations in the Alcoholic Beverage Policy. Additionally, the Dean of Students Office reserves the right to conduct inspections of any event to monitor compliance with the policies contained herein.

- a. **Limits:** The limit on the amount of alcohol shall be equivalent to one 12 ounce drink per hour the guests can be present at the event. This means that for events lasting three (3) hours, three (3) drinks will be allowed per guest; for events lasting four (4) hours, four (4) drinks per person will be allowed, etc.. This includes beer and/or malted beverages only; no distilled spirits (i.e., "hard liquor") are permitted.
- b. **Entrance:** There shall be only one designated entrance to the event. The entrance shall serve three purposes: (1) to make sure each person entering the event is either a member in the sponsoring organization or is on the guest list; (2) to check identification of individuals entering the event; and (3) to ensure that no one is permitted to leave the event with an opened alcoholic beverage. There shall be at least one member of the Executive Board at the entrance at all times. All individuals who work the entrance during an event must remain alcohol free for the duration of the event.
- c. **Identification:** Only those persons who are appropriately identified as being 21 years old or older are permitted to bring alcohol to the event, or consume it at the event. Each person's photo identification must be checked at the entrance to the event. Valid forms of identification are a valid driver's license, State of Florida identification card, or a valid passport.
- d. **Wristbands:** Wristbands must be issued to persons of legal drinking age at the entrance to the event. No one will be permitted to possess or obtain any alcoholic beverages without wearing a wristband and being of legal drinking age. Wristbands will be provided by the Dean of Students Office, based on the provided guest list, prior to the event.
- e. **Serving Area:** There is to be a single serving area with servers who have attended a Risk management Workshop and who are of legal drinking age. Students who are not of legal drinking age or who have not attended the Risk management Workshop are not eligible to be servers. Servers may not consume alcoholic beverages before or during an event. No alcohol may be distributed from any other area of the Greek Organization house (including individual living rooms). Servers may not serve any persons who are visibly intoxicated.
- f. **Collection and Distribution:** Once a person of legal drinking age who has brought alcohol to the event enters the event and obtains a wristband, he/she must immediately take the alcohol to the serving area and exchange it for the proper amount and type of tickets (i.e. four canned beers for four tickets designated for that brand of beer). A person may only receive a beverage in exchange for a ticket and may only receive one beverage at a time.
- g. **The sponsoring organization** will be responsible for monitoring the event to make sure no one is drinking without a wristband, and that no person is in possession of more than one alcoholic beverage at a time.
- h. **Alcohol Checkout:** 30 minutes prior to the designated ending time, an announcement must be made to the effect that the bar will be closing. Individuals who leave the event at or before the designated ending time may cash in their remaining tickets for the rest of their alcohol, and must leave immediately. All alcohol remaining after the

designated ending time of the event shall be disposed of by the sponsoring organization.

**D. Residence Halls**

The consumption, sale, and distribution of alcoholic beverages is prohibited in hallways, stairwells, elevators, balconies, meeting rooms, lobbies, and all other public areas inside and outside immediately adjacent to the residence halls or apartments. Students of legal drinking age are permitted to possess and/or consume alcoholic beverages within the confines of their rooms or apartments as long as they comply with all public laws, the University's Alcoholic Beverage Policy, and Housing and Residential Life rules and regulations.

**E. Policy Regulations**

Violations of any policy within this Section may result in disciplinary, civil, criminal, or other action. Violations of this policy involving non-student members shall be referred to the appropriate University administrative office and/or police agency. In addition, disciplinary action may be brought against a student organization for violation of this policy by organization members or guests during an event. Violations of this policy may include the denial of future use of University facilities or social privileges.

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**BIAS RELATED INCIDENTS**

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As one of the most diverse campus communities in the nation, the University of Miami is committed to a Culture of Belonging where all members of the community have a sense of connection to their University, feel valued, and have opportunities to make valuable contributions. The University is a value-based and purpose-driven organization. To that end the University is committed to encouraging everyone to report bias incidents that occur in our campus community so that inappropriate and unwelcome behavior may be properly addressed and the community at large can be educated.

At the University of Miami a bias incident is defined as an action, behavior or expression against an individual's or group's actual or perceived identity. A bias incident may take the form of a verbal interaction, cyber-interaction, physical interaction, or interaction with property. Bias incidents occur whether the act is intentional or unintentional and may be based on, but not limited to: age, race, color, ethnicity, sex, sexual identity, sexual orientation, religion, disability, gender identity and expression, national origin, genetic information, citizenship status, political affiliation or veteran status. Bias often contributes to or creates an unsafe/unwelcoming environment. The University understands that unintentional bias-related incidents occur and will take an educational (non-disciplinary) approach to resolution where possible. Intentional bias-related incidents may be handled through the student disciplinary system.

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**CLASSROOM DECORUM**

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The University seeks to promote a teaching and learning environment free from material and substantial classroom disruptions. Faculty and students have a joint responsibility to develop and maintain an optimal learning environment. Faculty members and teaching staff have the authority and responsibility to effectively manage their classroom environments. Instructors may determine the time and manner for student questions and expression of points of view in the instructional setting. Accordingly, instructors should establish, communicate and enforce reasonable expectations of classroom behavior and decorum via the syllabus and classroom discussion. This policy is not intended to discourage appropriate classroom expression, discussion, or disagreement, but rather to promote respectful interactions.

Classroom rules and expectations may be established by the instructor and communicated to the students via the syllabus and classroom discussion at the outset of the course. Classroom rules and expectations must be reasonable and appropriate in light of the classroom and instructional setting, learning objectives and teaching strategies; and may vary depending upon the educational context.

Any activities or behaviors that disrupt the learning environment can be considered as interfering with the learning process and a violation of this policy.

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## CONSENSUAL AMOROUS, ROMANTIC OR SEXUAL RELATIONSHIPS FOR STUDENTS IN SUPERVISORY ROLES

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### Introduction

Amorous, romantic or sexual relationships (“amorous relationships”) between members of the University community, where one of the parties has academic, administrative or other evaluative authority over the other are highly problematic, even when entirely consensual. Such relationships may create, or be perceived as creating, a conflict of interest that undermines the objectivity of evaluations. Others may perceive that the relationship creates favoritism. There is a risk of exploitation and coercion. Furthermore, the line between consensual and non-consensual relationships may be blurred, particularly in regard to the freedom of an individual to end an amorous relationship without fear of negative repercussions. Power asymmetries make the other party, and the University itself, vulnerable to charges of potentially unlawful conduct. These issues are particularly problematic when one of the parties is an undergraduate student who maybe especially vulnerable or when one party is a graduate student who may be beholden to a particular professor. There are a variety of contexts in which problematic relationships may arise when one of the parties is a student, including those between counselors and counselees; program directors and those under their supervision; coaches and student athletes; Residence Coordinators or Masters and students under their supervision; and General Faculty as well as research/teaching assistants with students over whom they have evaluative authority. Examples of the latter may occur when:

- (1) a student currently participates in a course, recitation, or lab section overseen or administered by a member of the General Faculty or by a teaching/research assistant; (2) a student for whom the General Faculty member and/or teaching/research assistant serves as an advisor on a project such as a thesis or an independent project or internship; (3) the General Faculty member evaluates the student outside of a course by, for example, serving on defense committees or grading qualifying examinations; (4) a student serves as the General Faculty member’s research assistant, teaching assistant, or work study student; (5) the member of the General Faculty takes part in decisions directly affecting the student with respect to admissions, financial aid, or access to any institutional resources; (6) the General Faculty member and student work collaboratively on a project (internship; club activity; co-authoring papers; etc.); or (7) the General Faculty member provides (or will be needed to provide) a recommendation for a job, internship, clerkship, prize, award, or other such honor.

The examples given above are not meant to be comprehensive in illustrating all of the potential relationships that may be problematic due to an imbalance in professional power. Therefore, it is incumbent on every member of the university community to be sensitive to and aware of conduct that violates a culture where the rights and dignity of each person is valued.

### Article 1. Prohibited Relationships with Undergraduate Students

Undergraduate students are particularly vulnerable to potential abuse due to power differentials, whether or not there is a current evaluative role. Therefore, no member of the General Faculty, whether full or part time, shall have an amorous relationship with a University of Miami undergraduate student regardless of whether or not the member of the General Faculty currently exercises or may exercise any pedagogical, evaluative, or administrative authority over that student. If such relationships do occur, the person in the position of greater authority will be held responsible for unprofessional and possibly unlawful conduct. Marriage and pre-existing relationships are obvious exceptions to this policy. Other exceptions can be approved by the Provost.

### Article 2. Prohibited Relationships with Graduate Students

Members of the General Faculty shall not engage in amorous relationships with any graduate student within or outside their respective department, undeptartmentalized school, or graduate degree program, where the faculty member has or may have any administrative or evaluative authority over the student. If such relationships do occur, the person in the position of greater authority will be held responsible for unprofessional and possibly unlawful conduct. Marriage and pre-existing relationships are obvious exceptions to this policy. Other exceptions can be approved by the Provost. For the purposes of this Article, graduate students include students in all professional degree programs beyond the Bachelor’s degree. However, the school or college offering the professional program may modify the requirements of this article through a written bylaw adopted by the voting faculty of the school and approved by the Faculty Senate.

### Article 3. Relationships between Individuals Involving Evaluative Responsibilities or other Power Differences

Even in cases of relationships not precluded by Articles 1 and 2, members of the General Faculty, (including for these purposes research and teaching assistants) regardless of their rank, title or full or partial pay status, shall not enter into or continue amorous relationships with any individuals, over whom they have evaluative authority. When such amorous relationships already exist or develop it is the responsibility of the General Faculty member to immediately recuse themselves from all evaluative responsibilities concerning the other individual, whether student, faculty member, or employee. In the case of a General Faculty member who has an otherwise permissible amorous relationship with a graduate student, the faculty member must cease all academic, professional, and other activities affecting the student. These steps should be taken in a way that does not disadvantage the affected student. Furthermore, the more powerful individual shall promptly report the situation to their Dean or other supervisory authority, who will act to help determine the best means of resolving such actual, apparent, or potential conflicts while maintaining the confidentiality of the information reported.

#### Article 4. Consequences of Violating this Policy

A member of the General Faculty who engages in an amorous relationship contrary to Articles 1, 2, or 3, will be subject to disciplinary action. In the case of a member of the University Faculty, the matter shall be referred to the Committee on Professional Conduct pursuant to Section B4.9 of the Faculty Manual. Members of the General Faculty who violate these policies and who are not members of the University Faculty are subject to termination. Teaching or research assistants who violate this policy are subject to termination of their position and their case will be referred for possible additional action under the appropriate Honor Code. Enforcement action under this Article does not preclude action also being taken under the Faculty Policy on Sexual Harassment contained in the Faculty Handbook section of the Faculty Manual.

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## **DANGEROUS ITEMS: FIREARMS, FIREWORKS, and WEAPONS**

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Firearms, fireworks, and smoke bombs are illegal and prohibited. Combustibles, ammunition, torches, gasoline canisters and other explosives are prohibited without the written approval of a University official.

Weapons are prohibited on campus. A “weapon” includes:

- A.** Any item or instrument which is defined as an illegal weapon under city, state, or federal law;
- B.** Any item designed to inflict a wound, cause injury, or incapacitate another person or animal;
- C.** Any item used to harass, threaten, intimidate, physically abuse, or assault;
- D.** Any item the University deems dangerous or an item that has been used in a dangerous manner.

The following are examples of what are considered weapons and are therefore strictly prohibited:

Guns, slingshots, cross-bows, bows and arrows, nun chucks, spears, switchblades, brass knuckles, billy clubs, fighting or throwing knives, martial arts weapons, toy weapons that appear to be real, BB guns, pellet guns, dart guns, stun guns, air guns, homemade guns, paint guns, instruments that eject projectiles. A “gun” includes, but is not limited to, rifles, pistols, or any variation, and BB’s, pellets, darts, or any other ammunition.

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## **FREEDOM OF EXPRESSION: DEMONSTRATION, OUTSIDE SPEAKERS, AND POLITICAL CAMPAIGN POLICIES**

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As one of the most diverse campus communities in the nation, the University of Miami is committed to a Culture of Belonging where all members of the community have a sense of connection to their University, feel valued, and have opportunities to make valuable contributions. As such, the University supports the free exchange of diverse and competing ideas and opinions in many formats and media. In support of diversity of thought and the free, respectful exchange of ideas, the University campuses welcome the sharing of ideas and opinions, and the protest and challenge of ideas and opinions. However, the University of Miami reserves the right to use its sole discretion to refuse any request for the use of University space or facilities deemed inconsistent with the values and mission of the University including those events that may cause a disruption or cause danger or violence.

**Demonstration Policy.** All students and student organizations must comply with the requirements and policies governing demonstrations.

A demonstration is defined as, any public display of support for, or in opposition to, any person, group, organization, cause, institution, idea, or policy. A demonstration shall not include mere attendance at any scheduled University-sponsored activity, even if badges, armbands, distinctive clothing, or similar symbols of opposition are displayed. Peaceful and orderly demonstration is considered to be one of the many legitimate avenues for the free expression of ideas. Accordingly, the University supports and protects the rights of students, and recognized student organizations, to demonstrate and publicly proclaim their views, however unpopular. This policy is intended to uphold the right of free speech of both demonstrators and speakers, while also safeguarding the right of others to see and to listen.

The University of Miami supports the rights of individual students and student organizations to demonstrate, provided such activities do not disrupt normal academic or administrative activities, or infringe upon the rights of others. The right to express ideas freely carries with it certain responsibilities, among which is the obligation to refrain from interfering with the rights of other members of the academic community to pursue legitimate educational objectives. Persons engaging in activities on University property are subject to, and expected to, comply with all applicable University policies and procedures and all applicable laws, including any State Statutes and relevant County and Municipal ordinances.

The safety and well-being of members of the Campus community collectively and individually, must be protected at all times; thus the University maintains the right to regulate and monitor the time, place, and manner in which activities occur on Campus, and to evaluate and assess related security costs for any demonstration.

Procedure for Gaining Approval for a Demonstration

Recognized University organizations and full or part-time students who wish to schedule a demonstration, rally, protest or equivalent activity, may request the space through the Dean of Students Office on their respective campus and the appropriate venue manager. Any such request must be made no less than four business days in advance of the activity. The required Demonstration Registration Form can be accessed and completed in OrgSync.

Demonstrations may be held at locations on Campus with the approval of the Dean of Students Office on their respective campus on a first-come, first-served basis, based on availability after an assessment that such demonstrations will not otherwise interfere with scheduled University use, or fail to comply with the guidelines applicable to all demonstrations. Once the required form is completed and submitted in a timely manner, it will be reviewed by the Dean of Students Office and appropriate representatives of the proposed venue, UMPD and the Vice President for Student Affairs office. No demonstration can take place without final approval from the Dean of Students Office.

#### Demonstration Guidelines and Responsibilities

Persons may not:

- display, threaten to use, or attempt to use firearms, explosives, or other weapons or dangerous items on University property.
- engage in threatening or physically abusive behavior, or cause or threaten to cause physical injury to another person.
- have signage on posts or sticks that may present a safety risk.
- set fire to, or damage by any other means (e.g., including by use of any hazardous or noxious substance), any University building, or any property (e.g., books, papers, records, electronic medium) of the University, or of others.
- block or otherwise interfere with the free flow of vehicular, bicycle, or pedestrian traffic. The right of way on streets and sidewalks must be maintained, unless the closure is authorized in writing by the Dean of Students Office on the respective Campus involved.
- block or otherwise interfere with ingress or egress of Campus buildings, exterior patios, plazas or gathering places, or adversely occupy or take over any building or part thereof.
- obstruct, disrupt, or attempt to obstruct or disrupt any event including classes or any other activity sponsored by the University or by any users authorized to use University facilities. Use of indoor or outdoor public address systems and amplified sound, or the use of signage within buildings requires prior approval from the Dean of Students Office on the respective campus involved.

Demonstrations are also subject to Florida Statute 877.13 and the City of Coral Gables Code, which can be found in the Appendix of this manual.

#### Permitted Demonstrations and Sanctions

Members of the University of Miami community generally may articulate their dissent or disagreement with a particular speaker through symbolic protests, including but not limited to distributing literature outside the meeting, holding signs, wearing clothing or buttons, standing in the back of the room, so long as they do not interrupt the speaker's ability to communicate or the audience's ability to view or hear the speaker.

Individuals participating in any demonstration, whether sponsored or not, are accountable for compliance with this policy. Sponsoring organizations and other related entities are also responsible for compliance with this policy. Upon a violation of these guidelines, University officials may direct demonstrators (a) to comply with these guidelines, (b) to cease and desist their activities, and/or (c) to leave the premises or Campus. Demonstrators or spectators who are alleged to be in violation of these guidelines should, if at all possible, first be warned by University officials and given the opportunity to cease and desist. If they fully comply with this request and no crime or violation of University of Miami policies, procedures, or Students Rights and Responsibilities has been committed, no adverse actions will be taken.

UMPD is fully authorized to protect persons and property and may disperse persons at any event they determine is violent or has the potential to escalate to violence of persons or property.

Students who knowingly violate this policy governing Demonstrations on Campus, or fail to cease and desist after being warned to do so, are subject to conduct action, arrest, and/or other action by appropriate authorities. Student organizations charged with violating this policy will be referred to the appropriate Dean of Students Office. Sanctions for failing to abide



with policy guidelines may include termination of the demonstration and prohibition of future demonstration activities, and may include University conduct action for groups and/or individuals.

#### Outside Speakers Policy

The University of Miami is committed to providing a forum for free and open expression of divergent points of view by Campus speakers. Use of University facilities by outside speakers is not an endorsement by the University of any speakers' views. In keeping with University policy, all undergraduate, law, graduate and medical school student organizations must observe all policies and registration requirements related to hosting an outside speaker. While the University is committed to providing a forum for freedom to express divergent points of view by campus speakers, in those circumstances where the University believes the event may cause a disruption or cause danger or violence, the University may deny or withdraw an invitation to speak.

#### Procedure for Gaining Approval to Host an Outside Speaker

Registered student organizations, after consultation with their advisor(s), may invite speakers of their choice to University campuses. Student organizations seeking to sponsor programs and events involving outside speakers must indicate the presence of the speaker via their event reservation form at least 10 business days prior to the program or event. If a group would like to bring an outside speaker to an event that already has a confirmed reservation (including regular weekly meetings), it is the responsibility of the student organization to update the reservation to include the presence of the outside speaker by notifying the venue in writing. Student organizations are encouraged to complete the reservation form early in the planning stages as the University must approve the time, place and manner of each outside speaker. The form will be reviewed for approval by the appropriate University administration. As a condition of final approval, the University may require that the sponsoring organization make certain changes involving the event, including, but not limited to a change in venue, scheduled time, or security arrangements, as deemed necessary by the University. The Department of Student Activities & Student Organizations – in consultation with the University of Miami Police Department – may require that additional security be present to ensure the safety of the speaker and program participants. The costs of security measures are the responsibility of the sponsoring organization.

#### Outside Speaker Guidelines and Responsibilities

1. Admission - In addition to the student members of the sponsoring student organization, outside speaker events are generally only open to University students, faculty, staff and trustees. Exceptions to this policy must be approved by the Vice President for Student Affairs, or, if applicable, by the appropriate academic Dean (Law, Marine Science, Graduate, Medicine) in consultation with the Vice President for Student Affairs. Admission charges, if any, or suggested donations which are used as a condition of admission, must be included in all publicity for the event.
2. Advertising/Publicity - All student organizations seeking to sponsor an outside speaker must include in any advertising promotional materials, and other literature distributed, the name of the sponsoring organization(s), sufficient information about the speaker(s), and the nature of the presentation. Deceptive advertising, soliciting, recruiting practices, or the use of third party promoters are prohibited. No publicity for an outside speaker or program may be released prior to approval of the Registration Form. Unauthorized use of the University's name is strictly prohibited.
3. Advisors - The student organization Advisor(s) or designee (designee must be a full-time faculty or staff member) of the sponsoring organization must be present for the duration of the event.
4. Contracts - All contracts for speakers must be submitted to the Department of Student Activities & Student Organizations for processing and execution. Execution of a contract does not signify endorsement by the University of any speakers' views. Unauthorized persons are prohibited from entering into any contract on behalf of the University. Any contract entered into on behalf of the University without proper authorization shall be deemed void. Any student or student organization that enters into, or attempts to enter into, a contract on behalf of the University, may be referred to the Dean of Students Office.
5. Security - The Department of Student Activities & Student Organizations – in consultation with the University of Miami Police Department – may require that additional security be present to ensure the safety of the speaker and program participants. Such factors including, but not limited to, expected attendance, location and nature of the presentation will be considered. The costs of security measures are the responsibility of the sponsoring organization.

6. Venue - The venue manager for the location where the event is to occur must indicate their approval for the use of the location prior to the submission of the registration form. The sponsoring student organization is responsible for informing the venue manager if they would like to make any changes to their space reservation and related details before the event occurs.

#### Failure to Comply with Outside Speakers Policy

Students who knowingly violate this policy governing outside speakers, or fail to cease and desist after being warned to do so, are subject to conduct action and/or other action by appropriate authorities. Student organizations charged with violating this policy will be referred to the appropriate Dean of Students Office. Sanctions for failing to abide with policy guidelines may include termination of the event, and prohibition of future outside speaker activities, and may include University conduct action for groups and/or individuals.

#### Political Campaigning Policy

Officially registered student organizations may table on behalf of one or more political candidates. The activity must be overseen by current university students at all times, and groups must remain within their assigned spaces. Solicitation at unauthorized locations around campus - including in residence halls, classroom buildings, and other public areas - is a violation of the University solicitation policy and is prohibited. The decision to support one or more candidates lies entirely with the student organizations. Student groups are not obligated to provide equal access to all candidates if they do not wish to do so.

Campaign staff that wish to reserve tables without the support of a registered student organization may do so, but will be required to pay reservation fees as outlined at [www.miami.edu/scc](http://www.miami.edu/scc).

Voter registration of University of Miami students may only be conducted by officially registered University political organizations and the "Get Out the Vote" initiative coordinated by the Office of the Vice President for Student Affairs. Groups registering students to vote must follow specific guidelines related to the distribution and collection of voter registration forms. Groups must meet with a representative from the Office of the Vice President for Student Affairs to review and accept these policies prior to beginning any voter registration efforts.

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## EMERGENCY EQUIPMENT AND PROCEDURES

Designated fire escapes, ground level fire doors, fire hoses and extinguishers, and alarm equipment are to be used only in emergencies. The blocking of, tampering with, damage caused to, the destruction of, or the misuse of these emergency devices is prohibited and may result in criminal prosecution and/or University disciplinary action.

Directions for evacuation of University buildings, including all residential areas, in cases of emergency are posted throughout each building. All students are required to participate in building evacuations. During building evacuations, students may not return to buildings until the police, fire department, or appropriate University staff member gives authorization.

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## HAZING

The University of Miami has an absolute prohibition on hazing. Hazing is defined as an action or situation created on or off campus which recklessly or intentionally harms, damages, or endangers the mental or physical health or safety of a student for the purposes of, including, but not limited to, initiation or admission into or affiliation with any organization operating within the University of Miami. Hazing includes, but is not limited to:

- A. pressuring or coercing a student into violating University rules or local, state or federal law,
- B. brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements,
- C. forced/encouraged consumption of any food, liquor, drug, or other substance, or other forced/encouraged physical activity that could adversely affect the physical or mental health or safety of the student,
- D. any activity that would subject the student to extreme mental stress, such as sleep deprivation,
- E. forced/encouraged exclusion from social contact,

- F. forced/encouraged conduct that could result in extreme embarrassment,
- G. forced/encouraged activity that could adversely affect the mental health or dignity of the student, or
- H. any other activity which is inconsistent with the regulations and policies of the University of Miami (*continued*)

It is not a defense to a charge of hazing that:

1. The consent of the alleged victim had been obtained;
2. The conduct of activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
3. The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.
4. The conduct or activity was not done to intentionally cause physical or emotional harm.

Students who are complicit to hazing will be charged with violating the university's complicity policy.

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## HEALTH AND SAFETY

Students who engage in conduct that endangers their personal health or safety or the personal health or safety of others, may be required to participate and make satisfactory progress in a program of medical or psychological evaluation and/or treatment if they are to remain at the University. The determination as to the student's participation and progress is to be made by the Dean of Students, or their designee, with the assistance of the Director of the Student Health Center, the Director of the Student Counseling Center, and the Chief of the University of Miami Police Department, or their respective designees (this body comprises the Student Assessment Committee). The University reserves the right to require the withdrawal of a student whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others.

Upon request by the student, the decision to withdraw may be initially reviewed by the Dean of Students (the "Initial Review"). Requests for an Initial Review must be made, in writing and delivered to the Dean of Students Office, within 7 calendar days of receipt, by the student, of the withdrawal notice. The Dean of Students may uphold the withdrawal or share any new or relevant information with the Student Assessment Committee, which may then uphold, amend, rescind, or revise the withdrawal. The Vice President for Student Affairs (the "VPSA") will serve as the final level of appeal for withdrawals made by the Student Assessment Committee. Prior to appealing the withdrawal to the VPSA, the student must have requested an Initial Review and been notified of the outcome of the Initial Review. The request for a final review by the VPSA must be made, in writing and delivered to the Office of the VPSA, within 14 calendar days after receipt, by the student, of the outcome of the Initial Review. In conjunction with the request for review by the VPSA, the student may submit to the VPSA any information which they believes is relevant and supportive of the request to review the University's withdrawal request. The VPSA may uphold, amend, rescind, or revise the withdrawal. Decisions made by the VPSA are final.

