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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 the prescribing of procedures for the enforcement of such standards. In addition to maintaining order and stability, the University aims to utilize its disciplinary 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 these policies and procedures for violations occurring within those facilities. 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 disciplinary 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 this policy 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. 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, gender, 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 disciplinary 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

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.

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 his or her 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. 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.

C. 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.

D. 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.
   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 his/her 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 his/her 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 discipline 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. 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.

C. 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.

D. 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.
E. 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 his/her 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 his/her 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 his/her 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 his/her 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 Disciplinary 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) 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 his/her 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 students have the right 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 and to provide parameters for students who are a part of it. Any violation of University policies or procedures may result in disciplinary sanctions. The Dean of Students, or his/her designee, has the authority and responsibility for the administration of the disciplinary system and the establishment of procedures which apply to all students alleged to be in violation of this Code of Conduct, whether an incident occurs on campus or in any location off campus.

The discipline system is divided into two types for individual students, University and Major University offenses. Major offenses are those which 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. The Major Disciplinary Procedures will be used in all investigations into possible incidents of sex discrimination with variations further described herein.

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 adjudicating each kind of case 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. STUDENT RIGHTS, RESPONSIBILITIES, 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.

The University provides equal opportunity in educational programs and employment through the recruitment, admission, selection, promotion and retention of individuals at all levels within the University without regard to any factors prohibited by law. The University of Miami is an Equal Opportunity/Affirmative Action Employer and is a federal contractor subject to the regulations of Executive Order 11246 (as amended), Section 504 of the

Note: The following Grievance Procedures detail how to file a complaint with the University’s Office of Equity Administration. Upon the request of a current student making such claims, the matter may also be considered using the policies and procedures set forth later in this handbook for disciplinary matters involving students and/or student organizations.

A. Grievance Procedures

Under the University’s grievance procedures, students may address their complaints of discrimination, harassment, or retaliation by reporting such complaints to the University in writing. All reasonable efforts will be made to preserve and protect the confidentiality of all parties involved, provided that these efforts do not interfere with the University’s ability to investigate and take appropriate corrective action. This information may be discussed only with those individuals with a need to know. Students are encouraged to file a complaint within thirty (30) calendar days from the date the incident occurred; however, if extenuating circumstances occur, complaints may be filed later than the 30-day period. Retaliation or subsequent harassment against a student who files such a complaint or participates in an investigation is prohibited.

All complaints of discrimination/harassment shall immediately be reported to the Executive Director of Equality Administration in the Equality Administration Office; you can contact the Executive Director through the office by e-mail at staff.ea@miami.edu or by phone at (305) 284-3064. This office will also be available to assist complaint facilitators, ombudsperson, students, administrators, and faculty in the complaint. Any University student who believes that she or he has been subjected to discrimination, harassment, or retaliation may file a complaint through the appropriate procedures described below.

Students must report their complaints as follows:

1. **Student - Student Complaint**
   Complaints of discrimination, harassment or retaliation by a University student against another University student shall be treated as a disciplinary matter and shall be reported to the Associate Dean of Students and Director of Judicial Affairs in the Dean of Students Office; you may contact the Associate Dean through the Dean of Students Office by e-mail at DOSO@Miami.edu or by phone at (305) 284-5353. In cases where the students involved are students of the School of Law or School of Medicine, reports should be directed to the Equality Administration Office as noted above.

2. **Student - Faculty Complaint**
   Complaints of discrimination, harassment or retaliation by a faculty member against a student of the University shall be reported to the Equality Administration Office as noted above. A Faculty Sexual Harassment Counselor will collaborate with the Equality Administration Office and appropriate individuals/other offices as necessary.

3. **Student - Administrator / Employee Complaint**
   Complaints of discrimination, harassment or retaliation by an administrator/employee against a student of the University shall be reported to the Equality Administration Office as noted above. The Equality Administration Office will collaborate with the appropriate individuals/offices as necessary.

4. **Student - Third Party Complaint**
   Complaints of discrimination, harassment, or retaliation by a third party (including visitors, patients, applicants, vendors, others) against a student of the University shall be reported to the Equality Administration Office as noted above. The Equality Administration Office will collaborate with the appropriate individuals/offices, as necessary.
B. Complaint Facilitators

In addition to the above persons in positions of authority, students may contact a complaint facilitator who is a member of the University community who serves as a support to the complainant and advisor on the policies and procedures on how to report a grievance. The facilitator’s responsibilities shall include listening to complaints and providing necessary counseling on how to handle these concerns, accompanying the individual in a meeting, as appropriate, with the person in position of authority and providing guidance on the University’s non-discrimination/anti-harassment grievance procedures. The processing of complaints by a facilitator shall include involvement by the Equality Administration Office, the academic department Chairperson, academic Dean, Dean of Students, or Ombudsperson. The facilitator shall not make policy, override a policy or investigate a complaint.