Generally, a student who is required to withdraw from the University for behavior detrimental to the health or safety of the student or others may not be allowed to return to the University to resume their education for at least six months after the effective date of the withdrawal. Action taken under the University Health and Safety policy does not preclude disciplinary action by the University. Students who withdraw for reasons of health or safety must contact the Dean of Students Office before seeking readmission to the University.

Students who are withdrawn pursuant to this policy will be advised of their right to request an Initial Review and a subsequent review by the VPSA.

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## IDENTIFICATION CARDS

Students are required to carry University 'Cane Cards at all times and to present their 'Cane Cards when requested by University personnel including but not limited to staff members of the Housing and Residential Life, Food Service, Rathskeller, University Center, Bookstore, Library, Dean of Students Office, Health Service, Health Center Pharmacy, Department of Public Safety, The Student Wellness Center, the Office of the Registrar, and/or when at an Athletic event.

- A. University Identification Cards:** University identification cards may only be used by the student whose name appears on the card. Any alteration or illegal use of University identification cards is prohibited. Cane cards that are misused are subject to confiscation by University personnel. The University reserves the right to confiscate any duplicate Cane cards if discovered, and to confiscate a Cane Card at any time a policy violation is perceived
- B. Other Identification Cards:** Possession of an identification card that bears another person's likeness or contains false demographic information is prohibited. This includes all altered, blank, forged, stolen, borrowed, fictitious, counterfeit, or unlawfully issued driver's license or identification cards. Identification cards meeting any of these criteria will be confiscated where students are found in possession of them and will be turned in to the Dean of Students Office and/or the University Police as evidence of misuse and policy violation.
- C. Creating Identification Cards:** Making or possessing instruments and/or materials for counterfeiting of University identification cards, driver's licenses or any other forms of identification is prohibited.
- D. Lost or Damaged Cards:** Current or damaged Cane Cards must be surrendered to the Cane Card Office when a request is made for a replacement card. This includes requests due to change in UM status (i.e. student to alumni, student to employee, undergraduate student to graduate/law/medical students, etc.)

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## INFORMATION TECHNOLOGY RESOURCES

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The University of Miami's information technology resources have been assembled to facilitate the pursuit of excellence in the University's missions of teaching, research, and service. These pursuits are founded upon the basic principles of academic freedom and freedom of expression which transcend the means of communication used to convey these messages. The proliferation of technology continually provides new and different means of communicating the results of these endeavors, which must be adequately managed and protected while recognizing these very important principles.

The opportunity to use computing systems and software, as well as internal and external data networks, is important to all members of the University community. To preserve that opportunity for the full community, each individual student must comply with institutional and external standards for acceptable use of these shared resources. Although modest personal use of University-supplied technology resources may improve the skills of individual users and otherwise contribute indirectly to the University's mission, these resources should be used primarily for University-related educational and administrative purposes. By using University information technology facilities and resources, users agree to abide by all related University policies and procedures, as well as applicable federal, state, and local law. Violations may result in University conduct action or referral to appropriate external authorities.

### **A. Acceptable Use Policy**

The University of Miami maintains a computing system for the academic and administrative use of faculty, staff, and students. The University strives to provide a robust, resilient, and reliable information technology infrastructure to enable excellence in scholarship and education through the effective and innovative use of computers and information technology. The University of Miami computing systems and network are resources provided for all members of the University community. Because computing and network resources are shared, individuals should use the systems responsibly in pursuit of academic and administrative functions, and in doing so, are not to infringe on the rights, integrity, or privacy of others or their data. In using the computing systems and network, individuals and groups must abide by standards of lawful and ethical behavior.

### **B. User Obligations**

Use of the University of Miami's computing systems and network is a privilege that carries numerous obligations. By using the University of Miami's computing systems and network, you (the "User(s)") agree to abide by the following User Obligations:

- 1. Responsible and Lawful Conduct.** By using the University of Miami's computing systems and network, Users agree that information posted on or distributed through the systems or network contain no obscene material; no advertising material or promotional material promoting products or services, except as may be permitted pursuant to University World Wide Web Policies - A047; no material which constitutes libel, slander or invasion of privacy or publicity rights; no violation of copyrights or trademarks; no incitement to riot or violence; and no violation of federal, state or local law. This paragraph is not intended to limit academic freedom.
- 2. Respect for the University of Miami's Computing Systems and Network administration.** Users should use the

systems and network in a way that promotes the University of Miami's academic mission. Accordingly, when it is necessary to perform systems administration, or, in order to protect the University of Miami's legal interests, network administrators may access all files and data on the University Computing Systems and Network. In addition, the University may monitor and/or review any user ID, user activity, files, and data on the University systems and network, and/or "freeze" or remove access to any files or data which the University reasonably believes violates User Obligations in accordance with applicable University policies.

3. **Responsible Use of Computing and Networking.** Users may not obstruct any others' work by using unnecessarily large amounts of system resources (such as disk space, output devices, CPU time, and network bandwidth) or by deliberately causing any machine to crash or shut down. Given the finite capacity of available systems, Users must be responsible in their use of resources so as not to interfere unreasonably with the activity of other users.
4. **Responsible Use of Accounts.** Users may not give away or share any user ID and password, for any reason, or under any circumstances. Users may not use someone else's account, either with or without permission. Individual accounts cannot be transferred to or used by another individual. Users also agree that attempts to gain access to any account not belonging to them or to a system on which they are not an authorized user will be treated as a violation of University policy, and their computing privileges may be revoked.
5. **Responsible Use of Bandwidth.** The University of Miami is committed to providing adequate network capacity for the academic and administrative computing needs of the University community. As desktop computers and servers have become a part of everyday life on campus, the volume of information transmitted through the University network has grown significantly. The growth in network use has increased the need for responsible use of the network resources, as excessive network traffic can interfere with the academic and administrative functions of the University. Members of the University community must employ good judgment in the use of the network. If the network is hindered by servers or computers using excessive bandwidth, those machines will be disconnected.
6. **Respect for Copyright.** Distribution of copyrighted material is a violation of federal law. In accordance with the Digital Millennium Copyright Act and the University of Miami Peer-to-Peer Policy (A065), the University, once notified of alleged copyright violations, will disconnect from the network the server or computer of the individual(s) involved. The individual who is distributing the copyrighted materials is responsible for any copyright infringement.
7. **Respect for System Security.** It is the responsibility of every User to protect the integrity and security of the data in personal accounts. Each User must accept responsibility for all matters pertaining to the proper use of personal accounts; this includes choosing safe passwords and ensuring that file protections are set correctly.
8. **Respect for the Ownership of Proprietary Software.** Users must not make or use unauthorized copies of proprietary software, even when that software is not physically protected against copying.
9. **Responsible Care of Computer Systems.**  
Users should exercise care in adequately protecting their systems against computer viruses and worms by installing the latest available security patches in a timely and appropriate manner. In the event a system becomes infected, the user shall isolate their infected systems from the University network so as not to affect other users or systems.

In the event an unauthorized key-logging program is detected on any University system, it must be immediately reported to the Chief Information Security Office. The system must be disconnected from the network and physically secured for an investigation to be performed by IT Security.

Any computer identified as a security risk due to lack of virus protection may be disconnected from the network or the respective network access account may be disabled until adequate protection is in place.

Users are given access to the University of Miami's computing systems and network because they are tools to help them meet their academic goals. This access, however, is a privilege, not a right. Preventing others from fulfilling their academic or business-related goals by using the system irresponsibly is not permitted. Misuse of the University's computing systems and network could lead to disciplinary, civil, criminal, or other actions.

**C. Examples of usage that could lead to disciplinary, civil, criminal, or other action include, but are not limited to:**

1. Using computing or network resources for the purpose of harassing another individual or group
2. Using computing or network resources for a commercial purpose

3. Sending electronic chain mail or mass unsolicited mail
4. Maintaining a server that contains files for which you do not have proper permission to store or redistribute
5. Altering e-mail or Usenet headers to hide the identity of the sender/poster or to attribute the e-mail or posting to someone other than the sender/poster
6. Using talk, write or IRC (inter-relay chat) resources in an abusive or frivolous manner
7. Accessing or transmitting obscene material in violation of federal, state or local law.
8. Posting inappropriate material to Usenet or a Web site
9. Using large amounts of disk space to store files not related to your academic pursuits
10. Excessive use of programs for non-academic purposes in a manner that taxes the system's resources.
11. Attempting to gain access to any computing, network, academic or business resources that you are not authorized to use, including those of third parties.
12. Using server resources to engage in activities in violation of federal, state or local law or other University policies. The University of Miami will hold responsible the owner of any account through which security violations or irresponsible use occurs or individuals who inappropriately obtain and/or make use of another User's account or password. The University of Miami also reserves the right to withhold computing privileges from those who do not abide by the letter or intent of this policy document. Violations of this policy by the students referenced below shall be referred to the following offices for appropriate disciplinary action:

|                |                             |
|----------------|-----------------------------|
| Undergraduate: | Dean of Students            |
| Graduate:      | Dean of the Graduate School |
| Law:           | Dean of Students            |
| Medical:       | Dean of Student Affairs     |

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## MESSAGE DELIVERY

Students and student organizations are expected to accept receipt of and, if appropriate, respond promptly to all paper and electronic correspondence from University academic and administrative offices, including all phases of the student conduct process.

Under extraordinary circumstances and after exhausting all other reasonable efforts to contact a student, academic and/or administrative offices may attempt delivery before or after a student's scheduled class. If an attempt is made to deliver correspondence prior to the start of class, the faculty member will be asked for permission to deliver the correspondence. The nature of the correspondence shall be considered private and will not be communicated to the faculty member or any person(s) present. The faculty member will have the option of allowing discreet delivery prior to the start of class or declining the request. If the faculty member declines, the correspondence will be delivered immediately following the class.

This policy excludes police actions, which will proceed according to applicable statutes and warrants.

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## PARKING AND MOTOR VEHICLES

Parking on the University of Miami's campus is a privilege granted solely under the terms, conditions, and rules published by the University. The registered owner and/or operator of a motor vehicle, as determined by the University, are held responsible for fines and penalties assessed for parking violations.

Students who use a motor vehicle on campus or purchase a parking permit are understood to have entered into a contract with the University of Miami in which the student agrees to abide by the University's policies concerning motor vehicles. Parking permits are virtual and not transferable. A permit may not be assigned, sold, transferred or used by any individual other than the one to whom the permit was assigned. Only vehicles belonging to the permit holder can be registered on the account. A student cannot register another student's vehicle to their permit. Students with an annual parking permit who graduate in December or leave the University before the end of the academic year should notify Parking and Transportation. A partial refund may be available subject to when the permit is returned. Towing at the owners/operator's expense and risk, fines, and/or disciplinary action may result if transfer occurs.

University of Miami students are responsible for their own compliance with the University's parking policy, as well as compliance by family members and guests, and will be held financially responsible for citations issued to vehicles traced to their family members and guests, as well as themselves.

A parking permit carries no guarantee that a parking space will be available at any given time. The University of Miami accepts no responsibility for damage to or theft of any vehicle or for the contents of motor vehicles parked on the University's campus.

All vehicles must be operated in accordance with the laws of the State of Florida and the City of Coral Gables.

Any/all appeals pertaining to fines assessed by Parking & Transportation Services must be directed in writing to the University's Parking Appeals Committee (PAC), and are contingent upon the decision of PAC.

The University of Miami's complete Parking Policies and Procedures is available online at <http://www.miami.edu/parking>, or at the Parking & Transportation Services office.

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## PRINTED MEDIA DISTRIBUTION AND ADVERTISING

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The following policy applies to all areas of campus and University facilities and supplements any policy pertaining to specific areas of campus:

Prior approval must be obtained from the Assistant Vice President for Business Services or their designee before any restaurant, bar, lounge, or similar establishment places on campus any advertisements in the form of posters, handbills, and distribution of leaflets or other printed media. Such advertising is prohibited without prior approval.

### A. Acceptable Conditions for Seeking Approval

1. When the advertisement is in connection with an approved on-campus activity. For example, if such an establishment sponsors or underwrites a University or student organization on-campus activity, the AVBS may approve the use of posters, distribution of leaflets or other advertising publicizing an off-campus event during said on-campus activity.
2. For an off-campus event at a restaurant, bar, lounge or similar establishment, such as a homecoming dance, which is sponsored and held by the University or student organization.
3. For an off-campus event sponsored in cooperation with a student organization if the student organization and said establishment comply with the University solicitation policy, including obtaining approval of such solicitation from the Executive Director of the Student Center Complex, entering into a contract with the University regarding the solicitation and obtaining required insurance.

### B. Requirements for Making a Request

Applicants seeking approval to advertise on campus must submit a written request to Office of Financial Operations least five days prior to the date upon which the applicant desires to begin advertising. The written request must include:

1. The copy of the poster, leaflet, handbill and any other advertising the applicant intends to use or an actual copy of the same;
2. The size and color of the poster, leaflet, handbill and any other advertising the applicant intends to use;
3. The date(s) and locations on campus upon which the applicant desires to advertise;
4. The number of posters, leaflets, and handbills to be used;
5. The name, address, phone number, and student I.D. number, if applicable, of the person who will be responsible for any damage to campus as a result of the advertising, for litter, and for removing the posters;
6. The name, address, phone number, and student I.D. number, if applicable, of the person who should receive notice of approval or denial of the application, or withdrawal of approval.

### C. Requirements for Approval

1. The posters, handbills, leaflets or other advertising are neat, legible, typeset, and in acceptable taste as determined

by the Office of Financial Operations in its sole discretion;

2. The applicant agrees not to advertise until one week prior to the event, and to remove all posters and clean up any leaflets or handbills littering campus within 48 hours after the event has taken place.
3. All approved advertisements are subject to the policies of the particular facility or building where the advertising is to, or does, take place.

All approved advertising must be displayed, distributed or placed in the specific bulletin board, receptacle or other appropriate designated area for such advertising. Advertising placed in inappropriate areas may be removed immediately.

Advertising by posters, distribution of leaflets or in any other manner on any area of campus is a privilege, not a right. Office of Financial Operations has complete discretion to permit or disallow any type of advertising. Approval may be withdrawn at any time.

The prohibitions contained herein shall have no effect on advertising in University media such as The Miami Hurricane or WVUM, and advertising therein shall be conducted in accordance with all University regulations.

Any student who participates or assists in posting posters, distribution of leaflets and handbills, or other advertising by a restaurant, bar, lounge or similar establishment in violation of this policy shall be subject to discipline. Any person not enrolled in the University or any entity not affiliated with the University is also subject to legal action by the University for violation of this policy.

Approval of advertising by the Office of Financial Operations not in any manner indicate endorsement, approval or support by the University of advertised events, entities or establishments. The University assumes no liability for advertised events, entities or establishments.

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## **RATHSKELLER POLICIES AND PROCEDURES**

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The terms of the Rathskeller's licenses require compliance with all pertinent laws and with University policies and regulations. The University Rathskeller is licensed to operate by the City of Coral Gables and the State Division of Alcoholic Beverages and Tobacco. For use of and rules governing the Rathskeller, persons should contact the Rathskeller Manager.

### **A. Membership**

Use of the Rathskeller facility is restricted to University Rathskeller members and their guests. Membership is open to all students who pay an activity fee, administrators, faculty, and employees of the University. University Alumni and Trustees are welcome. Upon request, all members are required to show proof of membership. (see Identification Cards Policy, page 50)

### **B. Conformance with Public Laws**

Persons using the University Rathskeller's facilities are bound by all State and local laws and ordinances. A violation of any applicable public law or ordinance is also a violation of the University's rules and regulations under this section; and will result in University disciplinary action and/or prosecution by law enforcement.

For illustrative purposes the following includes, but is not limited to the types of conduct which could result in University disciplinary action:

1. Misrepresentation of age.
2. Non-compliance with behavioral expectations set forth by the Rathskeller Manager or their designee.
3. Possession and/or consumption of Alcoholic beverage by minors.
4. Public intoxication.
5. Removing Alcoholic beverages procured in the Rathskeller from the premises.
6. Theft of or damage to Rathskeller property.
7. Violation of any law or ordinance prescribing conduct in establishments where Alcoholic beverages are dispensed.
8. Bringing in and/or possession of Alcoholic beverages procured outside of the Rathskeller.



Whenever it comes to the attention of the University Rathskeller Manager or their designee that a violation of any pertinent state or city law, ordinance, regulation or University policy has occurred, the Manager/designee, shall immediately exclude that violator, and their host if the violator is a guest, and those who may have contributed to that violation, from the physical bounds of the University Rathskeller. All other student conduct procedures apply.

**C. Intoxication**

The Director of the Rathskeller or their designees shall have the sole authority to determine, in their judgment, whether persons are intoxicated or are becoming intoxicated, and to take disciplinary action against such persons in accordance with these Rathskeller policies and procedures.

If in the judgment of the Manager or their designees a patron becomes intoxicated, the Manager or their designees shall take such action as may be proper under the circumstances with regard for the safety and well-being of the intoxicated individual, and other persons and property. Such action may include the referral of this individual for arrest and prosecution by legal authorities.

**D. Guest Policy**

All guests (min. age 18) must have a valid state issued photo ID, military ID, or passport with photo and be accompanied by a University of Miami student, faculty or staff member or other college/university student, faculty or staff member, and be signed in. Guests under 18 years of age will not be permitted in the Rathskeller unless they are members of the immediate family of a Rathskeller member. Members are responsible for the behavior and actions of their guests (see Campus Visiting Privileges).

**E. Admission Charge**

An admission charge may be imposed upon all guests for programmed events.

**F. Pets**

Pets and other animals are not allowed inside the Rathskeller or on the Rathskeller Patio area.

**G. Amendments to Rathskeller Policies or Procedures**

From time to time the Rathskeller Manager, with the approval of the Rathskeller Board of Directors, may deem it advisable to initiate and implement new policies and procedures. Rathskeller members will be given reasonable notice of any new policies and procedures that may be adopted.

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## HOUSING AND RESIDENTIAL LIFE POLICIES AND PROCEDURES

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All students are advised that when they sign a housing/apartment contract they have agreed to abide by the terms of that contract as well as all University and housing rules and procedures, and assume responsibility for the behavior of their guests. Specific information regarding Housing and Residential Life policies is available from the Department of Housing and Residential Life, Eaton Residential College, Suite 153, and (305) 284-4505.

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## SMOKING

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The Coral Gables Campus and the Miller School of Medicine are smoke free environments; smoking is prohibited.

“Smoking” includes inhaling, exhaling, burning, or carrying any lighted cigarette or electronic cigarette, cigar, pipe or other such device which contains tobacco or other smoke producing products.

- The University is committed to promoting a healthy environment for the well-being and safety of staff, students, faculty, patients, visitors, and all individuals who have a presence on our campuses.
- In that regard, the University is committed to:
- Encouraging and assisting employees, patients, and students who wish to overcome their dependence on tobacco by offering cessation programs and a wide range of supportive systems.
- Creating and providing a safe and healthy environment for all people who work, teach, provide and receive care, study, and visit our campuses by working toward a campus that is free of involuntary smoke exposure.

Smoke-Free Ambassadors, faculty, staff, and students are encouraged to directly and politely inform those unaware of the policy or remind those in disregard of it. If this effort is unsuccessful, the individual in violation of this policy may be subject to appropriate disciplinary actions as defined by University policy.

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## SOLICITATION

Solicitation of students by other University students without the approval of the University authority responsible for the administration of the campus area in which the proposed solicitation will take place is prohibited. Solicitation by non-students may be done only with the approval of the Assistant Vice President for Business Services.

Solicitation is defined as any approach of one person by another person for the purpose of buying, exchanging, or selling goods or services, or distributing literature to cause a person to buy, exchange, or sell goods or services, or for the purpose of requesting funds, time membership, goods, services and/or equipment or materials to benefit either the University, its employees, outside organizations, or student organizations; or to sign petitions or collect names/addresses/phone/e-mails or other personal information.

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## STUDENT INTERNATIONAL TRAVEL

The purpose of this policy is to provide procedures for all students traveling on university trips outside the United States.

A "University Trip" includes any trip outside the United States that is organized, administered, or sponsored by the Study Abroad Office or any other department or school within the University or any other trip outside the United States in which a faculty member and/or staff member is traveling with University students in conjunction with, or as part of, an academic, community service and/or humanitarian endeavor.

[https://goabroad.miami.edu/index.cfm?FuseAction=Abroad.ViewLink&Link\\_ID=A1ED101D-26B9-58D3-F55D89FB58947E32](https://goabroad.miami.edu/index.cfm?FuseAction=Abroad.ViewLink&Link_ID=A1ED101D-26B9-58D3-F55D89FB58947E32)

Students at the University of Miami who travel internationally on University-connected business or programs (University Trips) are required to register their purpose, destination, and itinerary as well as fulfill other requirements prior to departure. If you are planning on traveling internationally, please use the link above to register and complete these requirements.

Approval must also be given by the Executive Director of Risk Management four weeks prior to traveling to countries noted by the U.S. Department of State as Level 3 and Level 4, which can be found at the following link:

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories.html/>

Students who require travel medicine consultation and/or immunization should schedule an appointment at Student Health Services or another medical provider at least six weeks prior to travel.

Failure to comply with this policy may lead to the non-recognition of credits by the University of Miami for courses taken abroad.

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## TRESPASS

The University of Miami reserves the right to prohibit trespass onto its property. University employees whose duties include building or property supervision, or the general safety and protection of persons or property, may issue a trespass warning (orally or in writing). A trespass warning may be issued to students or non-students and may apply to an individual's vehicle as well. The revocation of a person's privilege to be upon the lands, within buildings, or on the premises of the University may be restricted to time and place by the agent of the University issuing the trespass warning. A University Police Officer or officials issuing a trespass warning may:

- Identify himself as a University official when he/she issues a warning;
- Advise the person that he/she is on University property and that their permission to be on University property is revoked;

- Inform him that if he/she does not leave immediately or if he/she returns, he/she will be arrested and prosecuted for trespassing to the full extent of the law.

An oral trespass warning should be issued in the presence of a witness whenever possible. A copy should be retained of any written trespass warnings. Prior to issuing the trespass warning, the University Department of Public Safety may be notified and a police officer will respond to assist in the warning process.

### **Appeals**

If a University employee who is not a police officer requests the trespass warning for a student, the student may appeal the trespass warning only to the Dean of Students whose decision is final. The appeal must be submitted in writing and within 10 days of the issuance of the trespass warning.

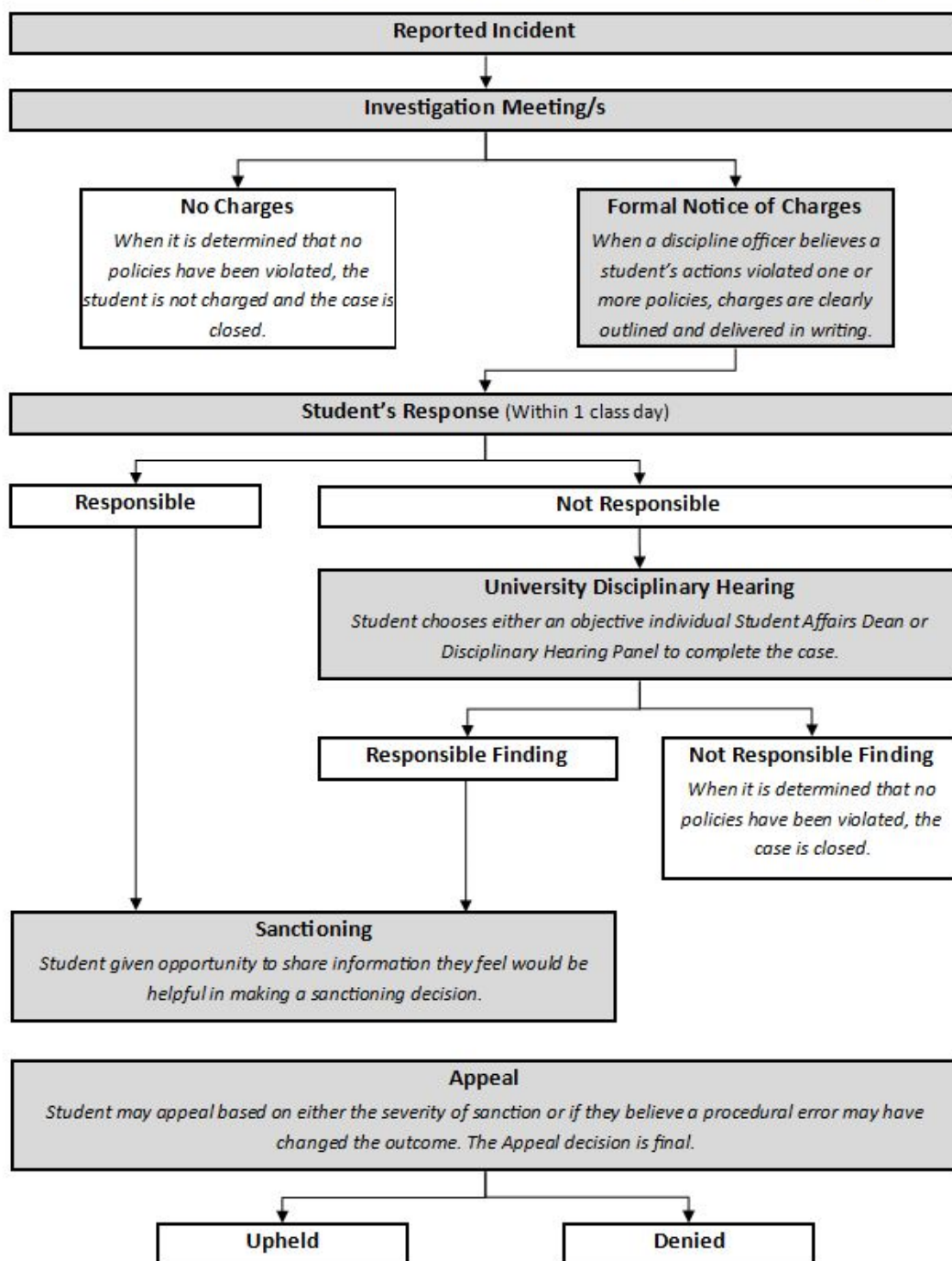
All trespass warnings issued to students by University Police Officers may be appealed only to the University of Miami's Chief of Police whose decision is final. The appeal must be submitted in writing and within 10 calendar days of the issuance of the trespass warning.

## UNIVERSITY LEVEL STUDENT CONDUCT PROCEDURES

Students who are alleged to have violated University Policies or Procedures may be charged under the University Level Student Conduct Procedures. A Complaint can be made by anyone. Upon notification that a violation may have occurred, the appropriate University official will investigate the circumstances of the case and attempt to identify the student(s) who allegedly committed the offense.

Figure 1, below, illustrates the University Level Student Conduct Process:

**FIGURE 1: UNIVERSITY CONDUCT PROCEDURES (UNDERGRADUATE OR GRADUATE)**



## INTRODUCTION

The process through which students are held accountable to University policies and procedures is intended to promote a better understanding of the University community and acceptable behavior for students who are a part of that community. With that in mind, it should be noted that the following processes occur only between the University and each individual student involved in an investigation into possible policy violations. Parents, friends, significant others, and/or attorneys are not permitted to participate in or observe the University of Miami student conduct processes.

The following section more fully explains the University Level Student Conduct Process that commences following the report of an alleged violation of the student Code of Conduct.

## SECTION I. PERSONAL RIGHTS OF A STUDENT DURING THE UNIVERSITY LEVEL STUDENT CONDUCT PROCESS

### A. The right to abstain from verbal participation

Students are not required to share their version of the incident in question, but must understand that their non-participation will not preclude a student conduct officer from making a decision on charges or responsibility.

### B. The right to an advisor

Students may choose to seek out an advisor and have that individual present with them during all meetings and/or hearings during a student conduct investigation and hearing.

1. An advisor must be one of the following:
  - a. a full-time member of the University staff,
  - b. a full-time faculty member, or
  - c. a regularly admitted and enrolled full-time student of the University of Miami
2. An advisor should be someone who:
  - a. understands the policies and procedures used in the student conduct process,
  - b. can help the student understand those policies and procedures to make more informed decisions throughout the student conduct process, and
  - c. is available during the same days and times as the student (meetings and hearings will be scheduled based upon the student's class and schedule).
3. An advisor may not "represent" a student, serve as "proxy," or speak for them at any point; rather, an advisor may be present to answer questions the involved student poses directly to the advisor during the meeting/s and offer guidance directly to that student. Student Conduct proceedings will not move forward with only the participation of an advisor; the student must also participate.
4. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the student conduct officer adjudicating the case to answer any questions a student may have before and during a formal hearing in order to prepare that student for their formal hearing and the decisions that they will make on their own behalf.

### C. The right to a formal hearing

Meetings with a student conduct officer prior to and during the presentation of charges during a preliminary hearing will be formal, yet conversational. When a student is charged with a violation of the Code of Conduct, that student is given the right to respond to that charge. When a student does not believe their actions violated the Code of Conduct, that student is then given the opportunity to have the decision of their responsibility made by an impartial, trained Student Conduct Hearing Panel (see below for details). Decisions are then made during formal hearings which are scripted and recorded for the official record of the student conduct case.

### D. The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing

In cases where there was more than one student involved in an incident, when there were witnesses to an incident, or when there are secondary witnesses that can either corroborate or invalidate the details of a particular incident, both the investigating student conduct officer and the student in question have the opportunity to ask questions of those individuals to more fully understand the incident and the actions of the student during that incident. This opportunity will be afforded during a formal disciplinary hearing. Where there is either incriminating or exonerating information it will be shared between the student and the student conduct officer. This information may be explained to a student prior to a formal disciplinary hearing. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The use of the

following are not permitted for consideration during the investigation or hearing process:

- Character witnesses
- results of polygraph tests
- expert testimony

## **SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING A UNIVERSITY LEVEL STUDENT CONDUCT CASE**

The following are the procedural requirements of a University Level Student Conduct case. Note that it is possible for SECTION II, parts A through E, and parts H through J – with all of the sub-parts for each – to be accomplished during a single meeting between a Student Conduct Officer and a student who has been charged with a violation of the Code of Conduct. SECTION II, parts F and G as well as K and L only occur following a decision made by the student and at their request as noted below.

### **A. Explanation of Personal Rights**

At the beginning of the investigative process the Student Conduct Officer shall ensure that each student who may be charged with a violation of the Code of Conduct understands their personal rights, as explained above.

### **B. Investigation**

An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during meeting/s with the reporting parties and the students involved in an incident, as well as any potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation; however, decisions about charging a particular student with a violation or violations of the Code of Conduct will only be done after meeting with that student and taking into account information presented by that individual.

1. The investigating Student Conduct Officer shall be a Student Affairs Dean, a professional staff member in the Department of Housing and Residential Life, or a Graduate Assistant for the Dean of Students Office or Department of Housing and Residential Life.
2. The Student Conduct Officer shall ensure that the investigation is performed within a reasonable time; normally within 15 class days of the incident.
3. Reports from law enforcement agencies may be used throughout the student conduct process in order to gain further perspective on an incident. Information regarding prosecutorial or procedural decisions or information related to court decisions will not be considered at any point in the student conduct process.

### **C. Charge and Notice**

If the Student Conduct Officer determines that charges are necessary for specific violation(s), the Student Conduct Officer will provide the student with a "Notice of Charge". The Notice of Charge is a formal document, and will

1. Inform the student of their personal rights as outlined in this handbook,
2. Inform the student of the specific Code of Conduct violations they are charged with, and
3. Afford the charged student with the opportunity to enter a response addressing the charge(s).

### **D. Possible Responses to Charges**

Students will be given a maximum of one (1) class day to respond to charges after receiving a Notice of Charge. Students may respond by choosing whether they believe they are "Responsible" or "Not Responsible." If the student does not respond to the charges within the prescribed time period, they shall be deemed to have responded "Not Responsible". The following procedures shall apply for each of the available pleas:

#### **1. Responsible**

If the student believes they are Responsible, the investigating Student Conduct Officer shall determine a sanction to be imposed by the University after considering all of the factors contributing to how and why the violation(s) occurred.

#### **2. Not Responsible**

If the student believes they are Not Responsible or fails to enter a response in the time allotted, they shall have the right to a formal disciplinary hearing before a Hearing Officer, or before a University Level Disciplinary Hearing Panel.

- a. **Scheduling.** The Dean of Students Office shall set the date, time, and place of the hearing based on the student's class schedule and any academic or work related obligations they may have. Extra-curricular

activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.

- b. **Timing.** Formal hearings will normally be held within 15 class days of receiving the response from the student. The Dean of Students Office may, at their discretion, extend the date of the hearing.
- c. **Cases spanning more than one academic term.** If a student has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may withhold the student's transcript or deny the future enrollment or graduation until such time as the case is adjudicated.
- d. **Responsible findings.** If the student is found Responsible at a formal hearing, the hearing officer or disciplinary hearing panel shall determine the sanction to be imposed by the University.

**E. Disciplinary Hearing Panels for University-Level Cases**

There are two kinds of disciplinary hearing panels for University-level cases; a University Disciplinary Hearing Panel (UDHP) and a Graduate Disciplinary Hearing Panel (GDHP). Each panel shall be composed of three students from a larger pool of prospective panelists who are each trained to hear and decide student conduct cases. Undergraduate students will be used when the charged student is an undergraduate student, and graduate students will be used when the charged student is a graduate student. One of the student panel members will serve as the Panel Chairperson and a Student Affairs Dean will serve as the Advisor to the Panel. A UDHP/GDHP Panel member may not serve as an Advisor to a Charged Student or to the Board.

**1. Panel Responsibilities:**

- a. To inform the student of their rights as contained in these policies and procedures;
- b. To explain University policy B.22 (prohibiting the False Information from being shared during a hearing) and B.30 and (prohibiting interfering with a hearing in any way) as well as the possible consequences for each;
- c. To allow a Panel member to excuse himself in a particular case in the event that they feel that their presence may be prejudicial to the case;
- d. To allow the panel members, the student conduct officer, and/or the charged student to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the Advisor may dismiss the Panel member if they fail to dismiss themselves);
- e. To briefly explain to the student the manner by which the hearing will be conducted at the beginning of a student conduct proceeding;
- f. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the student is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;
- g. To compile for the Dean of Students Office a complete file of any cases heard. The files must include any recordings of the hearing, a list of any witnesses presenting information during the hearing, and all evidence utilized in the proceedings and the Panel's decision. Only the charged student and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

**2. Waiver of a Hearing Panel**

A student charged with a violation/s of the Code of Conduct automatically has the right to have their student conduct case heard by a hearing panel; however, there are circumstances where this right can be waived.

- a. **A student may waive their right** to a hearing before a UDHP/GDHP and have their case heard by an individual, objective Student Affairs Dean at any time by submitting written notice to the Dean of Students Office.
- b. **For incidents that occur or hearings that are requested within 15 class days of the end of an academic term or during a time period other than normal University operation** (i.e., summer or exam periods), a conduct case will be heard by a Student Affairs Dean.

**F. Procedures for a Formal Disciplinary Hearing by the UDHP or a Student Affairs Dean**

The following are procedural assurances for all formal disciplinary hearings.

**1. University Oversight**

All formal disciplinary hearings will involve an objective Student Affairs Dean (not the same individual who served

as Investigator). This person will serve as either the advisor to the panel or as the University's lone representative for deciding the outcome of the hearing and on the sanctions where applicable. This person will also ensure that proper protocols are adhered to. This person reserves the right to excuse any participant, at any time, for causing a disruption of the formal disciplinary hearing process following a warning to describe the disruptive behavior and prohibit the behavior from occurring further.

**2. Nature of the Hearing**

All hearings are intended to be non-adversarial and conducted in the interest of gathering honest and truthful information regarding a particular incident or incidents. Students are reminded that they are expected to uphold the Honor Code and its values of Honesty, Responsibility, and Integrity during all disciplinary hearings.

**3. Closed Hearings**

Formal disciplinary hearings are closed to the public. Staff members of the University Division of Student Affairs may observe a hearing for training purposes, but only with the permission of the charged student and the complainant, where applicable.

**a. Advisors**

Advisors for both the complainant and the respondent are permitted to attend Disciplinary Hearings as described in Section I, B of these Student Conduct Procedures. Students must inform the Dean of Students Office in writing no less than 3 class days prior to a formal disciplinary hearing if they are planning to bring an advisor to a meeting or hearing. This notice must include the name, telephone number, and e-mail address. If the student fails to provide such information in writing and in the time prescribed, the Advisor may be excluded from the hearing. Advisors may not also serve as a witness.

**b. Witnesses**

Witnesses will be permitted to participate in a hearing for a select period of time only. For the purposes of a formal disciplinary hearing, a "witness" may be an individual who has first-hand knowledge of the incident in question and is able to speak to the facts of the case at hand, or an individual who has knowledge of the incident directly from either the complainant or respondent. If a witness is to be called that is not on the list of witnesses for the investigator, the person calling that witness (complainant or respondent) bears the responsibility of notifying the witnesses that will appear on their behalf during the hearing. All reasonable efforts will be made to entertain the insights of witness/es. Students must inform the investigator in writing no less than 3 three class days prior to a disciplinary hearing if they are planning to bring one or more witnesses to the hearing and provide a witness list. Upon written request and submission of the Respondent's witness list, the University will supply to the Respondent a list of the Witness/es that will be called during a hearing on its behalf. Witnesses may not also serve as Advisors or as a Support Person.

**4. Hearings in Absentia**

In instances where either the charged student, or complainant where applicable, does not attend the hearing, the hearing panel/chairperson shall have the discretion to hear and decide upon the facts of the case without the input from or in their absence.

**5. Silent participation**

The charged student, or complainant where applicable, reserves the right to be present yet abstain from participation in the Hearing and will not be compelled to share information related to the case on their own behalf. Silent participation does not afford as advisor the right to speak on behalf of a student.

**6. Requests or Orders**

Witnesses must cooperate in all phases of the student conduct process described herein. The Hearing chairperson shall request the appearance of students whose insight is deemed relevant to a full disclosure of the facts at a hearing. Any student refusing to respond to a Hearing chairperson's request may be charged with failure to comply with University policy B. 40, Requests or Orders.

**7. Related Information**

The charged student will be afforded the opportunity, during a hearing, to ask questions of any related information and question any witnesses offering information that may be used to determine responsibility in that a particular case. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The introduction or use of character witnesses, polygraph evidence, and/or "expert testimony" is prohibited.

**8. Sharing of Information Prior to a Hearing**



Charged students must submit to the Investigator all information that they want the investigator to consider in anticipation of the hearing (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing.

At least five class days before the disciplinary hearing, the Investigator will share with the student all the information that the Investigator plans to present at the hearing.

If, upon review of the information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.

The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing. The Dean of Students or their designee may make exceptions to this policy.

**9. Pre-Hearing Conference**

The hearing officer or chairperson, in conjunction with the panel advisor, where applicable, may schedule a mandatory pre-Hearing Conference upon their initiative or upon the self-initiated written request from the complainant or respondent.

**10. Requests**

The hearing officer or chairperson, in conjunction with the panel advisor, where applicable, may entertain any requests that are deemed appropriate prior to and/or during the formal disciplinary hearing. However, during the hearing, no requests to strip the hearing body of its duty to reach a decision on the issue of responsibility and/or sanctioning will be considered.

**11. Decorum**

The hearing officer or chairperson, in conjunction with the panel advisor, where applicable, is charged with the responsibility for maintaining proper decorum and order during the hearing. They may use any reasonable means necessary to maintain decorum and may exclude any person whom, in their opinion, has no legitimate interest in the hearing, or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of the Code of Conduct, policy number B.30, Interference with University Investigations, Student Conduct Proceedings, or Records.

**12. Standard of Proof**

In the University's disciplinary hearing system, decisions are made based on the "preponderance of evidence" rule. This means that the adjudicating Panel/Dean determines which facts are more likely than not to be true.

**13. Paused and Reconvened Hearings**

In rare circumstances, it may become necessary for the Hearing Chairperson to pause a hearing after it has begun and to reconvene that hearing at a later time.

**14. Decision**

Findings and sanctions for all University level disciplinary hearings must be reported to the Dean of Students Office within 1 business day of the decision and a written notice of these decisions must be delivered to the charged student within 3 class days of the decision.

**15. Improper Procedure**

Improper procedure may be declared at any stage of the hearing by the hearing chairperson, in conjunction with the panel advisor, where applicable, upon a finding that the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a fair decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 15 class days with the same panel advisor and new panel members.

**16. Record of Hearings**

A digital audio recording of the formal disciplinary hearing shall be made and this record, together with all formal documents and other evidence presented during the hearing, shall constitute the "official record" of the hearing. No other audio recording of the hearing will be permitted. Upon their request, and for the purpose of appeal only, the respondent and the complainant shall have access to review and/or listen to the record of the hearing in the Dean of Student Office, by appointment only. The recording of the hearing itself shall be available until the

period for filing an appeal has expired, or where an appeal has been filed, until the decision on appeal has been made. After the aforementioned times have elapsed, recordings may be destroyed.

**G. Determination of Responsibility**

When tasked with determining a student's responsibility, a disciplinary hearing panel or hearing officer will consider the *objective* facts presented surrounding a particular incident, taking into consideration *what* happened and whether or not an action was in violation of the Code of Conduct. Students deciding on their own response to a particular charge are advised to do the same.

**H. Mitigation**

When a student responds that they are responsible for violating a particular aspect of the Code of Conduct, or if they are found responsible of such during a formal hearing, the *subjective* reasons for *why and how* the Code of Conduct was violated shall be taken into consideration for determining the sanctions that will be assessed.

**I. Disciplinary Decisions/Sanctions**

After the mitigating and aggravating circumstances surrounding an incident for which it has been determined that a student is responsible have been heard, a sanction will be imposed by the University. Sanctions may be *nominal* (carrying a set level and duration for a particular warning or type of probation), *educational* (a required opportunity for that student to develop a knowledge base designed to help him/her make more informed choices in the future), or *financial* (through the levy of restitution, administrative charges, or fines).

Any sanction/s set out in the procedures of this handbook, not including Expulsion, Suspension and/or loss of financial aid, may be imposed by the University following the determination of responsibility and the consideration of mitigating circumstances:

1. **Educational Sanctions (ED)**
2. **Disciplinary Warning (DW)** lasting for a period of 1-2 semesters
3. **Strict Disciplinary Probation (SDP)** lasting for a period of 1-3 semesters
4. **Final Disciplinary Probation (FDP)** lasting until a student graduates or otherwise separates from the University permanently
5. **Termination of Residency (TR)**: the forced cancellation of a housing contract; this can be applied to on-campus residences only
6. **Change of Residency (CR)**: the forced change of a room and/or building assignment for a housing contract; this can be applied to on-campus residences only
7. **Restitution (Rest)**: the monetary repayment of the cost of an item that was taken or damaged by the student found responsible from another individual; restitution may be paid to a non-University entity where the facts of the case may call for it
8. **Administrative Charge (AC)** paid to the University in order to offset any costs accrued by the University in the investigation and adjudication of a student conduct case
9. **Fine (Fine)** paid to the University and serving as a deterrent to similar future violations

**J. Appeals**

Once a decision has been reached on the sanctions related to a particular case, that case can be appealed by the respondent or by the University in cases where the UDHP has decided a case. Only one appeal per case can be submitted and will be considered. The determination of responsibility for a disciplinary violation and the entry of a response of no contest are not subject to review on appeal.

1. **Grounds for an Appeal.** Appeals will be considered for two reasons:
  - a) Procedural error in the investigation or hearing of a particular case;
  - b) The sanction received is inadequate for the nature of the violation.
2. **Timing for the delivery of an appeal letter.** Appeals must be emailed to the Dean of Students Office at [dos@miami.edu](mailto:dos@miami.edu) by the charged student within 3 class days of the student receiving the sanctioning decision.
3. **Timing for the hearing of an appeal.** An appellate hearing shall be conducted within 20 class days of the appeal being received by the Dean of Students. Inability to schedule an appeal within 20 class days due to scheduling conflicts, (un)availability of student conduct officer or panel representative, or scheduled/unscheduled interruption of classes (fall break, inclement weather, spring break, etc.) will not be grounds for dismissal or adjustment of the original hearing decision or sanction.

4. **Directions for writing an appeal.** Appeals must be written as a formal letter, which may be delivered on paper or in the form of an e-mail, and directed to the "University Appellate Board and its Members," and must contain:
  - a. The name and student identification number (C-Number),
  - b. The date the appeal was written, and
  - c. A detailed explanation of the nature of the appeal.
5. **Consideration of an Appeal.** Appeals received after the three class-day time frame, or those that do not adhere to the directions listed above, may not be considered.
6. **Hearing Appeals.** The University Appellate Board shall hear all appeals of University-level cases.

**K. The University Appellate Board**

This Board, with each member having one vote, shall be comprised of three individuals: the Dean of Students or their designee and two students, one male and one female.

**1. Appellate Board Responsibilities**

The University Appellate Board shall be responsible for the following:

- a. The Appellate Board must inform the Charged Student of their personal rights as contained in these policies and procedures.
- b. The Board will allow the Charged Student an appropriate presentation of their appeal and the Investigator an appropriate response to allow the Board to determine whether to overturn the previous decision.
- c. Whenever the Appellate Board is not in operation (summers, exam periods) and a student presents an appeal, the case will be referred to the Dean of Students, or their designee, to be heard.

**2. Appeal Hearing Procedures**

- a. **Confidentiality.** The deliberations of the Appellate Board are regarded as confidential. Therefore, no participants, advisors, attorneys, or other observers are to be present during these deliberations. In addition, no record shall be made of the discussion or vote in these deliberations, other than the Board's final decision.
- b. **Evidence.** Evidence that was not presented during the formal hearing may be presented, only if it was previously unavailable and only if it addresses the severity of sanction or procedures used during the Hearing.
- c. **Exchange of Information.** Upon a reasonable written request, the Charged Student or Investigator should produce for examination by the opposing party evidentiary material to be used at the Hearings.
- d. **Observations.** The opportunity to observe Appellate Hearings prior to deliberation shall be confined to Student Affairs Deans, Investigators, and UDHP members, with the consent of the Charged Student and the Appellate Board. No advisors, attorneys, or parents will be permitted to participate in or observe appeal hearings.
- e. **Failure to Appear.** Failure to appear at the Appellate Hearing, without proper notice to the Appellate Board, will result in a voiding of the appeal.
- f. **Decorum.** Neither Appellate Board members, nor the Investigator or Charged Student may engage in private conversations while the proceedings are conducted.
- g. **Deliberation.** At the conclusion of the Hearing, the Appellate Board shall excuse the hearing participants and render a decision whether to affirm or overturn the previous decision by a majority vote. The Deliberations are closed to everyone except the Appellate Board Members.
- h. **Findings.** Appeal decisions are final and will be delivered in writing to the charged student and the investigating student conduct officer. These decisions may include:
  - i. If the Appellate Board finds no merit to the appeal, it shall affirm the action of the adjudicating body.
  - ii. If the Appellate Board finds that the student's appeal on procedure is valid, it shall defer to the Dean of Students to determine the most appropriate manner in which the case should be reconsidered.
  - iii. If the Appellate Board finds that the penalty assessed by the adjudicating body is too severe, it shall then assess what it deems to be an appropriate penalty.
  - iv. If the Appellate Board finds that the penalty assessed by the adjudicating body was too lenient, it shall then assess what it deems to be an appropriate penalty.
  - v. Determinations of the Appellate Board may not be further appealed.
3. **Interpretation of University Level Student Conduct Procedures.** Whenever necessary, the Dean of Students shall interpret and/or provide specific clarification on University Level student conduct procedures.
4. **Procedures Not Specifically Provided Herein.** The Appellate Board may implement procedures that are not

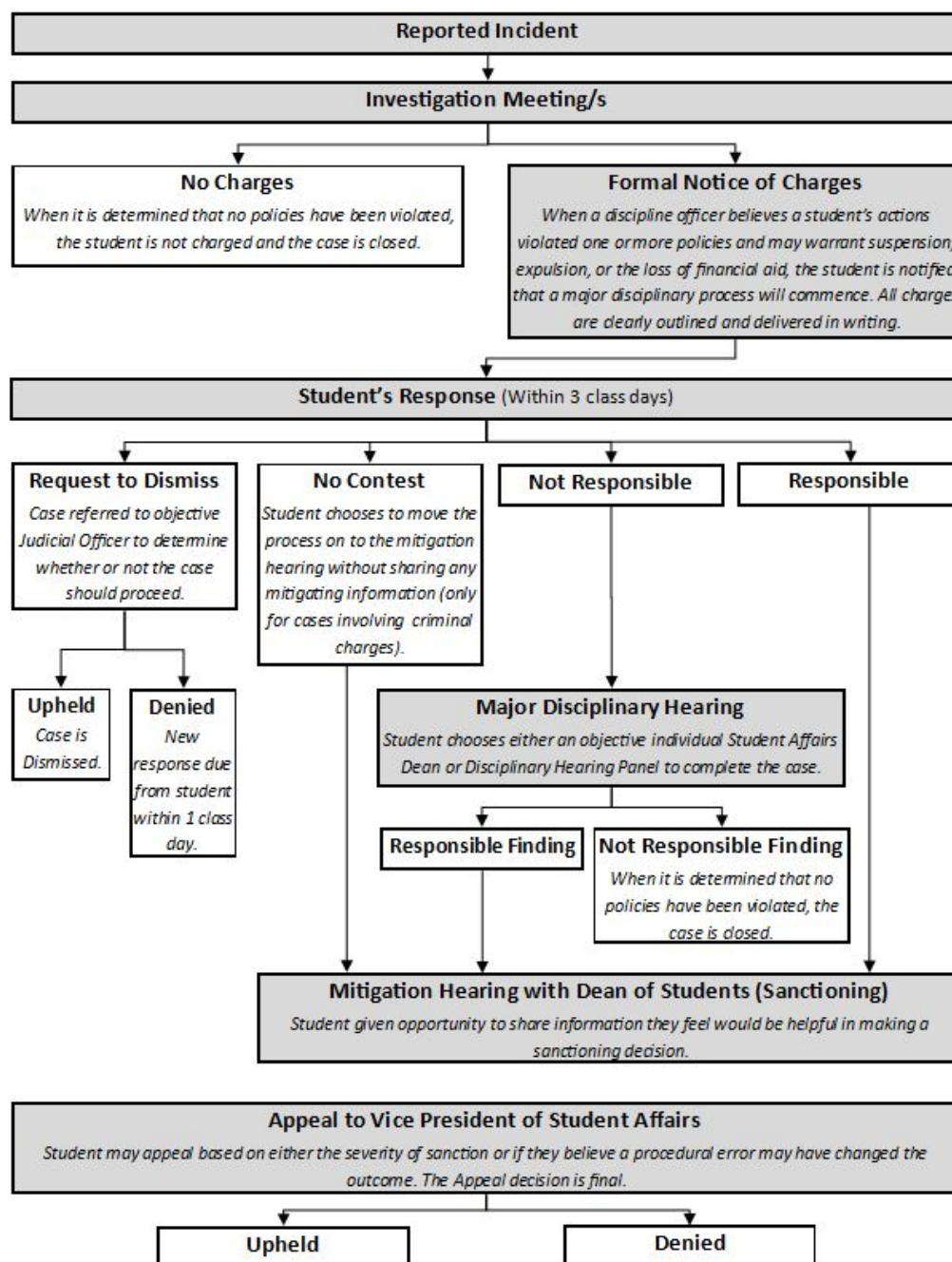
specifically prescribed in these policies or procedures, if such implementation would serve to arrive at a full and true disclosure of the facts, and are instituted with the knowledge and consent of the Dean of Students.