The facilitator shall notify the Equality Administration Office immediately of student’s complaint and the action taken to address the matter so that a confidential record can be maintained by the Equality Administration Office.

A list of facilitators can be obtained through the Dean of Students Office, or the Equality Administration Office. Facilitators are appointed by the respective dean/vice president for each area in collaboration with the Equality Administration Office. To ensure appropriate awareness and knowledge of policies and discrimination guidelines, facilitators shall receive training and guidance from the Equality Administration Office.

C. Verbal Complaint

Any student, who believes that she or he is the subject of harassment (including sexual harassment), discrimination, or retaliation, is encouraged to seek resolution by reporting the matter to the department chair, academic dean, Dean of Students or Ombudsperson who shall make every reasonable effort (normally within fifteen (15) working days) to promptly inquire into the facts of the charge of discrimination/harassment upon becoming knowledgeable of the complaint. The responsibility of the department chair, dean, dean of students or ombudsperson is to listen to the student grievance, investigate the facts surrounding the complaint, provide counsel and attempt to achieve a mutual resolution between/among the parties. The complainant has the right to end the informal resolution process at any time and begin the formal grievance procedure by filing a written complaint.

The department chair, academic dean, Dean of Students, or Ombudsperson shall, within five (5) working days of the resolution, provide a written statement to the Equality Administration Office specifying the resolution of the problem or complaint.

Egregious violations, or those believed to be outside the professional training of the individual taking the original report, will be referred to the Dean of Students Office or the Equity Administration Office as described in policy statement A3, part A.1 above.

If the academic department Chair, academic Dean, Dean of Students or Ombudsperson believes that all efforts to resolve the situation have been exhausted and if the student is not satisfied with the resolution to the verbal complaint, he or she shall file a written complaint with the Dean of Students Office (student- student) or the Equality Administration Office within ten (10) business days of the verbal resolution.

D. Written Complaint

A student is required to submit a written statement to the Dean of Students Office (student- student) or the Equality Administration Office for all cases. The written statement is to include the following: the name(s) of the complainant(s), the accused, and any witnesses; the date, time, location, and details of the incident(s); and the desired resolution. Students who do not reveal this information may restrict a thorough investigation of the complaint when limited information is provided; nonetheless, the student shall receive counseling and guidance from the Dean of Students Office (student – student) or the Executive Director of the Equality Administration Office for all other cases.
E. Investigation
Upon the filing of a written complaint by a student, the Dean of Students Office or the Equality Administration Office shall contact the appropriate Dean/Vice President. Normally, the investigating office shall have fifteen (30) business days to investigate the charges of discrimination/harassment. Such investigations shall consist of, but are not limited to, interviewing the parties involved, interviewing witnesses with relevant and material information, and reviewing related supporting documents.

Any individual who knowingly provides false information pursuant to filing a discrimination charge or during the investigation will be subject to appropriate discipline, up to and including dismissal from the University.

At the conclusion of the investigation, the Dean of Students Office or the Equality Administration Office shall notify the appropriate dean/vice president of the results of the investigation and collaborate on the resolution and its implementation, as well as follow up in writing with the student/respondent regarding the complaint.

1. In cases when the accused is a student and it is determined that the reported behavior may represent a violation/s of the Student Code of Conduct, the Major Disciplinary Procedures will be utilized to process the investigation and subsequent case. Please consult the Student Rights and Responsibilities Handbook for details.

2. In the case when a student enters a complaint against a faculty member, the matter shall be reviewed by the Vice Provost for Faculty Affairs who, with the Provost, shall make a determination as to whether the charge is to be referred to the Committee on Professional Conduct. Please consult the Faculty Manual for details.

3. In the case when a student enters a complaint against an administrator/employee, the Equality Administration Office will conduct an investigation and in conjunction with the respective dean/vice president shall implement appropriate corrective action to be taken. A complainant not satisfied with the decision shall have ten (10) working days to request an appeal in writing to the Vice President for Human Resources. A request for an appeal by the complainant or respondent shall state specific reasons why the findings/resolution was improper. The appeal is limited to considering evidence not previously available to the Equality Administration Office (or designee). The Equality Administration Office will provide the Vice President with the written record of the investigation, the decision and other appropriate documentation not previously available.

The Vice President for Human Resources shall review the findings and respond to the request within ten (10) working days. If the Vice President for Human Resources determines that the decision is not supported by the evidence, the complaint will be reopened for further investigation. If the Vice President for Human Resources determines that the investigation was thorough and complete, the request for an appeal shall be denied, and the complainant/respondent will be notified that the internal discrimination complaint procedure is complete. The decision of the Vice President will be final.