## MAJOR LEVEL STUDENT CONDUCT PROCEDURES

Students who are alleged to have violated University policies or procedures may be charged under the Major Level Student Conduct Procedures, which means that in addition to other sanctions described herein, sanctions of suspension, expulsion or loss of financial aid may be assessed. A Complaint can be made by anyone. The Dean of Students or their designee determines whether a charge constitutes a Major offense based on the nature of the reported violation and the student's disciplinary history. Upon notification that a violation has occurred, the appropriate University official will investigate the circumstances of the case and attempt to identify the student(s) who allegedly committed the offense.

Figure 2, below, illustrates the Major Level Student Conduct Process:

**FIGURE 2: MAJOR CONDUCT PROCEDURES (UNDERGRADUATE OR GRADUATE)**



## INTRODUCTION

The process through which students are held accountable to University policies and procedures is intended to promote a better understanding of the University community and acceptable behavior for students who are a part of that community. With that in mind, it should be noted that the following processes occur only between the University and each individual student involved in an investigation into possible policy violations. Parents, friends, significant others, and/or attorneys are not permitted to participate in or observe the University of Miami student conduct processes.

The following section more fully explains the Major Level Student Conduct Process that commences following the report of an alleged violation of the student Code of Conduct.

## SECTION I. PERSONAL RIGHTS OF A STUDENT DURING THE MAJOR LEVEL STUDENT CONDUCT PROCESS

### A. The right to abstain from verbal participation

Students are not required to share their version of the incident in question, but must understand that their non-participation will not preclude a student conduct officer from making a decision on charges or responsibility.

### B. The right to an advisor

Students may choose to seek out an advisor and have that individual present with them during all meetings and/or hearings during a student conduct investigation and hearing.

1. An advisor must be one of the following:
  - a. a full-time member of the University staff,
  - b. a full-time faculty member, or
  - c. a regularly admitted and enrolled full-time student of the University of Miami
2. An advisor should be someone who:
  - a. understands the policies and procedures used in the student conduct process,
  - b. can help the student understand those policies and procedures to make more informed decisions throughout the student conduct process, and
  - c. is available during the same days and times as the student (meetings and hearings will be scheduled based upon the student's class and schedule).
3. An advisor may not "represent" a student, serve as "proxy," or speak for them at any point; rather, an advisor may be present to answer questions the involved student poses directly to the advisor during the meeting/s and offer guidance directly to that student. Student Conduct proceedings will not move forward with only the participation of an advisor; the student must also participate.
4. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the student conduct officer adjudicating the case to answer any questions a student may have before and during a formal hearing in order to prepare that student for their formal hearing and the decisions that they will make on their own behalf.

### E. The right to a formal hearing

Meetings with a student conduct officer prior to and during the presentation of charges will be formal, yet conversational. When a student is charged with a violation of the Code of Conduct, that student is given the right to respond to that charge. When a student does not believe their actions violated the Code of Conduct, that student is then given the opportunity to have the decision of their responsibility made by an impartial, trained Disciplinary Hearing Panel (see below for details). Decisions are then made during formal hearings which are scripted and recorded for the official record of the student conduct case.

### F. The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing

In cases where there was more than one student involved in an incident, when there were witnesses to an incident, or when there are secondary witnesses that can either corroborate or invalidate the details of a particular incident, both the investigating student conduct officer and the student in question have the opportunity to ask questions of those individuals to more fully understand the incident and the actions of the student during that incident. This opportunity will be afforded during a formal disciplinary hearing. Where there is either incriminating or exonerating information it will be shared between the student and the student conduct officer. This information may be explained to a student prior to a formal disciplinary hearing. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The use of the

following are not permitted for consideration during the investigation or hearing process:

- character witnesses
- results of polygraph tests
- expert testimony

## **SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING A MAJOR-LEVEL STUDENT CONDUCT CASE**

The following are the procedural requirements of a Major Level student conduct case. Note that it is possible for SECTION II, parts A through F, and part I – with all of the sub-parts for each – to be accomplished during a single meeting between a Student Conduct Officer and a student who has been charged with a violation of the Code of Conduct. SECTION II, parts G and H as well as J and K only occur following a decision made by the student and at their request as noted below.

### **A. Explanation of Personal Rights**

At the beginning of the investigative process the Student Conduct Officer shall ensure that each student who may be charged with a violation of the Code of Conduct understands their personal rights, as explained above.

### **B. Incidents also being adjudicated in a Court of Law**

Should a student find themselves involved in a situation where an incident has precipitated both disciplinary actions and an arrest with subsequent public proceedings in a court of law, that student may ask for a “Stay of Student Conduct Proceedings.” A Stay effectively pauses the student conduct proceedings until such time that the student’s legal case has concluded.

1. When a Stay is used by a student, a “Hold” is placed on that student’s ability to change courses or to register for or attend future semesters’ coursework at the University.
2. Once requested, a Stay may be lifted by the student at any time.
3. Student Conduct cases involving a Stay must be adjudicated prior to the start of the next academic semester. This means that when a Stay spans the period between semesters of normal University operation (winter or summer break), the University may “drop,” or administratively withdraw a student from registered courses if that student chooses not to have their case completed within a reasonable amount of time before the beginning of the next semester.
4. In compliance with federal guidelines, cases involving alleged sex discrimination may not be stayed. See Section III of the Major Level Student Conduct Procedures for more information.

### **C. Investigation**

An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during meeting/s with the reporting parties and the students involved in an incident, as well as any potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation; however, decisions about charging a particular student with a violation or violations of the Code of Conduct will only be done after meeting with that student and taking into account information presented by that individual.

1. The investigating Student Conduct Officer shall be a Student Affairs Dean, a professional staff member in the Department of Housing and Residential Life, or a Graduate Assistant for the Dean of Students Office or Department of Housing and Residential Life.
2. The Student Conduct Officer shall ensure that the investigation is performed within a reasonable time; normally within 15 class days of the incident.
3. Reports from law enforcement agencies may be used throughout the student conduct process in order to gain further perspective on an incident. Information regarding prosecutorial or procedural decisions or information related to court decisions will not be considered at any point in the student conduct process.

### **D. Charge and Notice**

If the Student Conduct Officer determines that Major charges are necessary for specific violation(s), the Student Conduct Officer will provide the student with a “Notice of Charge for a Major Offense”. This is a formal document, and will

1. Inform the student that the charges constitute a “Major Offense” and the full range of sanctions will be available if they are determined to be responsible for violating University policy or policies.

2. Inform the student of their personal rights as outlined in this handbook,
3. Inform the student of the specific Code of Conduct violations they are charged with, and
4. Afford the charged student with the opportunity to enter a response addressing the charge(s).

**E. Possible Responses to Charges**

Students will be given a maximum of three (3) class days to respond to charges after receiving a Notice of Major Charge. Students may respond by choosing to enter a "Request to Dismiss," by responding that they are "Responsible" or "Not Responsible" for violating the policies noted, or by choosing to enter a "No Contest" response. If the student does not respond to the charges within the prescribed time period, they shall be deemed to have responded "Not Responsible".

The following procedures shall apply for each of the available responses from the student:

**1. Request to Dismiss**

If the charged student believes that the University has not followed the student conduct procedures as outlined in this manual or believes that there is no evidence at all supporting the charges presented, the Respondent may enter a Request to Dismiss. The Request must be in writing and set forth the specific reasons the matter should be dismissed. All Requests to Dismiss must be submitted to the Dean of Students Office and contain:

- a. The name, address and telephone number of the person submitting the Request to Dismiss;
- b. List and describe the charges brought against the student by the Student Conduct Officer;
- c. Specifically outline the basis of the Request to Dismiss; and,
- d. Be signed by the person submitting the Request to Dismiss.

Failure to follow the four requirements outlined above may result in denial of the Request to Dismiss. Upon receipt of a properly filed Request to Dismiss, a Judicial Officer will make a review of the request.

If a Request to Dismiss is properly made, the matter shall immediately be referred to the Director of Student Conduct or their designee for determination. The Judicial Officer has the option to determine if a hearing should be afforded to a student entering such a request. The determination on a Request to Dismiss shall be made within ten (10) class days of its submission to the Dean of Students Office. If the Judicial Officer determines that the request is without merit, the student must enter a new response of either Responsible or Not Responsible, or No Contest within one class day of receiving the response to the request to dismiss.

**2. Responsible**

If the student believes they are Responsible, the investigating Student Conduct Officer shall immediately refer the case to the Dean of Students or their designee for a Mitigation Hearing (see Section II, J for details on a Mitigation Hearing).

**3. Not Responsible**

If the student believes they are Not Responsible or fails to respond within the allotted time, they shall have the right to a formal disciplinary hearing before a Hearing Officer, or before a Disciplinary Hearing Panel.

- a. **Scheduling.** The Dean of Students Office shall set the date, time, and place of the hearing based on the student's class schedule and any academic or work related obligations they may have. Extra-curricular activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.
- b. **Timing.** Formal hearings will normally be held within 15 class days of receiving the response from the student. The Dean of Students Office may extend the date of the hearing for exceptional circumstances.
- c. **Cases spanning more than one academic term.** If a student has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may enact a "Hold" on the student's transcript or deny the future enrollment or graduation until such time as the case is adjudicated.
- d. **Responsible findings.** If the student is found Responsible at a formal hearing, the hearing officer or disciplinary hearing panel shall determine the sanction to be imposed by the University.

**4. No Contest**

A response of No Contest will constitute neither an admission nor a denial of responsibility and will subject the student to any sanction the deemed proper following a Mitigation Hearing (see Section II, J. for details on a Mitigation Hearing). A No Contest response is not in any way to be considered or construed as evidence against interest. When this response is given, the respondent will move directly to a mitigation hearing with the



Associate Vice President and Dean of Students, or their designee, for sanctioning.

**F. Student Conduct Hearing Panels for Major-Level Cases**

A Major Disciplinary Hearing Panel (MDHP) will be used to decide responsibility in cases utilizing the Major Level Student Conduct Procedures. Each panel shall be composed of one student and one faculty member, each from a larger pool of prospective panelists who are each trained to hear and decide upon discipline cases. Undergraduate students will be used when the charged student is an undergraduate student, and graduate students will be used when the charged student is a graduate student. Likewise, undergraduate faculty will be used when the charged student is an undergraduate student, and graduate faculty will be used when the charged student is a graduate student. In addition to faculty and student body representatives, an objective Student Affairs Dean will sit on the MDHP and will serve as Chairperson for the hearing. An MDHP Panel member may not serve as an Advisor to a Charged Student.

**1. Selection of Faculty Member**

The Provost, or their designee, will appoint faculty members from each academic college or school for undergraduate and graduate students to become trained panel members to hear cases where the respondent is an undergraduate or graduate student.

**2. Selection of Student Member**

Undergraduate student panel members will be selected by the Dean of Students Office and approved by the Provost or their designee. Each must be a full-time student with at least 60 earned credit hours (junior or senior standing) who maintain a minimum 2.5 cumulative GPA; graduate, law, and medical students will be selected by their respective Deans and must have a cumulative GPA of 3.0. In all cases, students must not be currently on disciplinary probation, must have been students at the University for at least one full academic year, and have expressed their willingness to serve in this capacity. All panelists will be trained at the beginning of each academic year and provided with supplemental training where necessary.

**3. Panel Responsibilities:**

- a. To inform the student of their rights as contained in these policies and procedures;
- b. To explain University policy B.22 (prohibiting the False Information from being shared during a hearing) and B.30 and (prohibiting interfering with a hearing in any way) as well as the possible consequences for each;
- c. To allow a Panel member to excuse himself in a particular case in the event that they feel that their presence may be prejudicial to the case;
- d. To allow the panel members, the student conduct officer, and/or the charged student to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the Advisor may dismiss the Panel member if they fail to dismiss themselves);
- e. To briefly explain to the student the manner by which the hearing will be conducted at the beginning of a disciplinary proceeding;
- f. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the student is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;
- g. To compile for the Dean of Students Office a complete file of any cases heard. The files must include any recordings of the hearing, a list of any witnesses presenting information during the hearing, and all evidence utilized in the proceedings and the Panel's decision. Only the charged student and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

**4. Waiver of a Hearing Panel**

A student charged with a violation/s of the Code of Conduct automatically has the right to have their student conduct case heard by a hearing panel; however, there are circumstances where this right can be waived.

- a. **A student may waive their right** to a hearing before an MDHP and have their case heard by an individual, objective Student Affairs Dean at any time by submitting written notice to the Dean of Students Office.
- b. **For incidents that occur or hearings that are requested within 20 class days of the end of an academic term or during a time period other than normal University operation** (i.e., summer or exam periods) the

student conduct case will be heard by a Student Affairs Dean.

**G. Procedures for a Formal Student Conduct Hearing by the MDHP or a Student Affairs Dean**

The following are procedural assurances for all formal disciplinary hearings.

**1. University Oversight**

All formal disciplinary hearings will involve an objective Student Affairs Dean (not the same individual who served as Investigator). This person will serve as either the hearing chairperson or as the University's lone representative for deciding the outcome of the hearing and on the sanctions where applicable. This person will also ensure that proper protocols are adhered to. This person reserves the right to excuse any participant, at any time, for causing a disruption of the formal disciplinary hearing process following a warning to describe the disruptive behavior and prohibit the behavior from occurring further.

**2. Nature of the Hearing**

All hearings are intended to be non-adversarial and conducted in the interest of gathering honest and truthful information regarding a particular incident or incidents. Students are reminded that they are expected to uphold the Honor Code and its values of Honesty, Responsibility, and Integrity during all disciplinary hearings.

**3. Closed Hearings**

Formal disciplinary hearings are closed to the public. Staff members of the University Division of Student Affairs may observe a hearing for training purposes, but only with the permission of both the respondent and the complainant.

**a. Advisors**

Advisors for both the complainant and the respondent are permitted to attend Disciplinary Hearings as described in Section I, B of these Student Conduct Procedures. Students must inform the Dean of Students Office in writing no less than 3 class days prior to a formal disciplinary hearing if they are planning to bring an advisor to a meeting or hearing. This notice must include the name, telephone number, and e-mail address. If the student fails to provide such information in writing and in the time prescribed, the Advisor may be excluded from the hearing. Advisors may not also serve as a witness.

**b. Witnesses**

Witnesses will be permitted to participate in a hearing for a select period of time only. For the purposes of a formal disciplinary hearing, a "witnesses" may be an individuals who has first-hand knowledge of the incident in question and is able to speak to the facts of the case at hand, or an individual who has knowledge of the incident directly from either the complainant or respondent. If a witness is to be called that is not on the list of witnesses for the investigator, the person calling that witness (complainant or respondent) bears the responsibility of notifying the witnesses that will appear on their behalf during the hearing. All reasonable efforts will be made to entertain the insights of witness/es. Students must inform the investigator in writing no less than 3 three class days prior to a disciplinary hearing if they are planning to bring one or more witnesses to the hearing and provide a witness list. Upon written request and submission of the Respondent's witness list, the University will supply to the Respondent a list of the Witness/es that will be called during a hearing on its behalf. Witnesses may not also serve as Advisors or as a Support Person.

**4. Hearings in Absentia**

In instances where either the charged student, or complainant, where applicable, does not attend the hearing, the hearing panel/chairperson shall have the discretion to hear and decide upon the facts of the case without the input from or in their absence. Major Level Student Conduct cases can be adjudicated without the participation of the charged student and can also be adjudicated if the charged student chooses to separate from the University before the case has been heard.

**5. Silent participation**

The charged student and the complainant, where applicable, reserve the right to be present yet abstain from participation in the Hearing and will not be compelled to share information related to the case on their own behalf. Silent participation does not afford as advisor the right to speak on behalf of a student.

**6. Requests or Orders**

Witnesses must cooperate in all phases of the student conduct process described herein. The Hearing chairperson shall request the appearance of students whose insight is deemed relevant to a full disclosure of the facts at a

hearing. Any student refusing to respond to a Hearing chairperson's request may be charged with failure to comply with University policy B. 42, Requests or Orders.

**7. Related Information**

Both the charged student and the complainant, where applicable, will be afforded the opportunity, during a hearing, to ask questions of any related information and question any witnesses offering information that may be used to determine responsibility in that a particular case. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The introduction or use of polygraph evidence is prohibited.

**8. Sharing of Information Prior to a Hearing**

Charged students must submit to the Investigator all information that they want the investigator to consider in anticipation of the hearing (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing.

At least five class days before the disciplinary hearing, the Investigator will share with the student all the information that the Investigator plans to present at the hearing.

If, upon review of the information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.

The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing. The Dean of Students or their designee may make exceptions to this policy.

**9. Pre-Hearing Conference**

The hearing chairperson may schedule a mandatory pre-hearing Conference upon their initiative or upon the self-initiated written request from the complainant or respondent.

**10. Requests**

The Hearing chairperson may entertain any requests that are deemed appropriate prior to and/or during the formal disciplinary hearing. However, during the hearing, no requests to strip the hearing body of its duty to reach a decision on the issue of responsibility and/or sanctioning will be considered.

**11. Decorum**

The Hearing chairperson is charged with the responsibility for maintaining proper decorum and order during the hearing. They may use any reasonable means necessary to maintain decorum and may exclude any person whom, in their opinion, has no legitimate interest in the hearing, or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of the Code of Conduct, policy number B.30, Interference with University Investigations, Student Conduct Proceedings, or Records.

**12. Standard of Proof**

In the University's Student Conduct Proceedings, decisions are made based on the "preponderance of evidence" rule. This means that the adjudicating Panel/Dean determines which facts are more likely than not to be true.

**13. Paused and Reconvened Hearings**

In rare circumstances, it may become necessary for the hearing chairperson to pause a hearing after it has begun and to reconvene that hearing at a later time.

**14. Decision**

Following the presentation of all related information and the closing statements by the parties involved, the hearing will conclude and all parties will be dismissed. The Disciplinary Hearing Panel is afforded three business days to make a decision on responsibility and deliver their decision to the Dean of Students Office. A written notice of the decision/s must be delivered to both the complainant and the respondent within 1 class day of the decision.

**15. Improper Procedure**

Improper procedure may be declared at any stage of the hearing by the hearing chairperson upon a finding that

the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a fair decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 15 class days with the same hearing chairperson and new panel members.

#### **16. Record of Hearings**

A digital audio recording of the formal disciplinary hearing shall be made and this record, together with all formal documents and other evidence presented during the hearing, shall constitute the “official record” of the hearing. No other audio recording of the hearing will be permitted. Upon their request, and for the purpose of appeal only, the respondent and the complainant shall have access to review and/or listen to the record of the hearing in the Dean of Student Office, by appointment only. The recording of the hearing itself shall be available until the period for filing an appeal has expired, or where an appeal has been filed, until the decision on appeal has been made. After the aforementioned times have elapsed, recordings may be destroyed.

#### **H. Determination of Responsibility**

When tasked with determining a student’s responsibility, a disciplinary hearing panel or Hearing Officer will consider the *objective* facts presented surrounding a particular incident, taking into consideration *what* happened and whether or not an action was in violation of the Code of Conduct. Students deciding on their own response to a particular charge are advised to do the same.

#### **I. Mitigation Hearing**

When a student responds that they are responsible or no contest for violating a particular aspect of the Code of Conduct, or if they are found responsible of such during a formal hearing, the *subjective* reasons for *why and how* the Code of Conduct was violated shall be taken into consideration for determining the sanctions that will be assessed. The Dean of Students or their designee shall hear all mitigating/aggravating circumstances during a Mitigation Hearing and decide upon sanctions for all Major-level disciplinary conduct cases. In instances where either the student fails to attend a mitigation hearing after proper notice, the Dean of Students or their designee shall have the discretion to decide upon the sanctions for the case without input from the student or in their absence.

#### **J. Disciplinary Decisions/Sanctions**

After the mitigating and aggravating circumstances surrounding an incident for which it has been determined that a student is responsible or after a student has entered a response of no contest, a sanction will be imposed by the University. Sanctions may require a prescribed *separation* of the student from the University, they may be *nominal* (carrying a set level and duration for a particular warning or type of probation), *educational* (a required opportunity for that student to develop a knowledge base designed to help him/her make more informed choices in the future), or *financial* (through the levy of restitution, administrative charges, or fines).

Unless the Dean of Students determines otherwise, all sanctions of Suspension or Expulsion may be effective as of the date of the precipitating incident, even where the student has attended classes and/or taken examinations during the course of the Major Level Student Conduct Proceedings.

Any sanction/s set out in the procedures of this handbook may be imposed by the University following the determination of responsibility and the consideration of mitigating circumstances:

- 1. Educational Sanctions (ED)**
- 2. Disciplinary Warning (DW)** lasting for a period of 1-2 semesters
- 3. Strict Disciplinary Probation (SDP)** lasting for a period of 1-3 semesters
- 4. Final Disciplinary Probation (FDP)** lasting until a student graduates or otherwise separates from the University permanently
- 5. Suspension (Susp)** a complete separation from the University for a predefined period of time.
- 6. Expulsion (Exp)** permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled shall be barred from campus visiting privileges.
- 7. Termination of Residency (TR):** the forced cancellation of a housing contract; this can be applied to on-campus residences only
- 8. Change of Residency (CR):** the forced change of a room and/or building assignment for a housing contract; this can be applied to on-campus residences only

9. **Restitution** (Rest): the monetary repayment of the cost of an item that was taken or damaged by the student found responsible from another individual.
10. **Administrative Charge** (AC) paid to the University in order to offset any costs accrued by the University in the investigation and adjudication of a student conduct case
11. **Fine** (Fine) paid to the University and serving as a deterrent to similar future violations

**K. Appeals**

Once a decision has been reached on the sanctions related to a particular case, that case can be appealed by the respondent or by the University in cases where the MDHP has decided a case. Only one appeal per case can be submitted and will be considered. The determination of responsibility for a disciplinary violation and the entry of a response of no contest are not subject to review on appeal.

1. **Grounds for an Appeal.** Appeals will be considered for two reasons:
  - a. Procedural error in the investigation or hearing of a particular case;
  - b. The sanction received is inadequate for the nature of the violation.
2. **Timing for the delivery of an appeal letter.** Appeals must be turned in to the Office of the Vice President for Student Affairs (244 Ashe Administration Building) by the charged student and be received within 3 class days of the student receiving the sanctioning decision. All requests for an appeal must be made in writing.
3. **Timing for the hearing of an appeal.** An appellate hearing shall be conducted within 20 class days of the appeal being received by the Vice President for Student Affairs. Inability to schedule an appeal within 20 class days due to scheduling conflicts, (un)availability of student conduct officer or panel representative, or scheduled/unscheduled interruption of classes (fall break, inclement weather, spring break, etc.) will not be grounds for dismissal or adjustment of the original hearing decision or sanction.
4. **Directions for writing an appeal.** Appeals must be written as a formal letter, which may be delivered on paper or in the form of an e-mail, and directed to the "Vice President for Student Affairs," and must contain:
  - a. The name and student identification number (C-Number),
  - b. The date the appeal was written, and
  - c. A detailed explanation of the nature of the appeal.
5. **Consideration of an Appeal.** Appeals received after the three class-day time frame, or those that do not adhere to the directions listed above, may not be considered.
6. **Hearing Appeals.** The Appellate Officers of the University will decide appeals. The Vice President for Student Affairs, or their designee shall hear undergraduate student appeals and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Graduate School shall hear graduate student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures.

**L. Appeal Hearing Procedures**

1. **Confidentiality.** Appeal Hearings are closed to outside participation except where observations and input from others is requested by the Appellate Officer. Therefore, no participants, advisors, attorneys, or other observers are to be present during these proceedings. In addition, no record shall be made of the discussion or vote in these deliberations, other than the Appellate Officer's final decision.
2. **Related Information.** Information related to the incident that was not presented during the formal hearing may be presented, only if it was previously unavailable and only if it addresses the severity of sanction or procedures used during the Hearing.
3. **Exchange of Information.** Upon a reasonable request, the Charged Student or Investigator should produce for examination by the other party evidentiary material to be used at the Hearings.
4. **Observations.** The opportunity to observe appellate hearings shall be confined to adjudicating Student Affairs Deans at the discretion of the Appellate Officer. Advisors, attorneys, and parents are not be permitted to attend or observe the appeal hearing. The number of persons eligible to observe a particular hearing shall be determined by the Appellate Officer.
5. **Failure to Appear.** Failure to appear at the Appellate Hearing, without proper notice to the Appellate Officer, will result in a voiding of the appeal.
6. **Decorum.** No person/s involved in an appellate hearing may engage in private conversations while the proceedings are conducted.

7. **Deliberation.** At the conclusion of the Hearing, the Vice President for Student Affairs shall excuse the hearing participants and render a decision.
8. **Findings.** Appeal decisions are final and will be delivered in writing to the charged student and the investigating student conduct officer. These decisions may include:
  - a. If the Appellate Officer finds no merit to the appeal, they shall affirm the action of the adjudicating body.
  - b. If the Appellate Officer finds that the student's appeal on procedure is valid, they may confer with the University General Counsel to determine the most appropriate manner in which the case should be reconsidered.
  - c. If the Appellate Officer finds that the penalty assessed by the adjudicating body is too severe, it shall then assess what it deems to be an appropriate penalty.
  - d. If the Appellate Officer finds that the penalty assessed by the adjudicating body was too lenient, it shall then assess what it deems to be an appropriate penalty.
  - e. Determinations of the appellate officer are final and may not be further appealed.
9. **Interpretation of Major Level Student Conduct Procedures.** Whenever necessary, the University General Counsel shall interpret and/or provide specific clarification on Major Level Student Conduct procedures.
10. **Procedures Not Specifically Provided Herein.** The Vice President for Student Affairs or the Dean of the Graduate School may implement procedures that are not specifically prescribed in these policies or procedures, if such implementation would serve to arrive at a full and true disclosure of the facts, and/or ensure a fair proceeding, and are instituted with the knowledge and consent of the Dean of Students.

### SECTION III. TEMPORARY SUSPENSION

The Provost of the University or their designee may, upon their own initiative or upon the recommendation of the Dean of Students or their designee, temporarily suspend any student whenever they deem that the student's behavior and/or actions constitute a clear and present danger to themselves or others or that the student's behavior has or may materially disrupt the work or operations of the University.

- A. A Temporary Suspension shall be indefinite and the student may, upon the decision of the Provost, be barred from being present anywhere on any of the University campuses, including attending classes and/or taking examinations during the suspension period.
- B. During the course of a Temporary Suspension, an investigation into the incident precipitating the Temporary Suspension may occur, especially where required by the guidelines set forth by the US Department of Education for cases involving sexual violence or sex discrimination.
- C. Within three class days of a receipt of the notice of Temporary Suspension, a student may request that a Major Disciplinary Hearing take place before a Hearing Officer to answer the alleged violation(s) following a thorough investigation into the incident. Said request shall be made in writing to the Dean of Students. Either the Provost, or their designee, shall determine if and when a student matter will be heard.
- D. If the student does not request a hearing in writing to the Provost, the student will be deemed to have waived their right to a hearing and shall be suspended from the University indefinitely. In such instances, the University reserves the right to investigate and adjudicate the pending case without the respondent's participation. As part of such an investigation and adjudication, a finding of responsible may be reached and a resulting sanction imposed. The sanction would supersede the indefinite suspension and could include dismissal or expulsion from the University. The Provost shall decide whether the student will be allowed to make up, without prejudice, any class work or examinations missed because of temporary suspension.
- E. In the event a student is unable to request a hearing due to incarceration or a physical or mental incapacity within the 72 hours, a student may appeal to the Provost in writing and the Provost may grant an extension for the request. Students will be required to provide documentation of their incarceration and/or incapacity.

## STUDENT CONDUCT PROCEDURES FOR REPORTED SEXUAL MISCONDUCT

### INTRODUCTION

The following procedures will be used to address alleged violations of the Sexual Misconduct Policies outlined in this handbook (page 35). For University purposes, Sexual Misconduct includes: Dating Violence, Domestic Violence, Sex- or Gender-Based Discrimination, Sexual Assault (including Sexual Battery), Sexual Exploitation, Sexual Harassment, and Stalking. Additionally, this process will be used to adjudicate issues of retaliation related to sexual misconduct and to adjudicate violations of protective measures issued within the Sexual Misconduct investigative process.

These procedures will be utilized for all cases where the accused person (the “Respondent”) is a student at the University of Miami. To report a violation of any policy to the University you may contact the Dean of Students Office at 305-284-5353.

Upon receipt of a report of alleged sexual misconduct from the individual making the complaint (the “Complainant”), the University will work closely with all students involved to provide support services and explain available options for addressing the issues. These options include the right to choose any or all of the following:

- Counseling and mental health services (305-284-5511); and/or
  - Administratively enforced protective measures; and/or
  - Formal (administrative) student conduct process; and/or
  - Informing the individual of their right to also report the incident/s to the Police and pursue subsequent legal action.
- Students may contact UMPD at 305-284-6666.

In explaining these options, the University will provide thorough information to empower the student to make a choice that suits their preferred method of addressing the situation. The University will not coerce or pressure the student to select a particular course of action over another.

If the student indicates that they would like to engage with the formal student conduct process, the University will launch an investigation into the allegations. Unless there is substantial information showing that the alleged behavior could not have occurred, the University will charge the Respondent so that a formal disciplinary hearing can be held to determine whether or not the respondent is responsible for violating University policy.

In a case where a report has first been made to the police, University student conduct investigations may be delayed until the police have completed their initial investigative interviews. This will be done to ensure that the University investigation does not interfere with a legal investigation. However, based on Federal guidelines issued by the Office of Civil Rights, investigations into cases of alleged Sexual Assault/Battery may not be delayed to allow for criminal court cases to conclude.

The student conduct process is not a legal one. While reports made by the police may be utilized as an investigative tool, findings and/or other rulings in a public court of law shall not be considered as conclusive in the student conduct process.

When a formal hearing is necessary, the University will make every reasonable effort to have the case heard by a panel, in cases where student or faculty panel members are not available for extended periods of University recess, the case may be heard by an individual Student Affairs Dean following the same Disciplinary Hearing Process. The student and faculty representatives on the Panel that will hear the case will be selected based on the following guidelines:

1. For hearings where the respondent is an undergraduate student, the student panel member will be an undergraduate student with junior or senior status and the faculty member will be one that teaches at the undergraduate level.
2. For hearings where the respondent is a graduate student, the student panel member will be a graduate student and the faculty member will be one that teaches at the graduate level.
3. For hearings where the respondent is a student in the School of Law, the student panel member will be a student in the School of Law and the faculty member will be one that teaches in the School of Law.
4. For hearings where the respondent is a student in the School of Medicine, the student panel member will be a student in the School of Medicine and the faculty member will be one that teaches in the School of Medicine.

5. For hearings where the respondent is a student organization made up of undergraduate, graduate, or law students, medical students, or any combination thereof, the student panel member will be an undergraduate student with senior status and the faculty member may be one that teaches at any level of within the University.

The student conduct process through which students are held accountable to University policies and procedures is not intended to be an adversarial one; rather it is intended to be educational. The following processes occurs only between the University and each individual student involved in an investigation and the students involved are expected to present information on their own behalf.

In cases where the Respondent is also charged with additional violations of the Code of Conduct, the same Disciplinary Hearing Panel will hear and decide upon all charges.

In cases where a hearing panel has determined that the Respondent is responsible for violating one or more University policy/ies, the Respondent will then be referred for a mitigation hearing where sanctions appropriate to the severity of the violation will be determined. Appeals based on the perceived inappropriateness of the severity of sanction decided, and/or on perceived procedural error can be filed by the Complainant or the Respondent.

If requested by either party, provisions may be made to conduct the disciplinary hearing in a manner whereby the complainant and the respondent are not in the same physical location, but rather providing their input from another room as long as doing so does not impede discussion of the facts involved in the incident.

The University will work to ensure that any legally binding orders that restrict the proximity or contact between of a respondent and the complainant are enforced. Additionally, in cases involving alleged violations of the Sexual Misconduct and Gender Discrimination Policies, the University will take measures to ensure the perceived safety of complainants in related cases by ensuring that respondents have restricted access to residential areas and academic courses, and are reassigned to different residential areas and courses where applicable.

#### **PROTECTIVE MEASURES**

After reporting an incident of this nature the University is able to provide these measures to create a greater sense of safety and security for the complainant. These are addressed on a case by case basis. Examples of protective remedies include, but are not limited to:

- Administrative “No Contact” orders,
- Change of residence halls housing assignments,
- Change of course registration,
- Restrictions for use of campus facilities or attendance at University-sponsored events,
- Request to faculty for consideration on course deadlines.

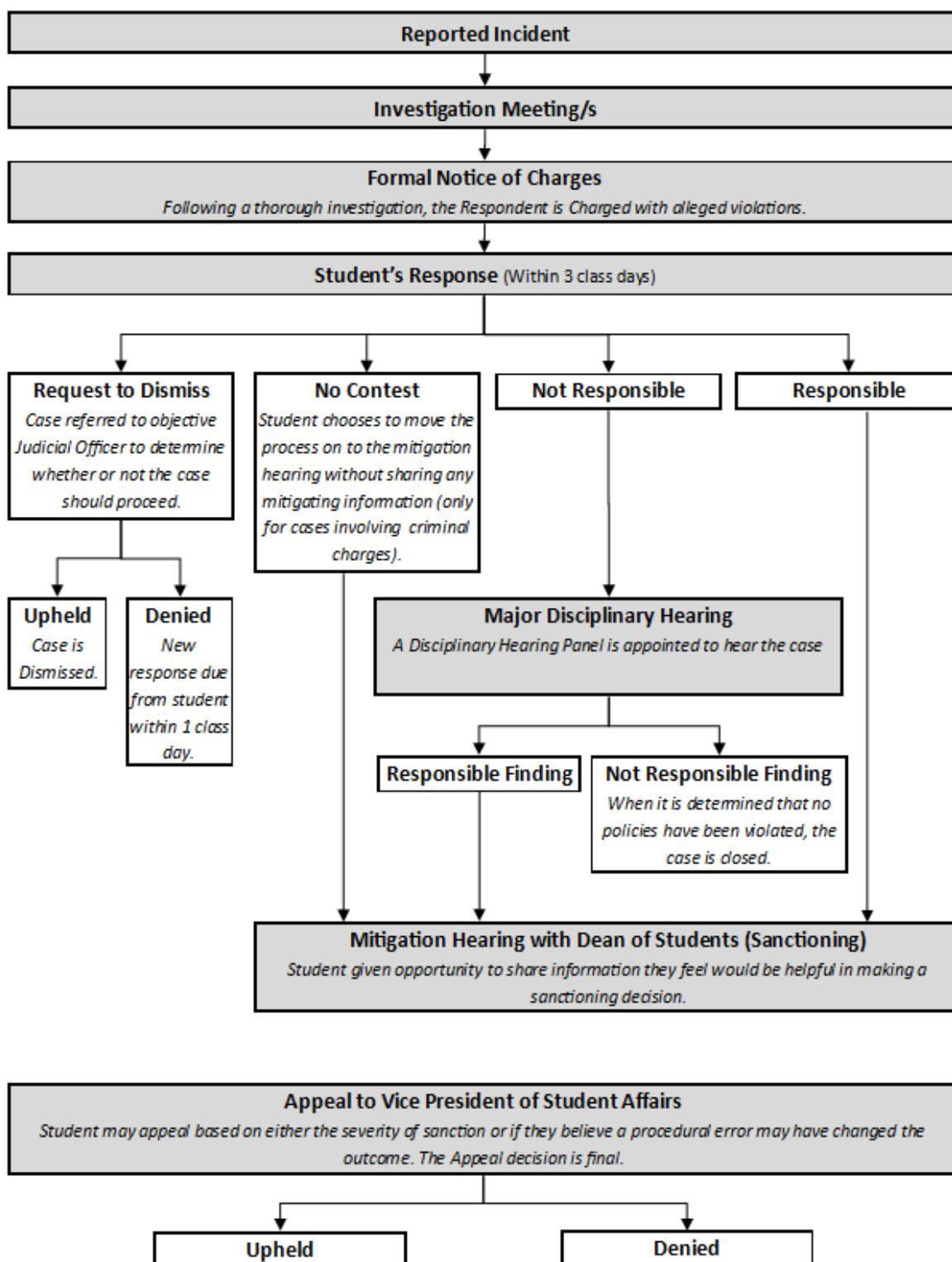
The University actively works to ensure that our policies and procedures are in compliance with all federal guidelines, regulations, and laws related to violence against women, relationship violence, and gender discrimination. As a result, both the complainant and the respondent shall have equal right to each of the personal and procedural rights contained herein. Additionally, the University works to ensure:

- Adequate, reliable, and impartial investigation of complaints including the opportunity for both parties to present witnesses and other evidence.
- All reported incidents that involve alleged violations of policy that have Title IX implications will be investigated by the University to the fullest extent possible.
- Both the complainant and respondent will receive written notice of each step of the investigation and adjudication of the case, including charges presented, notice of hearing, notice of the outcome of the hearing, notice of sanction, notice of appeal (where applicable), and notice of the outcome of the appeal (where applicable). Written notices of this type will be sent simultaneously to both the complainant and respondent.



Figure 3, below, illustrates the Disciplinary Student Conduct Process:

**FIGURE 3: CONDUCT PROCEDURES FOR REPORTED SEXUAL MISCONDUCT OR GENDER DISCRIMINATION**



The following sections more fully explain the Student Conduct Process that commences following the report of an alleged violation of the student Code of Conduct as previously described. The personal and procedural rights described herein are guaranteed to both the complainant and the respondent during the student conduct process.

## SECTION I. PERSONAL RIGHTS OF STUDENT DURING THIS STUDENT CONDUCT PROCESS

### A. The right to abstain from verbal participation

Students are not required to share their version of the incident in question, but must understand that their non-participation will not preclude a student conduct officer from making a decision on charges or responsibility.

### B. The right to an advisor

Students may choose to seek out an advisor of their choice and have that individual present with them during all meetings and/or hearings during a student conduct case.

1. An advisor should be someone who:
  - a. understands the policies and procedures used in the student conduct process,
  - b. can help the student understand those policies and procedures to make more informed decisions throughout the student conduct process, and
  - c. is available during the same days and times as the student (meetings and hearings will be scheduled based upon the student's class and schedule).
2. An advisor may not "represent" a student, serve as "proxy," or speak for them at any point; rather, an advisor may be present to answer questions the involved student poses directly to the advisor during the meeting/s and offer guidance directly to that student. Student Conduct proceedings will not move forward with only the participation of an advisor; the student must also participate.
3. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the student conduct officer adjudicating the case to answer any questions a student may have before and during a formal hearing in order to prepare that student for their formal hearing and the decisions that they will make on their own behalf.

### C. The right to a support person

Students may choose to seek out a support person and have that individual present with them during all meetings and/or hearings during a student conduct case.

1. A support person must be a current full-time faculty or staff member, or another full-time enrolled student, at the University of Miami.
2. A support person should be someone who knows of the incident in question and the student for whom they are providing support.
3. A support person may not "represent" a student or speak for them at any point; rather, a support person may be present to provide emotional support for a particular individual.
4. Students who are under 18 years of age may choose to have a parent present to serve as their support person throughout the student conduct investigation and hearing.

### D. The right to a formal hearing

Meetings with a student conduct officer prior to and during the presentation of charges during a preliminary hearing will be formal, yet conversational. When a student is charged with a violation of the Code of Conduct, that student is given the right to respond to that charge. When a student does not believe their actions violated the Code of Conduct, that student is then given the opportunity to have the decision of their responsibility made by an impartial, trained Disciplinary Hearing Panel (see below for details). Decisions are then made during formal hearings which are scripted and recorded for the official record of the student conduct case.

### E. The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing

In cases where there was more than one student involved in an incident, when there were witnesses to an incident, or when there are secondary witnesses that can either corroborate or invalidate the details of a particular incident, both the investigating student conduct officer and the student in question have the opportunity to ask questions of those individuals to more fully understand the incident and the actions of the student during that incident. This opportunity will be afforded during a formal disciplinary hearing. Where there is either incriminating or exonerating information it will be shared between the student and the student conduct officer. This information may be explained to a student prior to a formal disciplinary hearing. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The use of the following are not permitted for consideration during the investigation or hearing process:

- results of polygraph tests
- expert testimony

- interviews or other documents prepared by private investigators or like persons on behalf of the student. Instead, students are welcome to have witnesses appear for questioning during the hearing.

## **SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING THIS STUDENT CONDUCT PROCESS**

The following are the procedural requirements of a student conduct case involving charges of this nature. Note that it is possible for SECTION II, parts A through F, and part I – with all of the sub-parts for each – to be accomplished during a single meeting between a Student Conduct Officer and a student who has been charged with a violation of the Code of Conduct.

SECTION II, parts G and H as well as J and K only occur following a decision made by the student and at their request as noted below.

### **A. Explanation of Personal Rights**

At the beginning of the investigative process the Student Conduct Officer shall ensure that each student who may be charged with a violation of the Code of Conduct understands her/his personal rights, as explained above.

### **B. Investigation**

An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during meeting/s with the reporting parties and the students involved in an incident, as well as any potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation.

1. Investigating Student Conduct Officers shall be specially trained and serve the Institution as a Title IX Investigator, Student Affairs Dean, and/or professional staff member from the Division of Student Affairs.
2. Under normal circumstances, investigations shall take no more than 30 class days and any subsequent adjudication of policy violations will follow immediately based on the timelines contained herein. The entire process should normally be completed within 60 class days.
3. Reports from law enforcement agencies may be used throughout the student conduct process in order to gain further perspective on an incident. Information regarding prosecutorial or procedural decisions or information related to court decisions will not be considered at any point in the student conduct process.

### **C. Notice of Charge**

Unless there is substantial information showing that the alleged conduct could not have happened, the investigating student conduct officer will present the accused student with a document that specifically explains which policies are involved and how they may have been violated. In conjunction with this document, the investigating student conduct officer shall:

1. Review the student's personal rights,
2. Give the student another opportunity to make any statement or explanation they wish, and
3. Inform the student that the charges constitute a "Sexual Misconduct or Gender Discrimination Offense" and the full range of sanctions will be available if they are determined to be responsible for violating University policy or policies.
4. Advise that the student review their personal rights as outlined in this Handbook,
5. Inform the student of the specific Code of Conduct violations they are charged with, and
6. Afford the respondent with the opportunity to enter a response addressing the charge(s).

### **D. Possible Responses to Charges**

Students will be given a maximum of three (3) class days to respond to charges after receiving a Notice of Charge for a violation of this nature. Students may respond by choosing to enter a "Request to Dismiss," by responding that they are "Responsible" or "Not Responsible" for violating the policies noted, or by choosing to enter a "No Contest" response. If the student does not respond to the charges within the prescribed time period, they shall be deemed to have responded "Not Responsible".

The following procedures shall apply for each of the available responses from the student:

#### **1. Request to Dismiss**

If the charged student believes that the University has not followed the conduct procedures as outlined in this manual or one of their rights has been violated, the Respondent may enter a Request to Dismiss. The Request must be in writing and set forth the specific reasons the matter should be dismissed. All Requests to Dismiss must be submitted to the Dean of Students Office and contain:

- a. The name, address and telephone number of the person submitting the Request to Dismiss;
- b. List and describe the charges brought against the student by the Student Conduct Officer;
- c. Specifically outline the basis of the Request to Dismiss; and,
- d. Be signed by the person submitting the Request to Dismiss.

Failure to follow the four requirements outlined above may result in denial of the Request to Dismiss. Upon receipt of a properly filed Request to Dismiss, a Judicial Officer will make a review of the request.

If a Request to Dismiss is properly made, the matter shall immediately be referred to the Director of Student Conduct or their designee for determination. The Judicial Officer has the option to determine if a hearing should be afforded to a student entering such a request. The determination on a Request to Dismiss shall be made within ten (10) class days of its submission to the Dean of Students Office. If the Judicial Officer determines that the request is without merit, the student must enter a new response of either Responsible or Not Responsible, or No Contest within one class day of receiving the response to the request to dismiss.

**2. Responsible**

If the student believes they are Responsible, the investigating Student Conduct Officer shall immediately refer the case to the Dean of Students or their designee for a Mitigation Hearing (information related to what constitutes a Mitigation Hearing is found later in this section of the Handbook).

**3. Not Responsible**

If the student believes they are Not Responsible or fails to respond within the allotted time, they shall have the right to a formal disciplinary hearing before a Disciplinary Hearing Panel.

- a. **Scheduling.** The Dean of Students Office shall set the date, time, and place of the hearing based on the involved students' class schedule and any academic or work related obligations they may have. Extra-curricular activities and the schedule of individuals as potential advisors will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.
- b. **Timing.** Formal hearings will normally be held within 20 class days of receiving the response from the student. The Dean of Students Office may extend the date of the hearing for good reason including, but not limited to, the availability of hearing panel members.
- c. **Cases spanning more than one academic term.** If a student has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may enact a "Hold" on the student's transcript or deny the future enrollment or graduation until such time as the case is adjudicated. Likewise, where necessary the University may also choose to hear the case during these time periods if the parties involve so desire. Students may not be permitted to participate in University organized summer or intersession programs such as study abroad or alternative breaks when a case of this nature has not yet been fully investigated or adjudicated.
- d. **Responsible findings.** If the student is found Responsible at a formal hearing, the case will be forwarded to the Dean of Students, or their designee, for a Mitigation hearing.

**4. No Contest**

A response of No Contest will constitute neither an admission nor a denial of responsibility and will subject the student to any sanction the deemed proper following a Mitigation Hearing (see Section II, J. for details on a Mitigation Hearing). A No Contest response is not in any way to be considered or construed as evidence against interest. When this response is given, the respondent will move directly to a mitigation hearing with the Dean of Students, or their designee, for sanctioning.

**E. Student Conduct Hearing Panels**

In most cases, a Disciplinary Hearing Panel will be used to decide responsibility in cases utilizing these Student Conduct Procedures. Each panel shall be composed of one student and one faculty member, each from a larger pool of prospective panelists who are trained to hear and decide upon discipline cases of this nature. The student panelist will be selected from the same student population as the charged students (undergraduate, graduate, law, or medical) and the faculty panel member will be selected from the faculty for that same population. In addition to faculty and student body representatives, an objective Student Affairs Dean from the Coral Gables Campus will serve as Chairperson for the hearing. A Disciplinary Hearing Panel member may not serve as an Advisor or Support Person to a Complainant or a

Respondent.

**1. Selection of Faculty Member**

The Provost, or their designee, will appoint faculty members from each academic college or school for undergraduate and graduate students to become trained panel members to hear cases where the respondent is an undergraduate or graduate student. The Dean of the Law School, or their designee, will select faculty members from the law faculty to become trained panel members to hear cases where the respondent is a law student. The Dean of the Medical School, or their designee, will select faculty members from the medical faculty to become trained panel members to hear cases where the respondent is a medical student. Each of these faculty panel members will be specially trained to interpret the facts presented for a particular case of this nature and make determinations on whether or not the respondent will be found responsible for violating University policy.

**2. Selection of Student Member**

Undergraduate student panel members will be selected by the Dean of Students Office and approved by the Provost or their designee. Each must be a full-time student with at least 60 earned credit hours (junior or senior standing) who maintain a minimum 2.5 cumulative GPA; graduate, law, and medical students will be selected by their respective Deans and must have a cumulative GPA of 3.0. In all cases, students must not be currently on disciplinary probation, must have been students at the University for at least one full academic year, and have expressed their willingness to serve in this capacity. All panelists will be trained at the beginning of each academic year and provided with supplemental training where necessary.

**3. Panel Responsibilities:**

- a. To explain University policy B.22 (prohibiting the False Information from being shared during a hearing) and B.30 and (prohibiting interfering with a hearing in any way) as well as the possible consequences for each;
- b. To allow a Panel member to excuse themselves in a particular case in the event that they feel that their presence may be prejudicial to the case;
- c. To allow the panel members, the student conduct officer, the respondent and/or the complainant to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the hearing chairperson may dismiss the Panel member if they fail to self-dismiss);
- d. To briefly explain to the student the manner by which the hearing will be conducted at the beginning of a disciplinary proceeding;
- e. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the student is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;
- f. To compile for the Dean of Students Office a complete file of any cases heard. The files must include any recordings of the hearing, a list of any witnesses presenting information during the hearing, and all evidence utilized in the proceedings and the Panel's decision. Only the complainant and respondent and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

**4. Waiver of a Hearing Panel**

Alleged violation/s of sexual misconduct or gender discrimination will normally be heard by a hearing panel. However should an incident occur within 20 class days of the end of an academic term, or if hearings become necessary within 20 class days of the end of an academic term or during a time period other than normal University operation (i.e., summer or exam periods), the case will only be heard by a conduct hearing panel if there are trained panel members available for such a hearing. If trained panel members are not available, the hearing will be conducted by an individual, objective Student Affairs Dean (not the same individual who served as the investigator). The unavailability of panel members may not be used as a basis of appeal in the event of a finding of responsible.

**F. Procedures for the Formal Student Conduct Hearing**

The following are procedural assurances for all formal student conduct hearings.

**1. University Oversight**

All formal disciplinary hearings will be presided over by an objective Student Affairs Dean (not the same

individual who served as Investigator). This Hearing chairperson will be one part of a three-person panel ensure that proper protocols are adhered to or as the University's lone representative for deciding the outcome of the hearing and on the sanctions where applicable. The hearing Chairperson reserves the right to excuse any participant, at any time, for causing a disruption of the formal disciplinary hearing process following a warning to describe the disruptive behavior and prohibit the behavior from occurring further.

**2. Nature of the Hearing**

All hearings are intended to be non-adversarial and conducted in the interest of gathering honest and truthful information regarding a particular incident or incidents. Students are reminded that they are expected to uphold the Honor Code and its values of Honesty, Responsibility, and Integrity during all disciplinary hearings.

**3. Closed Hearings**

Formal disciplinary hearings are closed to the public. Staff members of the University Division of Student Affairs may observe a hearing for training purposes, but only with the permission of both the respondent and the complainant.

**a. Advisors**

Advisors for both the complainant and the respondent are permitted to attend Disciplinary Hearings as described in Section I, B of these Disciplinary Procedures. Students must inform the Dean of Students Office in writing no less than 3 class days prior to a formal disciplinary hearing if they are planning to bring an advisor to a meeting or hearing. This notice must include the name, telephone number, and e-mail address. If the student fails to provide such information in writing and in the time prescribed, the Advisor may be excluded from the hearing. Advisors may not also serve as a witness.

**b. Support persons**

Support persons for both the complainant and the respondent are permitted to attend Disciplinary Hearings as described in Section I, C of these Student Conduct Procedures. Students must inform the Dean of Students Office in writing no less than 3 class days prior to a formal disciplinary hearing if they are planning to bring a support person to a meeting or hearing. Support Persons may not also serve as Witnesses.

**c. Witnesses**

Witnesses will be permitted to participate in a hearing for a select period of time only. For the purposes of a formal disciplinary hearing, a "witnesses" may be an individuals who has first-hand knowledge of the incident in question and is able to speak to the facts of the case at hand, or an individual who has knowledge of the incident directly from either the complainant or respondent. If a witness is to be called that is not on the list of witnesses for the investigator, the person calling that witness (complainant or respondent) bears the responsibility of notifying the witnesses that will appear on their behalf during the hearing. All reasonable efforts will be made to entertain the insights of witness/es. Students must inform the investigator in writing no less than 3 three class days prior to a disciplinary hearing if they are planning to bring one or more witnesses to the hearing and provide a witness list. Upon written request and submission of the Respondent's witness list, the University will supply to the Respondent a list of the Witness/es that will be called during a hearing on its behalf. Witnesses may not also serve as Advisors or as a Support Person.

**4. Hearings in Absentia**

In instances where either the respondent or complainant does not attend the hearing, the hearing panel/chairperson shall have the discretion to hear and decide upon the facts of the case without the input from or in their absence.

**5. Silent participation**

The complainant and the respondent reserve the right to be present yet abstain from participation in the Hearing and will not be compelled to share information related to the case on their own behalf. Silent participation does not afford an advisor the right to speak on behalf of a student.

**6. Requests or Orders**

Witnesses must cooperate in all phases of the student conduct process described herein. The Hearing chairperson shall request the appearance of students whose insight is deemed relevant to a full disclosure of the facts at a hearing. Any student refusing to respond to a Hearing chairperson's request may be charged with failure to comply with University policy B. 42, Requests or Orders.

**7. Related Information**

Both the complainant and the respondent will be afforded the opportunity, during a hearing, to ask questions of any related information and question any witnesses offering information that may be used to determine responsibility in that a particular case. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The introduction or use of polygraph evidence or other evidence prepared by experts or like persons is prohibited. Witnesses must have factual knowledge relating to the allegation; character witnesses are not permissible. .

**8. Sharing of Information Prior to a Hearing**

Complainants and respondents must submit to the Investigator all information that they want the investigator to consider in creating the University's Investigative Report (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing. The Investigative Report is the formal document that the Investigator submits to the hearing panel for the panel to review and consider as part of the hearing and prior to issuing a finding of responsible or not responsible.

At least five class days before the disciplinary hearing, the Investigative Report and all the information that the Investigator plans to present at the hearing will be shared with the complainant and respondent.

If, upon review of the Investigative Report or any other information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.

The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing. The Dean of Students or their designee may make exceptions to this policy.

**9. Pre-Hearing Conference**

The hearing chairperson may schedule a mandatory pre-Hearing Conference upon their initiative or upon the self-initiated written request from the complainant or respondent.

**10. Requests**

The Hearing chairperson may entertain any requests that are deemed appropriate prior to and/or during the formal disciplinary hearing. However, during the hearing, no requests to strip the hearing body of its duty to reach a decision on the issue of responsibility and/or sanctioning will be considered.

**11. Decorum**

The Hearing chairperson is charged with the responsibility for maintaining proper decorum and order during the hearing. They may use any reasonable means necessary to maintain decorum and may exclude any person whom, in their opinion, has no legitimate interest in the hearing, or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of the Code of Conduct, policy number B.30, Interference with University Investigations, Conduct Proceedings, or Records.

**12. Standard of Proof**

In the University's Student Conduct Proceedings, decisions are made based on the "preponderance of evidence" rule. This means that the adjudicating Panel/Dean determines which facts are more likely than not to be true.

**13. Paused and Reconvened Hearings**

In rare circumstances, it may become necessary for the Hearing Chairperson to pause a hearing after it has begun and to reconvene that hearing at a later time.

**14. Decision**

Following the presentation of all related information and the closing statements by the parties involved, the hearing will conclude and all parties will be dismissed. The Conduct Hearing Panel is afforded three business days to make a decision on responsibility and deliver their decision to the Dean of Students Office. A written notice of the decision/s must be delivered to both the complainant and the respondent within 1 class day of the decision.

**15. Improper Procedure**

Improper procedure may be declared at any stage of the hearing by the hearing chairperson upon a finding that the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a fair

decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 15 class days with the same hearing chairperson and new panel members.

**16. Record of Hearings**

A digital audio recording of the formal disciplinary hearing shall be made and this record, together with all formal documents and other evidence presented during the hearing, shall constitute the “official record” of the hearing. No other audio recording of the hearing will be permitted. Upon their request, and for the purpose of appeal only, the respondent and the complainant shall have access to review and/or listen to the record of the hearing in the Dean of Student Office, by appointment only. The recording of the hearing itself shall be available until the period for filing an appeal has expired, or where an appeal has been filed, until the decision on appeal has been made.

After the aforementioned times have elapsed, recordings may be destroyed.

**G. Determination of Responsibility**

When tasked with determining a student’s responsibility, a disciplinary hearing panel or Hearing chairperson will consider the objective facts presented surrounding a particular incident, taking into consideration what happened and whether or not an action was in violation of the Code of Conduct. When students are deciding their response to a disciplinary charge or charges they are advised to do the same.

**H. Mitigation Hearing**

When a student claims they are responsible for violating a particular aspect of the Code of Conduct, or if they are found responsible of such during a formal hearing, the *subjective* reasons for *why and how* the Code of Conduct was violated shall be taken into consideration for determining the sanctions that will be assessed. If a student enters a response of No Contest, a mitigation hearing will also be scheduled to set a proper sanction without a finding of responsibility.

The Dean of Students or their designee shall hear all mitigating/aggravating circumstances during a Mitigation Hearing and decide upon sanctions for all student conduct cases involving alleged violations of Sexual Misconduct or Gender Discrimination. Additionally, both the complainant and the respondent have the opportunity to present an “impact statement” to the Dean of Students or their designee describing the impact of the alleged violation on their wellbeing. This may be done verbally and/or in writing. The Dean of Students will consider these statements during mitigation and prior to sanctioning.

In instances where either the student fails to attend a mitigation hearing after proper notice, the Dean of Students or their designee shall have the discretion to decide upon the sanctions for the case without input from the student or in their absence.

**I. Disciplinary Decisions/Sanctions**

When a student has been found responsible for violating University policy or has entered a response of no contest, a sanction will be imposed by the University. Any sanction/s set out in the procedures of this Handbook may be imposed by the University:

1. **Educational Sanctions (ED)** a required opportunity for the student to develop a knowledge base designed to help him/her make more informed choices in the future
2. **Disciplinary Warning (DW)** lasting for a period of 1-2 semesters
3. **Strict Disciplinary Probation (SDP)** lasting for a period of 1-3 semesters
4. **Final Disciplinary Probation (FDP)** lasting until a student graduates or otherwise separates from the University permanently
5. **Suspension (Susp)** a complete separation from the University for a predefined period of time.
6. **Expulsion (Exp)** permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled shall be barred from campus visiting privileges.
7. **Termination of Residency (TR):** the forced cancellation of a housing contract; this can be applied to on-campus residences only
8. **Change of Residency (CR):** the forced change of a room and/or building assignment for a housing contract; this can be applied to on-campus residences only
9. **Restitution (Rest):** the monetary repayment of the cost of an item that was taken or damaged by the student found responsible from another individual.
10. **Administrative Charge (AC)** paid to the University in order to offset any costs accrued by the University in the



investigation and adjudication of a student conduct case

**11. Fine (Fine)** paid to the University and serving as a deterrent to similar future violations

Unless the Dean of Students or their designee determines otherwise, all sanctions of Suspension or Expulsion may be effective as of the date of the precipitating incident, even where the student has attended classes and/or taken examinations during the course of the Student Conduct Proceedings.

**J. Appeals**

Once a decision has been reached on the sanctions related to a particular case, that case can be appealed by the complainant, respondent, or by the University. Only one appeal per case can be submitted and will be considered.

**1. Grounds for an Appeal.** Appeals will be considered for two reasons:

- a. Procedural error in the investigation or hearing of a particular case;
- b. The sanction received is not appropriate for the nature of the violation.

The determination of responsibility for a disciplinary violation and the entry of a response of no contest are not subject to review on appeal.

**2. Timing for the delivery of an appeal letter.** Appeals must be turned in to the Office of the Vice President for Student Affairs (244 Ashe Administration Building) by the appealing party and be received within 3 class days of the student receiving the sanctioning decision. All requests for an appeal must be made in writing.

**3. Timing for the hearing of an appeal.** An appellate hearing shall be conducted within 20 class days of the appeal being received by the Vice President for Student Affairs. Inability to schedule an appeal within 20 class days due to scheduling conflicts, (un)availability of a student conduct officer or panel representative, or scheduled/unscheduled interruption of classes (fall break, inclement weather, spring break, etc.) will not be grounds for dismissal or adjustment of the original hearing decision or sanction.

**4. Directions for writing an appeal.** Appeals must be written as a formal letter, which may be delivered on paper or in the form of an e-mail, and directed to the "Vice President for Student Affairs," and must contain:

- a. The name and student identification number (C-Number),
- b. The date the appeal was written, and
- c. A detailed explanation of the nature of the appeal.

**5. Consideration of an Appeal.** Appeals received after the three class-day time frame, or those that do not adhere to the directions listed above, may not be considered.

**6. Appellate Officers.** The Appellate Officers of the University will decide appeals. The Vice President for Student Affairs, or their designee, shall hear undergraduate student appeals and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Graduate School, or their designee, shall hear graduate student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Law School, or their designee, shall hear law student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Medical School, or their designee, shall hear medical student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures.

**7. Appeal Hearings.** Both the complainant and the respondent will be afforded the right to initiate the appeal process following a decision in a formal hearing and/or mitigation hearing based on either the severity of the sanction rendered or the perception of procedural error.

- a. If either the complainant or the respondent initiates an appeal that is based on the severity of the sanction that was given to the respondent, both the complainant and the respondent (separately) will be afforded the opportunity to meet with the appellate officer separately to discuss the merits of an appeal.
- b. If either the complainant or the respondent initiates an appeal that is based on the perception of a procedural error, the appellate officer may choose to meet with both the complainant and the respondent, or neither the complainant or the respondent, depending on the information that is needed to make the proper determination.

**K. Appeal Hearing Procedures**

**1. Confidentiality.** Appeal Hearings are closed to outside participation except where observations and input from

others is requested by the Appellate Officer. Therefore, no witnesses, advisors, attorneys, or other observers are to be present during these proceedings. In addition, no record shall be made of the discussion or vote in these deliberations, other than the Appellate Officer's final decision.

2. **Related Information.** Information related to the incident that was not presented during the formal hearing may be presented, only if it was previously unavailable and only if it addresses the severity of sanction or procedures used during the Hearing.
3. **Exchange of Information.** Upon a reasonable request, the Complainant, Respondent, or Investigator should produce for examination by the other party evidentiary material to be used at the appeal Hearings.
4. **Failure to Appear.** Failure to appear at the Appellate Hearing, without proper notice to the Appellate Officer, will result in a voiding of the appeal.
5. **Decorum.** No person/s involved in an appellate hearing may engage in private conversations while the proceedings are conducted.
6. **Deliberation.** At the conclusion of the Hearing, the Vice President for Student Affairs shall excuse the hearing participants and render a decision.
7. **Findings.** Appeal decisions are final and will be delivered in writing to the complainant and respondent near simultaneously and an official copy of the appeal findings will be sent to the investigating conduct officer for the official file. These decisions may include:
  - a. If the Appellate Officer finds no merit to the appeal, they shall affirm the sanction imposed.
  - b. If the Appellate Officer finds that the student's appeal on procedure is valid, they may confer with the University General Counsel to determine the most appropriate manner in which the case should be reconsidered.
  - c. If the Appellate Officer finds that the penalty assessed by the mitigation officer is too mild or too severe, the Appellate Officer will assess an appropriate penalty.
  - d. Determinations of the appellate officer are final and may not be further appealed.
8. **Interpretation of University Student Conduct Procedures.** Whenever necessary, the University General Counsel shall interpret and/or provide specific clarification on these student conduct procedures.
9. **Procedures Not Specifically Provided Herein.** The Vice President for Student Affairs, the Dean of the Graduate School, the Dean of the Law School, or the Dean of the Medical School may implement procedures that are not specifically prescribed in these policies or procedures, if such implementation would serve to arrive at a full and true disclosure of the facts and/or ensure a fair proceeding, and are instituted with the knowledge and consent of the Dean of Students.

### SECTION III. TEMPORARY SUSPENSION

The Provost of the University or their designee may, upon their own initiative or upon the recommendation of the Assistant Vice President / Dean of Students or their designee, temporarily suspend any student whenever they deem that the student's behavior and/or actions constitute a clear and present danger to him/herself or others or that the student's behavior has or may materially disrupt the work or operations of the University.

- A. A Temporary Suspension shall be indefinite and the respondent may, upon the decision of the Provost, be barred being present anywhere on any of the University campuses, including from attending classes and/or taking examinations during the suspension period.
- B. During the course of a Temporary Suspension, an investigation into the incident precipitating the Temporary Suspension may occur, especially where required by the guidelines set forth by the US Department of Education for cases involving sexual violence or sex discrimination.
- C. Within three class days of a receipt of the notice of Temporary Suspension, the respondent must request that a Disciplinary Hearing take place following the procedures set forth herein to answer the alleged violation(s), following a thorough investigation into the incident. Said request shall be made by the respondent in writing to the Assistant Vice President / Dean of Students. The Assistant Vice President / Dean of Students, or their designee, shall determine if and when the matter will be heard.
- D. If the respondent does not request a hearing in writing to the Assistant Vice President / Dean of Students, the respondent will be deemed to have waived their right to participate in a hearing and shall be suspended from the University indefinitely. In such instances, the University reserves the right to investigate and adjudicate the pending

case without the respondent's participation. As part of such an investigation and adjudication, a finding of responsible may be reached and a resulting sanction imposed. The sanction would supersede the indefinite suspension and could include dismissal or expulsion from the University. In the event a respondent is unable to request a hearing due to incarceration or a physical or mental incapacity within the 72 hours, the respondent may appeal to the Provost in writing and the Provost may grant an extension for the request. Respondents will be required to provide documentation of their incarceration and/or incapacity.

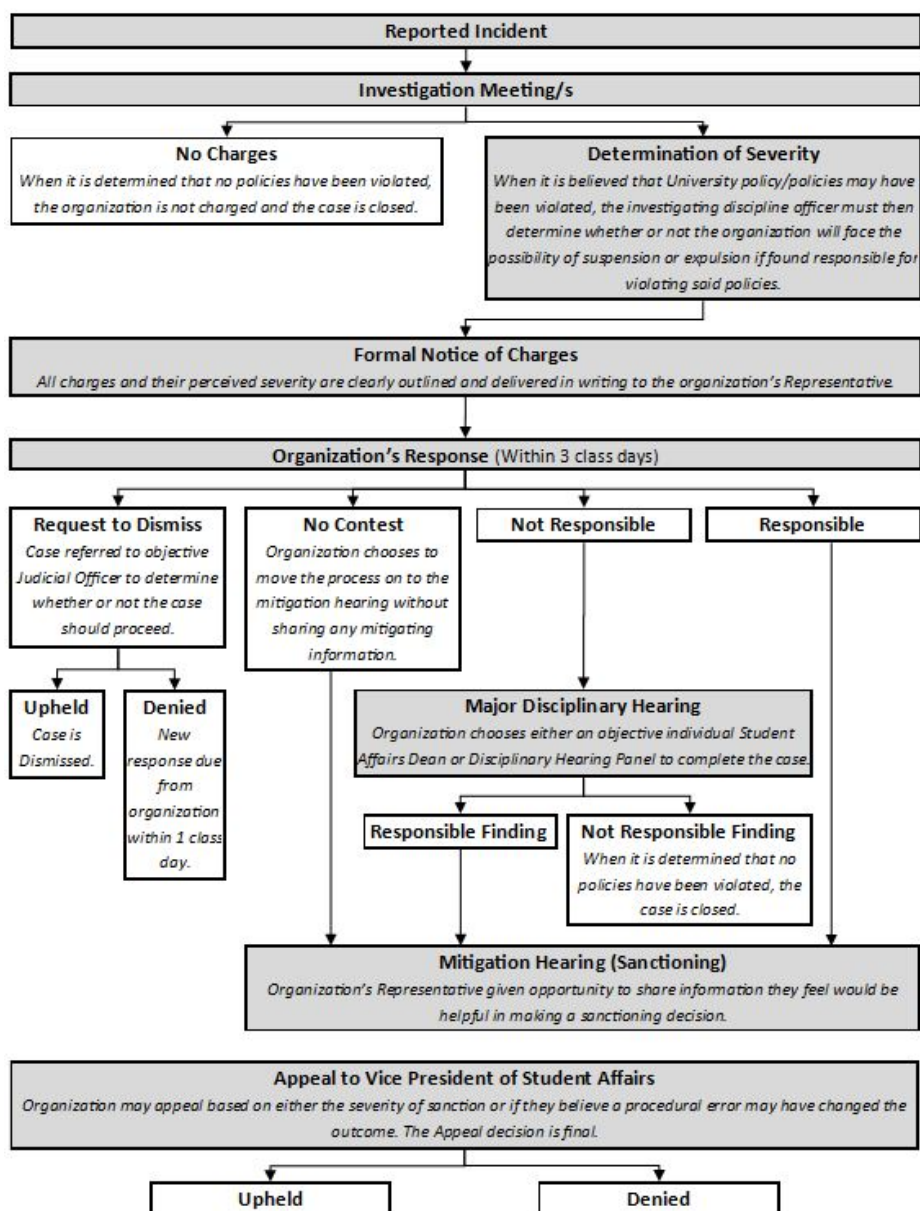
- E. The Provost shall decide whether the respondent will be allowed to make up, without prejudice, any class work or examinations missed because of temporary suspension.

## CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

Student organizations that are alleged to have violated University policies or procedures may face adjudication within the University's Judicial System. A complaint can be made by anyone. Upon notification that a violation has occurred, a Student Affairs Dean will investigate and consider whether or not a potential violation of University standards has occurred and will schedule investigatory meetings as are deemed appropriate. If the student organization is an affiliated member of a larger regional, national or international organization, the University will also notify that entity of the alleged violation and all related conduct procedure.

The following conduct procedures are intended to be used to investigate alleged violation/s of the Code of Conduct as contained in this *Handbook* by student organizations. In many cases, student organizations are also required to adhere to guidelines set forth by another oversight body (e.g., student organization governing body, academic or university department, national affiliate group, etc.). Violations of those policies and procedures that are external to this *Handbook* will only be adjudicated through this system where violations of the Code of Conduct also exist.

FIGURE 4: CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS



The following section more fully explains the University Conduct Process that commences following the report of an alleged violation of the student Code of Conduct.

## **INTRODUCTION**

The process through which students and student organizations are held accountable to University policies and procedures is intended to promote a better understanding of the University community and acceptable behavior for students who are a part of that community. With that in mind, it should be noted that the following processes occur only between the University and each individual student organization and any of the organization's members involved in an investigation into possible policy violations. Parents, friends, significant others, and/or attorneys are not permitted to participate in or observe the University of Miami conduct processes.

## **DEFINITION**

For the purposes of these procedures, a "student organization" is defined as any organized group of students that seeks recognition from any agency of the University of Miami to perform its regular functions, any organized group that seeks financial resources from an agency of the University, and/or any organized group that utilizes University financial accounting systems. This includes, but may not be limited to:

- Greek Organizations that seek recognition through the Dean of Students Office and one of the governing councils;
- Groups that seek recognition through the Committee on Student Organizations (COSO),
- Sport Clubs recognized through the Department of Wellness and Recreation,
- Groups that are socially or professionally affiliated with a particular academic or administrative department, or
- Any student-based religious group recognized through the University Chaplains' Association

## **SECTION I. ORGANIZATIONAL REPRESENTATION**

All recognized organizations will be represented throughout the conduct process by the organization's President or Captain (or otherwise recognized, and previously elected or selected "leader" where titles may vary) who was serving in that role during the time of the incident in question. Organizational conduct issues will not be attributed to the representative as an individual unless it is determined that the individual was also directly involved in a violation.

## **SECTION II. RIGHTS AFFORDED TO A STUDENT ORGANIZATION DURING THE CONDUCT PROCESS**

### **A. The right to abstain from verbal participation**

Members of Student Organizations are not required to share their version of the incident in question, but must understand that their non-participation will not preclude a conduct officer from making a decision on charges or responsibility.

### **B. The right to an advisor**

Student Organizations may choose to seek out an advisor and have that individual present with them during all meetings and/or hearings during a conduct case.

1. An advisor must be a current full-time faculty or staff member, or another enrolled student, or serve as the Advisor of Record with the University office that has oversight of that organization's affiliation with the University.
2. An advisor should be someone who understands the policies and procedures used in the student organization conduct process and can help the student/s involved understand those policies and procedures to make more informed decisions during the investigation meeting.
3. An advisor may not "represent" the organization or speak for it or any member of it at any point; rather, an advisor may be present to answer questions that the organization's Representative poses directly to the advisor during the meeting/s and offer guidance directly to that student.
4. Regardless of whether an organization chooses to utilize an advisor, every effort will be made by the conduct officer adjudicating the case to answer any questions a student may have before and during a formal hearing in order to prepare that student for the organization's formal hearing and the decisions that they will make on the organization's behalf.

### **C. The right to a formal hearing**

Meetings with a conduct officer prior to and during the presentation of charges will be formal, yet conversational. If an organization is charged with a violation of the Code of Conduct, the organization's Representative is given the right to

respond to that charge. When the Representative does not believe the actions violated the Code of Conduct, the Representative is then given the opportunity to have the decision of the organization's responsibility made by an impartial Hearing Officer (a Student Affairs Dean) or by a Disciplinary Hearing Panel (see below for details). Those decisions are made during formal hearings which are scripted and recorded for the official record of the conduct case.

**D. The right to review evidence and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing**

Both the investigating conduct officer and the organization's Representative will have the opportunity to ask questions of any witnesses deemed by the investigating officer to have relevant material information to more fully understand the incident and the actions of the organization's members during that incident. This opportunity will be afforded during a formal disciplinary hearing. Where there is either incriminating or exonerating information it will be shared between the organization's representative and the conduct officer. This information may be shared prior to a formal disciplinary hearing. The procedure for questioning witnesses shall be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The results of polygraph tests are not permitted for consideration during this process.

**SECTION III. PROCEDURAL RIGHTS FOR STUDENT ORGANIZATIONS DURING A MAJOR-LEVEL CONDUCT CASE**

The following are the procedural requirements of a student organization conduct case. Note that it is possible for SECTION III, parts A through E, and parts H through I – with all of the sub-parts for each – to be accomplished during a single meeting between a Conduct Officer and the members of the organization that has been charged with a violation of the Code of Conduct. SECTION III, parts F and G, as well parts J and K only occur following decisions made by the organization's Representative and at their request as noted below.

**A. Explanation of Organizational Rights**

At the beginning of the investigative process the Conduct Officer shall ensure that each student who may be charged with a violation of the Code of Conduct understands their personal rights, as explained above.

**B. Investigation**

An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during meeting/s with the reporting parties and the students involved in an incident, as well as any potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation.

1. Investigating Conduct Officers shall be specially trained and serve the Institution as a Title IX Investigator, Student Affairs Dean, and/or professional staff member from the Division of Student Affairs.
2. Under normal circumstances, investigations shall take no more than 30 class days and any subsequent adjudication of policy violations will follow immediately based on the timelines contained herein. The entire process should normally be completed within 60 class days.
3. Reports from law enforcement agencies may be used throughout the conduct process in order to gain further perspective on an incident. Information regarding prosecutorial or procedural decisions or information related to court decisions will not be considered at any point in the conduct process.

**C. Preliminary Hearing**

During a Preliminary Hearing, the Conduct Officer shall:

1. Review the organization's rights,
2. Give the organization's Representative another opportunity to make any statement or explanation they wish,
3. Advise the organization's Representative whether or not the organization is being charged with a violation of the Code of Conduct, and advise the organization's Representative of the specific charge/s for which the organization is being charged (where applicable).

**D. Charge and Notice**

If the Conduct Officer determines that charges are necessary for specific violation(s), the Conduct Officer will provide the organization's Representative with a "Notice of Charges against a Student Organization" during the Preliminary Hearing. This is a formal document, and will:

1. Inform the organization's Representative of the severity of the charges (see below for details) and the full range of sanctions will be available if the organization is determined to be responsible for violating University policy or policies.
2. Inform the organization's Representative of the organization's rights as outlined in this handbook,
3. Inform the organization's Representative of the specific Code of Conduct violations the organization is charged with violating, and
4. Afford the charged organization's Representative with the opportunity to enter a response on behalf of the organization addressing the charge(s).

#### **E. Possible Responses to Charges**

The organization's Representative will be given a maximum of three (3) class days to respond to charges on behalf of the organization after receiving a Notice of Charge. Students may respond by choosing to enter a "Request to Dismiss," by responding that the organization is "Responsible" or "Not Responsible" for violating the policies noted, or by choosing to enter a "No Contest" response. If the organization's Representative does not respond to the charges within the prescribed time period, they shall be deemed to have responded "Not Responsible".

The following procedures shall apply for each of the available responses from the student:

##### **1. Request to Dismiss**

If the charged student believes that the University has not followed the conduct procedures as outlined in this manual or believes that there is no evidence at all supporting the charges presented, the Respondent may enter a Request to Dismiss. The Request must be in writing and set forth the specific reasons the matter should be dismissed. All Requests to Dismiss must be submitted to the Dean of Students Office and contain:

- a. The name, address and telephone number of the person submitting the Request to Dismiss;
- b. List and describe the charges brought against the student by the Conduct Officer;
- c. Specifically outline the basis of the Request to Dismiss; and,
- d. Be signed by the person submitting the Request to Dismiss.

Failure to follow the four requirements outlined above may result in denial of the Request to Dismiss. Upon receipt of a properly filed Request to Dismiss, a Judicial Officer will make a review of the request.

If a Request to Dismiss is properly made, the matter shall immediately be referred to the Director of Student Conduct or their designee for determination. The Judicial Officer has the option to determine if a hearing should be afforded to a student entering such a request. The determination on a Request to Dismiss shall be made within ten (10) class days of its submission to the Dean of Students Office. If the Judicial Officer determines that the request is without merit, the student must enter a new response of either Responsible or Not Responsible, or No Contest within one class day of receiving the response to the request to dismiss.

##### **2. Responsible**

If the organization's Representative believes the organization is Responsible, the investigating Conduct Officer shall immediately refer the case to the Dean of Students or their designee for a mitigation hearing.

##### **3. Not Responsible**

If the organization's Representative believes the organization is Not Responsible or fails to respond within the allotted time, the organization shall have the right to a formal disciplinary hearing before a Hearing Officer, or before a Disciplinary Hearing Panel.

- a. **Scheduling.** The Dean of Students Office shall set the date, time, and place of the hearing based on the class schedule and any academic or work related obligations organization's Representative may have. Extra-curricular activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.
- b. **Timing.** Formal hearings will normally be held within 15 class days of receiving the response from the student. The Dean of Students Office may extend the date of the hearing.
- c. **Cases spanning more than one academic term.** If an organization has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may temporarily suspend the organization's activities until the case can be fully adjudicated.
- d. **Responsible findings.** If the organization is found Responsible at a formal hearing, the Dean of Students

or their designees shall determine the sanction to be imposed by the University.

#### 4. No Contest

A response of No Contest will constitute neither an admission nor a denial of responsibility and will subject the student to any sanction the deemed proper following a Mitigation Hearing (see Section II, J. for details on a Mitigation Hearing). A No Contest response is not in any way to be considered or construed as evidence against interest. When this response is given, the respondent will move directly to a mitigation hearing with the Dean of Students or their designee, for sanctioning.

### F. Hearing Policies

The following applies to all Student Organization Disciplinary Hearings to address Code of Conduct violations. The Administrative Disciplinary Hearing panel will be used for all student organization cases unless specifically addressed in the constitution of the student organization's governing body or umbrella organization (e.g., the Panhellenic Association, Interfraternity Council, National Pan-Hellenic Council, and the Multicultural Greek Council). For any case where there is not a previously selected and trained Judicial Board in place, all Hearings will be directed to the Administrative Disciplinary Hearing Panel. All conduct proceedings for student organization cases will follow the procedures below.

#### 1. Severity

Two levels of severity exist for student organization hearings: University Disciplinary Hearings and Major Disciplinary Hearings.

- a. **University Disciplinary Hearings for Student Organizations** are used when severity of the incident warrants something less than the suspension, expulsion, or loss of financial support from the University. These cases may be heard by the type of student-comprised judicial board as described above. Where none has been previously selected and trained, an Administrative Disciplinary Hearing Panel will be used.
- b. In cases where a response or finding of responsible could yield a suspension or expulsion of the organization from the University, or could result in the loss of financial support from the University, **Major Disciplinary Hearings for Student Organizations** will commence. Where a panel hearing is desired by the organization, these cases may only be heard by an Administrative Disciplinary Hearing Panel.

#### 2. The Administrative Disciplinary Hearing Panel (ADHP)

An ADHP hearing panel shall consist of five full-time University staff members selected by the Vice President for Student Affairs (VPSA), one of whom will be a Student Affairs Dean and will serve as Chairperson. This hearing panel shall be responsible for the following:

- a. Inform the organization's Representative of the organization's rights as contained in these policies and procedures;
- b. Explain University policy B.22 (prohibiting the False Information from being shared during a hearing) and B.30 and (prohibiting interfering with a hearing in any way) as well as the possible consequences for each;
- c. Allow a Panel member to excuse himself in a particular case in the event that they feel that their presence may be prejudicial to the case;
- d. Allow the panel members, the conduct officer, and/or the charged organization's Representative to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the Advisor may dismiss the Panel member if they fail to dismiss themselves);
- e. Briefly explain to the organization's Representative the manner by which the hearing will be conducted at the beginning of a conduct proceeding;
- f. Limit, to the extent possible, the questions asked and information offered to matters that are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the organization is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;
- g. Compile for the Dean of Students Office a complete file of any cases heard. The files must include any recordings of the hearing, a list of any witnesses presenting information during the hearing, and all evidence utilized in the proceedings and the Panel's decision. Only the charged organization's Representative and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

#### 3. Waiver of a Hearing Panel



An organization charged with a violation/s of the Code of Conduct automatically has the right to have its conduct case heard by a hearing panel; however, there are circumstances where this right can be waived.

- a. **An organization may waive its right** to a hearing before a hearing panel and have its case heard by an individual, objective Student Affairs Dean at any time by submitting a written notice to the Dean of Students Office. When this occurs, the Dean will be assigned to the case by the Dean of Students or their designee.
- b. **When hearings that are requested for incidents that occur within 15 days of the end of an academic term or during a time period other than normal University operation** (i.e., summer or exam periods), the case will be heard by a Student Affairs Dean. Procedures for a Formal Disciplinary Hearing by the hearing panel or a Student Affairs Dean.

#### G. Procedures for a Formal Conduct Hearing

The following are procedural assurances for all formal disciplinary hearings.

##### 1. University Oversight

All formal disciplinary hearings will be presided over by an objective Student Affairs Dean (not the same individual who served as Investigator). This Hearing Officer will ensure that proper protocols are adhered to while either serving as an advisor to a Hearing Panel, as one part of a five-person panel, or as the University's lone representative for deciding the outcome of the hearing and on the sanctions where applicable.

##### 2. Nature of the Hearing

All hearings are intended to be non-adversarial and conducted in the interest of gathering honest and truthful information regarding a particular incident or incidents. Participants are reminded that they are expected to uphold the Honor Code and its values of Honesty, Responsibility, and Integrity during all disciplinary hearings.

##### 3. Closed Hearings

Formal disciplinary hearings are closed to the public. Witnesses will be permitted to participate for a select period of time only. Staff members of the University Division of Student Affairs may observe a hearing for training purposes, but only with the permission of the charged organization.

##### 4. Hearings in Absentia

In instances where the charged organization's Representative fails to attend at the hearing, the Hearing Officer shall have the discretion to hear and decide upon the facts of the case without the input and in the absence of the charged student.

##### 5. Participation of the charged organization's Representative

The charged organization's Representative reserves the right to be present yet abstain from participation in the Hearing and may not be compelled to share information related to the case on the organization's behalf.

##### 6. Witnesses

For the purposes of a formal disciplinary hearing, "witnesses" must be individuals who have first-hand knowledge of the incident in question and be able to speak to the facts of the case at hand. A charged organization's Representative bears the responsibility of notifying the witnesses that will appear on behalf of the organization during the hearing.

All reasonable efforts will be made to entertain the insights of a charged organization's witness/es. Students must inform the investigator in writing no less than 3 three class days prior to a disciplinary hearing if they are planning to bring one or more witnesses to the hearing and provide a witness list.

Requests or Orders: Witnesses must cooperate in all phases of the conduct process described herein. The Hearing Officer shall request the appearance of students whose insight is deemed relevant to a full disclosure of the facts at a hearing. Any student refusing to respond to a Hearing Officer's request may be charged with failure to comply with University policy B. 42, Requests or Orders.

##### 7. Related Information

The charged organization's Representative will be afforded the opportunity, during a hearing, to examine any related information and question any witnesses offering information that may be used to determine their responsibility in that particular case. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The introduction or use of polygraph evidence is prohibited.

##### 8. Sharing of Information Prior to a Hearing

Charged organizations must submit to the Investigator all information that they want the investigator to consider in

anticipation of the hearing (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing.

At least five class days before the disciplinary hearing, the Investigator will share with the organization all the information that the Investigator plans to present at the hearing.

If, upon review of the information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.

The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing. The Dean of Students or their designee may make exceptions to this policy.

#### **9. Advisement**

Advisors are permitted to attend Conduct Hearings for Student Organizations as described in Section II, B of these Procedures. The organization's Representative must inform the Dean of Students Office in writing no later than 3 class days prior to a formal disciplinary hearing if they are planning to bring an advisor to the hearing. This notice must include the name, telephone number, and e-mail address, as well as the Advisor's current affiliation with the University or the organization. If the organization's Representative fails to provide such information in writing in the time prescribed, the Advisor may be excluded from the hearing.

#### **10. Pre-Hearing Conference**

The Hearing Officer may schedule a mandatory Pre-Hearing Conference upon their initiative or upon a written request from the charged organization's Representative.

#### **11. Requests**

The Hearing Officer may entertain any requests that are deemed appropriate prior to and/or during the formal disciplinary hearing. However, during the hearing no requests to strip the hearing body of its duty to reach a decision on the issue of responsibility and/or sanctioning will be considered.

#### **12. Decorum**

The Hearing Officer is charged with the responsibility for maintaining proper decorum and order during the hearing. They may use any reasonable means necessary to maintain decorum and may exclude any person whom, in their opinion, has no legitimate interest in the hearing, or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of the Code of Conduct, policy number B.30, Interference with University Investigations, Student Conduct Proceedings, or Records.

#### **13. Standard of Proof**

In the University's disciplinary hearing system, decisions are made based on the "preponderance of evidence" rule. This means that the adjudicating Panel/Dean determines which facts are more likely than not to be true.

#### **14. Decision**

Findings and sanctions for all formal disciplinary hearings must be reported to the Dean of Students Office within 1 business day of the decision and a written notice of these decisions must be delivered to the charged organization's Representative within 3 class days of the decision.

#### **15. Improper Procedure**

Improper procedure may be declared at any stage of the hearing by the Hearing Officer upon a finding that the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a fair decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 20 class days with the same Hearing Officer and new Panel members.

#### **16. Record of Hearings**

A digital audio recording of the formal disciplinary hearing shall be made and this record, together with all formal documents and other evidence presented during the hearing, shall constitute the "official record" of the hearing. No other audio recording of the hearing will be permitted. Upon their request, and for the purpose of appeal only, the charged organization's Representative shall have access to review and/or listen to the record of the hearing in the

Dean of Student Office, by appointment only. The recording of the hearing itself shall be available until the period for filing an appeal has expired, or where an appeal has been filed, until the decision on appeal has been made. After the aforementioned times have elapsed, recordings may be destroyed.

#### **H. Determination of Responsibility**

When tasked with determining a student's responsibility, a disciplinary hearing panel or Hearing Officer will consider the *objective* facts presented surrounding a particular incident, taking into consideration *what* happened and whether or not an action was in violation of the Code of Conduct. Students and student organizations deciding on their own response to a particular charge are advised to do the same.

#### **I. Sanctions**

When an organization's representative responds by indicating the organization is Responsible or the organization is found Responsible, sanctions will be imposed to address the behavior in question. The Dean of Students or their designee is authorized to make a determination on the sanctions taking all of the available information related to the case, and any decisions made regarding previous conduct cases related to the same student organization into account. In addition to the following information, additional information about Conduct Sanctions can be found in below.

##### **1. Mitigation Pleas**

Prior to the determination of the sanction to be imposed, the student organization's representative and/or its Advisor, as well as the investigating Conduct Officer will have the right to appear before the Dean of Students or their designee to present any mitigating or aggravating circumstances or other factors that may affect the sanction.

##### **2. Effective Date of Sanction**

Unless the Dean of Students or their designees determines otherwise, all sanctions of Suspension or Expulsion of the organization shall be effective as of the date of the commission of the offense.

##### **3. Range of Sanctions**

One or more of the following sanctions may be imposed:

###### **a. Expulsion**

1. The organization must cease and desist all activities.
2. The organization is permanently ineligible to return to / reorganize at the University.
3. In cases where the organization occupies a physical space within the University's property, it will be required to vacate that space.
4. In cases where the organization is a Chapter of a parent organization, the charter is to be returned to the parent organization as soon as is possible.
5. The organization is no longer permitted to be recognized as an existing organization by its former governing body/umbrella group or the University of Miami.

###### **b. Suspension**

1. The organization must cease and desist all activities.
2. Suspension is for a finite period of time that will be defined upon delivery of the sanction.
3. In cases where the organization occupies a physical space within the University's property, it will be required to vacate that space.
4. Following the term of suspension, any one or more of the sanctions set forth below (Probation) may also be required.
5. Following the term of suspension, any of the following sanction may also be assessed.

###### **c. Probation**

1. Removal of certain members from office
2. Fine of up to \$500
3. Restriction of membership recruitment and new member education privileges for a defined period of time
4. Restriction of social privileges for a defined period of time
5. Community service project or special fundraising / philanthropic activity
6. Special restrictions and requirements as deemed appropriate by the Hearing Panel or Hearing Officer

###### **d. Warning**

The University will take note and view with concern the situation existing in the organization, a warning will serve written notice to the organization that its behavior has not met University standards. If the organization is directed to correct the situation, and the situation is not corrected as directed by the University, the organization may be subject to further disciplinary action.

**J. Appeals**

Once a decision has been reached on the sanctions related to a particular case, that case can be appealed by the organization or by the University in cases where a hearing panel has decided a case. The determination of responsibility for a conduct violation or a response of no contest is not subject to review on appeal.

**1. Grounds for an Appeal**

Appeals will be considered for two reasons:

- a. Procedural error in the investigation or hearing of a particular case;
- b. The sanction(s) received is/are inappropriate for the nature of the violation;

**2. Timing for the delivery of an appeal letter**

Appeals must be submitted in writing to the Office of the Vice President for Student Affairs (244 Ashe Administration Building) by the charged organization's Representative and be received within 3 class days of the receiving the sanctioning decision.

**3. Timing for the hearing of an appeal**

An appellate hearing shall be conducted within 20 class days of the appeal being received by the Vice President for Student Affairs. Inability to schedule an appeal within 20 class days due to scheduling conflicts, (un)availability of conduct officer or panel representative, or scheduled/unscheduled interruption of classes (fall break, inclement weather, spring break, etc.) will not be grounds for dismissal or adjustment of the original hearing decision or sanction.

**4. Directions for writing an appeal**

Appeals must be written as a formal, hard-copy letter and directed to the "Vice President for Student Affairs," and must contain:

- a. The name of the Organization
- b. The name of the organization's Representative and student identification number (C-Number),
- c. The date the appeal was written, and
- d. A detailed explanation of the nature of the appeal.

**5. Consideration of an Appeal**

Appeals received after the three class-day time frame, or those that do not adhere to the directions listed above, may not be considered.

**6. Hearing Appeals**

The Vice President for Students Affairs or their designee will decide appeals and may consult with the University General Counsel to hear appeals based on procedures.

**K. Appeal Hearing Procedures**

**1. Confidentiality**

Appeal Hearings are closed to outside participation except where observations and input from others is requested by the Appellate Officer. Therefore no observers are to be present during these proceedings. In addition, no record shall be made of the discussion other than the Appellate Officer's final decision.

**2. Evidence**

Evidence that was not presented during the formal hearing may be presented, only if it was previously unavailable and only if it addresses the severity of sanction or procedures used during the Hearing.

**3. Exchange of Information**

Upon a reasonable request, the charged organization or Investigator should produce for examination by the other party evidentiary material to be used at the Hearings.

**4. Observations**

Only those people invited to participate in the appeal hearing by the Appellate Officer will be permitted to be present.

**5. Failure to Appear**

Failure to appear at the Appellate Hearing, without proper notice to the Appellate Officer, will result in a voiding of the appeal.

**6. Decorum**

No person/s invited to participate in an appellate hearing may engage in private conversations while the proceedings are conducted.

**7. Deliberation**

At the conclusion of the Hearing, the Vice President for Student Affairs shall excuse the hearing participants in order to make a decision.

**8. Findings**

Appeal decisions are final and will be delivered in writing to the charged organization's Representative and the investigating conduct officer. These decisions may include:

- a. If the Appellate Officer finds no merit to the appeal, they shall affirm the action of the adjudicating body.
- b. If the Appellate Officer finds that the student's appeal on procedure is valid, they may confer with the University General Counsel to determine the most appropriate manner in which the case should be reconsidered.
- c. If the Appellate Officer finds that the penalty assessed by the adjudicating body is inappropriate, it shall then assess what it deems to be an appropriate penalty.
- d. Determinations of the appellate officer may not be further appealed.

**9. Interpretation of University Conduct Procedures**

Whenever necessary, the Dean of Students shall interpret and/or provide specific clarification on conduct procedures for student organizations.

**10. Procedures Not Specifically Provided Herein**

The Vice President for Student Affairs may implement procedures that are not specifically prescribed in these policies or procedures, if such implementation would serve to arrive at a full and true disclosure of the facts, and are instituted with the knowledge and consent of the Dean of Students.

**SECTION IV. TEMPORARY SUSPENSION OF STUDENT ORGANIZATIONS.**

The Vice President for Student Affairs or the Dean of Students, or the designee for either, may temporarily suspend any student organization whenever they deem such action appropriate. Such Temporary Suspension shall continue either until a decision is made in the responsibility of an organization in a particular incident, or until after a determination has been made on any appeal or the time for making an appeal has elapsed. The Vice President for Student Affairs or their designee also determines the length of a temporary suspension.

Within three class days following the original order of Temporary Suspension, the student organization shall have the right to appeal by written request for a hearing before the Dean of Students for a determination as to whether or not it should be permitted to participate in University or campus events during the period of the Temporary Suspension. Upon receipt of such request, the Dean of Students may hear the matter as directed by the Vice President for Student Affairs. The Dean of Students shall permit the organization to participate in campus and University activities during the period of the Temporary Suspension only if the organization:

- A. does not constitute a clear and present danger, or
- B. does not materially disrupt the work or operations of the university, or
- C. does not infringe upon or invade the rights of others within the University community.

The Dean of Students, the Vice President for Student Affairs or a designee for either, upon determining an emergency exists, may subsequently revoke the organization's right to participate in University and campus events if the organization's participation in University or campus activities constitutes a clear and present danger, or materially disrupts the work or operations of the University or infringes upon or invades the rights of others within the University community.

## ALTERNATIVE INFORMAL RESOLUTION – RESTORATIVE PRACTICES

To further support the mission and vision of the Dean of Students Office at the University of Miami, restorative justice practices will allow students to experience taking personal responsibility for harm that has been caused to an individual and/or community. It will empower harmed parties to confront issues that have occurred and the individuals who acted as the offender. Finally this will be a way for community members to take ownership of problems in their community, further demonstrating a culture of responsibility and accountability. Restorative conferences provide an opportunity for structured and fair interaction between the Respondent and any harmed party, but also may involve the community in the decision making process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone a voice in the process and bring understanding to all parties. Restorative conferences also allow for collaboration in deciding what is to be done about the incident in question and also to address any underlying problems that led to the incident. Restorative justice conferences are available for student conduct violations that are University or Major level but can most often be helpful for complaints, respondents and others in the community when a conduct violation or particular behavior has negatively impacted members of the community in a particular group, on a residential college floor or other community. Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. Annual training for restorative conference facilitators is provided by the Dean of Students Office. Restorative conferences may or may not result in additional restorative actions, depending on the outcome of the conference. If a resolution is not met through the restorative conference, the student conduct process will resume and a formal hearing will be scheduled to determine appropriate sanctions by a member of the Dean of Students Office.

## OUTCOMES OF THE STUDENT CONDUCT PROCESS

The judicial system is comprised of two types of cases, Major Level and University Level. Major Level offenses are those which may result in Suspension, Expulsion, or in some cases the loss of financial aid from the University in addition to other penalties and sanctions. University Level offenses are those which typically result in lesser sanctions, such as Disciplinary Probation or Disciplinary Warning or other penalties as appropriate.

The University's conduct system is progressive in sanctioning. This means that once a student has been involved in a case that was adjudicated and given a particular sanction, any subsequent violations of the Code of Conduct by that student that result in adjudication and sanctioning will warrant an elevated sanction. If a subsequent violation occurs while a student is currently serving a period of Disciplinary Warning or Disciplinary Probation, the offense may also be treated as a major offense violation and so charged.

Sanctions are determined by student conduct officers using their best judgment after considering the facts of a case as it pertains to each student individually. Only after a determination that a student is responsible for a violation of the Code of Conduct are previous violations considered and/or sanctions decided.

### **A. Description of Disciplinary Sanctions**

#### **Expulsion**

Permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled shall be barred from campus visiting privileges.

*Note: This is applied only following a responsible determination in a Major Conduct Investigation or Sexual Misconduct and Gender Discrimination Investigations and/or Hearings of either type.*

#### **Suspension**

Mandatory separation from the University for a certain period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the Dean of Students. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students grants specific permission.

*Note: This is applied only following a responsible determination in a Major Conduct Investigation or Sexual Misconduct and Gender Discrimination Investigations and/or Hearings of either type.*

#### **Final Disciplinary Probation (FDP)**

A disciplinary sanction serving notice to a student that their behavior is in flagrant violation of University standards.

The sanction is for the remainder of a student's course of studies and may be reviewed by the Dean of Students no sooner than two regular academic semesters of attendance after the sanction is imposed. After two semesters in attendance, a student may initiate a request in writing for reduction of the sanction to Strict Disciplinary Probation, but must also demonstrate reasons that substantiate the request.

Another violation of University policies and regulations may result in a major offense charge as directed by the Dean of Students, and if a finding of Responsible is established, the minimum sanction of Suspension may be imposed.

#### **Strict Disciplinary Probation (SDP)**

A disciplinary sanction serving notice to a student that their behavior is in serious violation of University standards. A time period is indicated during which another violation of University policies and regulations may result in a Major offense charge, which could result in Suspension or Expulsion from the University. If the sanction is assessed prior to the dates midterm grades are due in the academic Dean's office, the current semester will be included as a full semester of the probationary period; after that date the probation will begin immediately, and will extend through the full period as assessed beginning with the succeeding semester of attendance.

### **Disciplinary Warning (DW)**

A University disciplinary sanction serving notice to a student that their behavior has not met University standards. This sanction remains in effect for a designated number of semesters of attendance, after which it is removed from the student's file. If the sanction is assessed prior to the date midterm grades are due in the academic Dean's office, the current semester will be included as a full semester of the warning period; after the above date, the warning will begin immediately and will extend through the full period as assessed, beginning with the succeeding semester of attendance.

### **Termination of Residency/Termination or Change in Housing Accommodations**

This is a disciplinary sanction that terminates or changes a student's residence hall accommodations, which is typically accompanied by another form of disciplinary action. This sanction is considered permanent until lifted by the Director of Housing and Residential Life or their designee. After the adjudicating body announces a decision to have the student's residence changed or terminated, the Area Director of that residence hall area shall notify the student in writing and make all procedural decisions, including the selection of the residence hall to which the student is to be moved.

### **Change of Residency**

(See Termination or Change in Housing Accommodations above)

### **Restitution**

Payment made by a student for damages or losses caused to a third party which are a result of a violation.

### **Administrative Charge**

Charges required to be paid to a specific department within the University to cover incurred costs from damages caused or monies paid to clean an area dirtied as a result of the documented behavior.

### **Fine**

Penalty fees payable to the University (Dean of Students Office) as directed by the adjudicating body for violation of certain regulations.

### **B. Considerations in Cases with Multiple Offenses**

1. In the event a student is charged with failure to comply with more than one rule or regulation, and if one or more of the charges, if proven, could result in the imposition of major penalty, the matter may be adjudicated within the Major Level student conduct procedures.
2. In the event that a student is charged with having violated more than one University rule or regulation from a single incident, none of which could separately result in the imposition of major penalty, and the student is not currently on Disciplinary Warning or Disciplinary Probation, then the matter will be adjudicated within the University conduct procedures. In such cases, any University Level disciplinary sanction may be imposed.

### **C. Cases Involving the Possession or Use of Alcohol, Drugs, or Paraphernalia**

Any offense which involves the use or misuse of alcohol and/or drugs/drug paraphernalia may be referred to the William W. Sandler Center for Alcohol and Other Drug Education for education on the topic related to their particular case.

### **D. Medical Amnesty for Alcohol and other Drugs**

The University of Miami is committed to the safety and welfare of our students and hopes to facilitate access and remove barriers to students seeking medical assistance for alcohol and/or drug related emergencies. It is expected that students seek immediate medical assistance when they are concerned about their own health or that of another student. This can be done by contacting a staff member in the Department of Housing and Residence Life through the front desk of a residential college or by calling 911 (off campus) or 8-6666 to (on campus) to reach police and emergency medical personnel. The Medical Amnesty Policy tries to ensure that intoxicated students receive necessary medical assistance and follow-up educational interventions to reduce the likelihood of future occurrences.



This policy is applicable to the student in need of medical attention, and the student/s seeking medical attention on behalf of another person.

Students, who have not previously been determined to be responsible for alcohol and/or drug violations, may receive Medical Amnesty when it is determined that they sought emergency medical attention for themselves or medical assistance was sought for them by other students related to the consumption of alcohol and/or drugs. Where Medical Amnesty applies, disciplinary violations will be expunged automatically from a student's conduct record, provided that they comply with the following conditions:

1. The student completes an initial intervention with a professional substance abuse counselor,
2. The student complies with all treatment recommendations set by both of the aforementioned by an established deadline. For most first-time incidents a brief substance use/abuse screening interview will be used, and
3. The student completes all educational sanctions and pays the applicable fines.

The student seeking medical attention on behalf of another person will not receive disciplinary actions for seeking help.

Please note that this policy does not protect those students who repeatedly or flagrantly violate the Student Code of Conduct. If a student received Medical Amnesty for a prior incident or has prior alcohol misuse sanctions, the availability of amnesty is at the discretion of the Office of the Dean of Students.

If other infractions are concurrent to the incident including, but not limited to, destruction of property, possession/distribution of illicit substances, or physical or sexual assault, the accused student may be subject to other judicial action.

If you have any questions about the Medical Amnesty Policy, please contact the Dean of Students Office by calling 305-284-5353.

#### **Alternative Judicial Process for Medical Situations**

The Senior Associate Dean of Students and Director of Student Conduct, or their designee, will automatically refer all reported incidents of students who sought, or were referred for emergency medical assistance for medical amnesty eligibility.

When the correct conditions are present, the following process will begin:

1. The student will be called upon to meet with an appropriate student conduct officer to discuss the incident as a part of a thorough investigation.
2. The student conduct officer will assign appropriate educational and financial sanctions depending upon the incident.
3. As is the case with all alcohol and other drug policy violations, the student's parents will be contacted with information about the involved incident.
4. The student may forgo this alternative process and request a formal judicial hearing if they dispute the alleged behavior.
5. There will be no campus judicial record for review by external agencies unless the student fails to complete the articulated sanctions or a second alcohol or drug-related incident occurs. In either case, both violations would become a part of the student's record, and the subsequent minimum sanctions will also include the student being placed on Final Disciplinary Probation or being suspended from the University for a period of time.

#### **E. Other Possible Actions that May Be Taken by the University**

Students should be aware that, depending on the circumstances, the Dean of Students or their designee has the discretion to impose penalties and sanctions that are not in this handbook. These may include attendance at counseling sessions, academic workshops or assignments, or loss of certain University privileges, including representing the University in a particular event or extracurricular activities, (i.e. student government, fraternities, sororities, honor societies, the debate team, intercollegiate athletics, the marching band, club sports, intramurals, and any other approved University activity.)

**1. Counseling Intervention:**

When a student's behavior indicates that some form of counseling may be beneficial, the student may be referred to the Counseling Center. The University reserves the right to administratively withdraw a student from the University or academic class whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others. (See Health and Safety Policy on page 50)

**2. Alcohol/Drug-Related Referral:**

Where the use of alcohol and/or other drugs accompanies a violation of regulations, the student may be referred to the William W. Sandler, Jr. Center for Alcohol and Other Drug Education in addition to other sanctions. Participation and satisfactory progress in a program to address issues of alcohol or drug abuse may be made a condition for continued enrollment at the University.

**3. Restriction or Revocation of Privileges:**

Temporary or permanent loss of privileges including, but not limited to, the use of a particular University facility, visitation privileges, and parking privileges. All recommendations of restriction or revocation of privileges must be approved by the Dean of Students.

**4. Temporary Suspension:**

Action taken by the Provost of the University, which requires a student's temporary separation from the University until a final determination is made of their responsibility for an incident/s and sanction.

**5. Parental Notification:**

The University will notify the parents/guardians of students in cases where their student has been determined to be responsible for any violation of the Alcoholic Beverages or Drugs/Drug Paraphernalia policies. Additionally, under certain other circumstances and in accordance with the provisions provided under the Family Educational Rights and Privacy Act (FERPA), parent(s) may be notified of disciplinary charge(s) against a student. The Dean of Students will make the final decision on whether parent(s) are notified. The University reserves the right to notify parents or families without a student's prior consent in health or safety emergencies.

**6. HOLD on Student Records:**

An official hold may be placed upon a student's University records and a holds may also be placed on a student's future registration at the University for failure to comply with official University requests or orders. This may include, but is not limited to failure to reply to correspondence aimed at scheduling student conduct investigation meetings or hearings, failure to attend meetings or hearings related to a student conduct investigation, or failure to complete sanctions as directed by a student conduct officer following the adjudication of a student conduct case. Holds are considered temporary and can be removed at the discretion of the Dean of Students or their designee, or by a student upon the completion of the action that necessitated the hold.

Once a hold is placed, the student's ability to change their enrollment in any way, including registering for future classes, is temporarily disabled. This action does not impact those courses the student is currently participating in. The University reserves the right to administratively withdraw the student from future semester courses if the Hold is not lifted prior to the start of the next academic term.

**7. Education Assignments:**

In an effort to further the University's educational mission and developmental philosophy, educational assignments may be required. Assignments include but are not limited to reflective papers, research assignments, workshop attendance, assigned readings, program attendance or coordination, and other relevant activities.

**F. Maintenance and Retention of Student Conduct Records:**

The Dean of Students Office maintains student conduct records. When these records are considered to be "active records" a summary of the issues involved and/or charged violations, as well as the most recent disposition reached in the case will be reported out to other institutions such as other undergraduate colleges/universities when a student is considering transferring, graduate or professional schools, the Federal or any State or Local Bar Association, or by the Federal Government when requested, in writing, by the student. These records can also be obtained in their entirety by a court order. Inactive records are also kept by the Dean of Student Office but only for internal documentation purposes; the contents of inactive records will not be reported out to any entity unless mandated by court order. Student conduct records will change in status as follows:

**Disciplinary Warning:**

Maintained as an active records for specified number of academic semesters outlined in the sanction letter during the time in which a student is enrolled. Once expired, these files are considered inactive and will not be reported to other institutions without an issued court order. The Volunteer Activities Program (VAP) provides students with the possibility of accelerating the time it takes for these type of records to become inactive. Detailed information about this program is provided below.

**Strict and Final Disciplinary Probation:**

Maintained as active records for two years after the student graduates or withdraws from the University unless deemed “inactive” sooner by the Dean of Students. After these files are considered inactive they would not be reported to other institutions without an issues court order.

**Suspension and Expulsion:**

These records are indefinitely maintained as active files.

After a file is considered inactive, it should not be construed as a reason or justification to not answer truthfully questions that may be posed by other admissions offices or professional boards with respect to whether or not the student was subject to disciplinary action while at the University of Miami.

**1. Recordings of Student Conduct Proceedings**

All formal Disciplinary Hearings conducted by the Dean of Students Office are recorded. These recordings are maintained as part of the student conduct record for a particular student and may be destroyed:

- a. after the time frame for an appeal on a particular case has elapsed; or
- b. after the conclusion of the appeal process in a particular case

In cases where the student conduct file is maintained “Indefinitely” as noted above, the digital recording may also be maintained in that record.

**2. The Volunteer Activities Program**

The Dean of Students may allow a student to shorten the period of time disciplinary action remains active in a student’s file by having the student participate in the Volunteer Activities Program coordinated through the Dean of Students Office. The student must make a written request to the Dean of Students who has sole authority to grant such a request. Under normal circumstances, a student must have completed the time frame of the warning/probation and all other aspects of the prescribed sanction prior to being approved to begin the Program. Successful completion of the Program will result in shortening the time period for the external reporting of the student conduct records by the Dean of Students, however these files will be retained as inactive files.

**3. Disclosure of Student Conduct Proceedings**

Under the provisions of FERPA, the University may disclose the following information:

- a. **Victims of violent acts.** The University may disclose to a victim of violence the results of any student conduct proceedings conducted against the accused student. A crime of violence is defined as an offense where the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. This may include, but may not be limited to incidents involving the use of physical force that may constitute violations of University policies prohibiting “Assault”, “Harassment or Harm to Others,” and /or those related to “Sexual Misconduct or Gender Discrimination.”
- b. **Alcohol and other drug mis/use.** The University may disclose to the parent/legal guardian of a student information regarding an alleged or found violation of any policy of the University of Miami governing the use or possession of alcohol or a controlled substance.
- c. **Academic Transcript Conduct Notations.** Students who are expelled or suspended will also have a conduct notation made on their official and unofficial academic transcripts. If the suspension or expulsion is the result of sexual misconduct or physical violence that detail will also be notated. In suspension cases, once the suspension has been completed, students can request that the notation be removed.

**G. Consumer Information for Students**

Under the Higher Education Amendments of 1998, institutions of higher learning are required to disclose certain information and make it readily available to current and prospective students. This information includes institutional, financial assistance, athletics, security, and privacy of student records. For details, go to [www.miami.edu/hea](http://www.miami.edu/hea).

## H. Table of Sanctions

The table on the following page outlines the range of possible sanctions for a case in which there was a single policy violation and assumes no previous disciplinary violations and sanctions. It can be understood that any policy violation/s beyond the first will receive more serious sanctions, dependent upon the case at hand.

It is important to note when reviewing the information below that this table is intended to provide a general guideline for possible sanctions in a case where a student is found responsible violating only that particular policy and has no prior student conduct record. This table is not intended to suggest that only these sanctions can be considered. In all student conduct cases, the context and severity of the violation will be taken into consideration prior to assigning a sanction, and that sanction may fall outside these suggestions where the case calls for a different resolution.

### Key

|         |   |
|---------|---|
| M / U   | Major or University level offense   |
| ED      | Educational Sanctions (this may include Community Service)                  |
| DW 1-2  | 1 or 2 semesters of Disciplinary Warning                                    |
| SDP 1-3 | 1, 2, or 3 semesters of Strict Disciplinary Probation                       |
| FDP     | Final Disciplinary Probation  |
| Susp    | Suspension  |
| Exp     | Expulsion   |
| CR      | Change of Residency   |
| TR      | Termination or Residency  |
| Rest    | Restitution   |
| AC      | Administrative Charge   |
| Fine    | Fine  |
| "Case"  | Suggests that the monetary values could be assigned dependent upon the case |

| Code of Conduct Violation |  | M / U | ED | DW<br>1-2 | SDP<br>1-3 | FDP | Susp | Exp | CR | TR | Rest | AC   | Fine        |
|---------------------------|--|-------|----|-----------|------------|-----|------|-----|----|----|------|------|-------------|
| <b>B.1</b>                | <b>Alcoholic Beverages</b>                     |       |    |           |            |     |      |     |    |    |      |      |             |
| a.                        | Underage Possession                            | U     | ✓  | 1         |            |     |      |     |    |    |      |      | \$75        |
| b.                        | Underage Intoxication                          | U     | ✓  | 1         | 2          |     |      |     |    |    |      |      | \$75/\$100  |
| c.                        | Intox Req Emerg Transport                      | U     | ✓  |           |            | ✓   |      |     |    |    |      |      | \$250       |
| d.                        | Paraphernalia                                  | U     | ✓  | 1         |            |     |      |     |    |    |      |      | \$75        |
| e.                        | Distribution                                   | U     | ✓  |           | 2          |     |      |     |    |    |      |      | \$100       |
| f.                        | Operating a Motor Vehicle                      | U / M | ✓  |           |            | ✓   | ✓    | ✓   |    |    |      |      | \$150       |
| g.                        | Public Intox Regardless of Age                 | U     | ✓  |           | 2          |     |      |     |    |    |      |      | \$100       |
| h.                        | Social Event Guidelines                        | U     | ✓  |           | 1-3        | ✓   | ✓    | ✓   |    |    |      |      | Case        |
| i.                        | Other  | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case | Case        |
| <b>B.2</b>                | <b>Animals</b>                                 | U     | ✓  | 1-2       | 1-3        |     |      |     |    |    |      | Case |             |
| <b>B.3</b>                | <b>Assault</b>                                 | U / M | ✓  |           | 2-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.4</b>                | <b>Bicycles</b>                                | U     |    | 1-2       |            |     |      |     | ✓  |    |      | Case |             |
| <b>B.5</b>                | <b>Bribery</b>                                 | U     |    | 1-2       | 1-3        | ✓   |      |     | ✓  |    |      |      | \$100       |
| <b>B.6</b>                | <b>Business Operations</b>                     | U     | ✓  | 1-2       | 1-3        | ✓   |      |     | ✓  |    |      |      |             |
| <b>B.7</b>                | <b>Classroom Decorum</b>                       | U / M |    | 1-2       | 1-3        | ✓   | ✓    |     |    |    |      |      |             |
| <b>B.8</b>                | <b>Closing Hours</b>                           | U     |    | 1-2       | 1-3        |     |      |     |    |    |      |      | \$100       |
| <b>B.9</b>                | <b>Complicity</b>                              | U     | ✓  | 1-2       | 1-3        |     |      |     |    |    |      |      |             |
| <b>B.10</b>               | <b>Computer &amp; Telecommunications Use</b>   | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   |    |    |      | Case |             |
| <b>B.11</b>               | <b>Consensual Relationships</b>                | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| <b>B.12</b>               | <b>Contracting on Behalf of the University</b> | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.13</b>               | <b>Damage or Vandalism</b>                     | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case | \$100       |
| <b>B.14</b>               | <b>Dangerous Items</b>                         | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    |     | ✓  | ✓  |      |      |             |
| <b>B.15</b>               | <b>Demonstration</b>                           | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.16</b>               | <b>Disorderly Conduct</b>                      |       |    |           |            |     |      |     |    |    |      |      |             |
| a.                        | Loud, threatening, or aggressive...            | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| b.                        | Lewd, indecent, or obscene...                  | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| c.                        | Disruptive behavior...                         | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.17</b>               | <b>Dist or Posting Print Media</b>             | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.18</b>               | <b>Dress Standards</b>                         | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.19</b>               | <b>Drugs, Drug Paraphernalia</b>               |       |    |           |            |     |      |     |    |    |      |      |             |
| a.                        | Poss. Of Cannabis                              | U / M | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      | \$100/\$250 |
| b.                        | Poss./Use of other illegal drugs               | U / M | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      | \$100/\$250 |
| c.                        | Inappropriate use of other substances          | U / M | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      | \$100/\$250 |
|                           |  |       |    |           |            |     |      |     |    |    |      |      |             |
| e.                        | Use Req. Emerg. Transport                      | U / M | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      | \$250       |
| f.                        | Un-prescribed meds                             | U / M | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      | \$250       |
| g.                        | Paraphernalia                                  | U / M | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      | \$100       |
| h.                        | Distribution                                   | M     | ✓  |           |            |     |      | ✓   |    |    |      |      |             |
| <b>B.20</b>               | <b>Emergency Equip. &amp; Procedures</b>       | U     | ✓  | 1-2       |            |     |      |     |    |    |      |      |             |
| <b>B.21</b>               | <b>False Information</b>                       | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| a.                        | False testimony...                             | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   |    |    |      |      |             |
| b.                        | False info on records or documents...          | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   |    |    |      |      |             |
| c.                        | Fraud...                                       | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.22</b>               | <b>Fire</b>                                    | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| <b>B.23</b>               | <b>Gambling/Games of Chance</b>                |       |    |           |            |     |      |     |    |    |      |      |             |
| a.                        | Unlawful games of chance for money             | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |

| Code of Conduct Violation |  | M / U | ED | DW<br>1-2 | SDP<br>1-3 | FDP | Susp | Exp | CR | TR | Rest | AC   | Fine        |
|---------------------------|--|-------|----|-----------|------------|-----|------|-----|----|----|------|------|-------------|
| b.                        | Sponsorship of events...                           | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| c.                        | Lawful games of chance without auth...             | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| d.                        | Wagering on University teams...                    | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.24                      | Guests   | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| B.25                      | Harassment or Harm to Others                       | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    |     | ✓  | ✓  |      |      |             |
| B.26                      | Hazing   | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case |      |             |
| B.27                      | Health and Safety                                  | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.28                      | Herbert Wellness Center                            | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.29                      | Identification Cards                               | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    |     | ✓  | ✓  |      |      | \$75        |
| B.30                      | Interference...                                    | M     |    |           | 1-3        | ✓   | ✓    | ✓   |    |    |      |      |             |
| B.31                      | Lake Swimming                                      | U     | ✓  | 1-2       | 1-3        |     |      |     |    |    |      |      |             |
| B.32                      | Littering  | U     | ✓  | 1-2       | 1-3        |     |      |     |    |    |      | Case | \$75        |
| B.33                      | Misuse of Telephones                               | U     |    | 1-2       | 1-3        | ✓   |      |     |    |    |      | Case | Case        |
| B.34                      | Noise and Nuisance (Outdoors)                      | U     | ✓  | 1-2       | 1-3        | ✓   |      |     |    |    |      |      |             |
| B.35                      | Online/Internet Social Network Usage               | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.36                      | Parking & Motor Vehicles                           | U     | ✓  | 1-2       | 1-3        |     |      |     |    |    |      |      | Up to \$500 |
| B.37                      | Projection of Objects or Materials                 | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   |    | ✓  | Case | Case |             |
| B.38                      | Rathskeller Policies & Procedures                  | U     | ✓  | 1-2       | 1-3        | ✓   |      |     |    |    |      |      |             |
| B.39                      | Removal or Ejection from Events                    | U     |    | 1-2       | 1-3        | ✓   |      |     |    |    |      |      |             |
| B.40                      | Requests or Orders                                 | U     |    | 1-2       | 1-3        | ✓   |      |     |    |    |      |      |             |
| B.41                      | Housing and Residential Life Policies & Procedures | U / M |    | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      | Case |             |
| B.42                      | Retaliation  | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.43                      | Smoking  | U / M | ✓  | 1-2       |            |     |      |     |    |    |      |      | \$250       |
| B.44                      | Solicitation                                       | U     | ✓  | 1-2       | 1-3        |     |      |     |    |    |      |      | \$75        |
| B.45                      | Speakers/Public Presentations                      | U     | ✓  | 1-2       | 1-3        | ✓   |      |     |    |    |      |      |             |
| B.46                      | Stu Center Comp Policies and Proc                  | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.47                      | Student Org Rights & Resp                          | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   |    |    | Case | Case |             |
| B.48                      | Theft or Unauthorized Possession                   | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| B.49                      | Trespass   | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    |     | ✓  | ✓  |      |      |             |
| B.50                      | Unauthorized Entry                                 | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| B.51                      | Unauthorized Possession of Univ Prop               | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    |     | ✓  | ✓  |      | Case | \$75        |
| B.52                      | Video/Audio Copyright Violation                    | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  | Case | Case |             |
| B.53                      | Violation of Disciplinary Probation                | U / M | ✓  | 1-2       | 1-3        | ✓   | ✓    |     | ✓  | ✓  |      |      |             |
| B.54                      | Visitation of Campus                               | U     |    | 1-2       | 1-3        |     |      |     | ✓  |    |      |      |             |
| C.1                       | Relationship Violence                              | M     | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| C.2                       | Sex or Gender Based Discrimination                 | M     | ✓  | 1-2       | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| C.3                       | Sexual Assault/ Battery                            | M     | ✓  |           |            | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| C.4                       | Sexual Exploitation                                | M     | ✓  |           | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| C.5                       | Sexual Harassment                                  | M     | ✓  |           | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |
| C.6                       | Stalking   | M     | ✓  |           | 1-3        | ✓   | ✓    | ✓   | ✓  | ✓  |      |      |             |

## **APPENDIX - GLOSSARY OF TERMS**

### **ADJUDICATION**

This term encompasses the entire judicial / student conduct review process from investigation through the rendering of a final decision in a particular student's case.

### **ALCOHOL/DRUG-RELATED REFERRALS**

In cases where the use of alcohol and/or other drugs accompanies a violation of regulations, the student may be referred to the William W. Sandler, Jr. Center for Alcohol and Other Drug Education in addition to other sanctions which are imposed. Participation and satisfactory progress in a program to address issues of alcohol or drug abuse may be made a condition for continued enrollment at the University.

### **APPELLATE OFFICERS**

The conduct body and/or individual that hears appeals.

### **AREA DIRECTOR (and Assistant Area Director)**

Designated Residence Hall staff, who may act in the capacity of a Student Affairs Dean in the investigation of University offenses, may file charges, conduct Preliminary and Conduct hearings for said offenses, conduct mitigation hearings and assess sanctions in certain situations.

### **COUNSELING INTERVENTION**

When a student's behavior indicates that some form of counseling may be beneficial, the student may be referred to the Counseling Center. The University reserves the right to administratively withdraw a student whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others. Refer to Health & Safety Policy on page 50.

### **DEAN OF STUDENTS**

Acts as Student Affairs Dean and conducts mitigation hearings and assesses sanctions in Major actions.

### **STUDENT CONDUCT RECORDS**

Records that detail a student's conduct history that are made a part of the student's educational records.

### **CONDUCT WARNING**

A University conduct sanction serving notice to a student that their behavior has not met University standards.

### **STUDENT CONDUCT OFFICER**

Student Affairs Dean, Area Director, or Graduate Assistant member of the Department of Housing and Residential Life who may act in the capacity of a Student Affairs Dean who may file charges, conduct hearings for said offenses, conduct mitigation hearings and assess sanctions in certain cases. The presiding member of Major Disciplinary Hearing Panels, or the presiding officer of a Major Disciplinary Hearing.

### **EXPULSION**

Permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled may also be barred from campus visiting privileges.

### **FINAL DISCIPLINARY PROBATION**

A disciplinary sanction serving notice to a student that their behavior is in flagrant violation of University standards. A violation of Final Disciplinary Probation may result in expulsion or suspension.

### **FINES**

Penalty fees payable to the University as directed by the adjudicating body for violation of certain regulations. This definition does not include administrative charges imposed by the University.

**INVESTIGATOR**

Student Affairs Dean, Area Director, or Graduate Assistant staff members of the Department of Housing and Residential Life and/or the Dean of Students Office charged with investigating alleged violations of University rules, regulations or policies. The Dean of Students Office has sole discretion whether to investigate offenses.

**MAJOR DISCIPLINARY HEARING PANEL**

A panel consisting of a hearing officer, a faculty member, and a student (graduate or undergraduate, depending on the enrollment of the charged student) which performs the fact-finding role at Major Conduct Hearings, unless the student waives their right to a hearing Panel.

**MAJOR OFFENSE**

A violation of a University regulation, which may result in Expulsion, Suspension and/or loss of financial aid. The Dean of Students decides what violations will be charged as major offenses.

**NO CONTEST**

A student response in a pending matter in the public courts stemming from the same incident that resulted in major disciplinary charges.

**NOT RESPONSIBLE**

The belief that one has not committed an offense; the state of one who has not committed an offense; is not liable to or deserving of a penalty.

**PANEL ADVISOR**

The Student Affairs Dean and/or their designee that provides procedural guidance to a Hearing Panel during a hearing.

**RELATIONSHIP VIOLENCE**

Domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated or dating. These acts would often be adjudicated using charges more specific to the act itself which would include but are not limited to violations of policies such as sexual assault / battery, sexual harassment, as well as harassment or assault.

**RESPONSIBLE**

The belief that one has committed an offense; the state of one whom has committed an offense; justly liable of a penalty.

**RESTITUTION**

Payment made for damages or losses as a result of a violation, as directed by the adjudicating body.

**RESTRICTION/REVOCAION OF PRIVILEGES**

Temporary or permanent loss of privileges including, but not limited to, the use of a particular University facility, visitation privileges, and parking privileges. All recommendations of restriction or revocation of privileges must be approved by the Dean of Students.

**SEXUAL VIOLENCE**

In accordance with the United States Department of Education, the term Sexual Violence refers to physical sexual acts committed against another person's will or where the person is incapable of giving consent due to the use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability.

Sex Violence includes, but is not limited to, acts that are commonly referred to as sexual assault, rape, sexual battery, or sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX of the Higher Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and its implementing regulations, 34 C.F.R. part 106.



### **STAY**

A temporary suspension of student conduct proceedings. When a Stay is enacted, the student who allegedly committed an act in violation of University policy/ies also receives a "Hold" on their ability to register for courses. Though this does not have an effect on a student's current enrollment, that student will not be permitted to participate in future semester's coursework until the case has been fully investigated and adjudicated through the University's student conduct system, and the case has concluded. The University reserves the right to remove a student (i.e., drop) from courses that they have already registered for but has not yet started.

### **STRICT DISCIPLINARY PROBATION**

A disciplinary sanction serving notice to a student that their behavior is in serious violation of University standards.

### **STUDENT AFFAIRS DEAN**

Dean of Students Office staff member who may investigate, file charges, present the University's case at university and major disciplinary hearings, conduct mitigation hearings, assess penalties in certain university actions, and serve as Hearing officer in university and/or major cases.

### **SUSPENSION**

Mandatory separation from the University for a certain period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the Dean of Students. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students grants specific permission.

### **TEMPORARY SUSPENSION**

An action that requires a student's temporary separation from the University until a final determination is made of their innocence, or guilt and sanction for a disciplinary offense.

### **TITLE IX (see SEXUAL VIOLENCE)**

### **UNIVERSITY OFFENSE**

A violation of a University regulation, which, at the discretion of the Dean of Students, does not justify the imposition of a Major offense penalty.

### **UNIVERSITY DISCIPLINARY HEARING PANEL (UDHP)**

A Panel of three students who perform the fact-finding role, conducts the mitigation hearing, and assesses penalties in certain University disciplinary hearings. There are graduate and undergraduate Panels.