F. Time Limits
Complaints of harassment, discrimination, or retaliation, both formal and informal, should be filed within thirty (30) calendar days from the date the most recent incident occurred. In addition, the Office of Civil Rights imposes a one hundred eighty (180) day time limit on filing a complaint.

G. Off Campus Programs and Activities
Students who feel that they have experienced discrimination, harassment, or retaliation while participating in off-campus programs and activities should immediately report such incidents to the program director or the Equality Administration Office. Off-campus programs and activities include, but are not limited to, study abroad programs, internships, student teaching and applied learning experiences.
A.4  **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.5  **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.6  **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 his/her new address.

A.7  **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.8  **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 [HERE](#).

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 fraternity or a sorority, 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 Smith-Tucker Involvement Center, Whitten University Center, Room 209 or online at [www.miami.edu/coso](http://www.miami.edu/coso). With the exception of fraternities and sororities, the Committee on Student Organizations grants final approval for student organizations to exist on campus.
The policies and procedures for establishing a new fraternity or sorority 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 Multiethnic 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. Disciplinary 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 fraternity or sorority 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 “Disciplinary Procedures for Student Organizations”.

A.9 Fraternity 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 fraternity houses, the Fraternities and Sororities must comply with the following inspections:

A. General Physical Inspection
Each fraternity house must be inspected once each academic year for general physical condition by a representative of the Dean of Students Office and a representative from the University of Miami Physical Plant in conjunction with a House Corporation representative.

B. Electrical Inspection
Each House Corporation is required to have an annual electrical inspection conducted by a licensed and certified electrician. 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.

C. Fire Safety Inspection
Each House Corporation is required to have an annual fire safety inspection conducted by a licensed and certified fire safety 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 the inspections.

It is the responsibility of each fraternity to ensure that its members maintain acceptable living conditions. As part of this responsibility, each fraternity 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.10 **Rental or Use of Fraternity Houses and Fraternity and Sorority Suites**
Rental or use of fraternity 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.11 **Indebtedness to a Fraternity**
Upon written request of a Fraternity Housing Corporation, the University may withhold grades, transcripts, diplomas, and registration materials of any student owing money for room and/or board to the Housing Corporation. 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 a Fraternity Housing Corporation, 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.12 **Fraternity/Sorority Membership and Participation**
To be eligible for fraternity or sorority membership and participation in campus activities including residing in a fraternity house, intramural sports and 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 fraternity or sorority a student must:
A. Have completed a minimum of 12 credit hours of college-level coursework, excluding coursework in advance placement or dual status programs involving a high school;
B. Have earned a minimum cumulative grade point average of 2.50 in previous 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 fraternity or sorority, a student must:
D. 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);
E. Have maintained enrollment in at least 12 credit hours of academic work during the entire pre-initiation (pledging/new member/intake) process.
F. 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 fraternities and sororities, as part of their historical basis, have adopted certain religious or spiritual values. Consequently, membership in these fraternities and sororities 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 fraternity 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.13 **Administrative Requirements for Fraternities and Sororities**
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 fraternity house, maintenance, and other expenses. Anytime the Dean of Students Office is notified that a fraternity or sorority 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.14 Reopening Dormant Fraternity or Sorority Chapters**

Fraternity or sorority 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.15 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.
B. CODE OF CONDUCT

B.1 Alcohol Beverages (See the complete Alcohol Beverages Policy on page 35 of this Handbook)
Failure to comply with the Alcohol Beverages Policy is prohibited. This includes, but is not limited to the following:
A. Possession of beverage/s containing alcohol 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 by any person under the age of 21
C. Intoxication requiring evaluation and/or treatment by emergency personnel
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 by students regardless of age
H. Failure to follow the guidelines for social events involving alcohol (detailed in the full policy on page 35 of this Handbook)
I. Other

B.2 Animals
The inhumane or cruel treatment of animals or other creatures, or the capture of wild/feral animals or creatures and re-release of said animal or creature into a campus facility is prohibited.

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 prohibited. 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, and is prohibited.

B.4 Bicycles
Parking/securing bicycles in areas other than designated bicycle racks is prohibited. 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 prohibited.

B.6 Business Operations
Any operation of a private or individual business or businesses that is not consistent with the purpose of, and registered with, the Launch Pad at the Toppel Career Center within University of Miami properties or facilities including, but not limited to, Residence Hall facilities, fraternity and sorority houses, the University Center and the Student Wellness Center is prohibited.

B.7 Campus Visiting Privileges (See Visitation of Campus Policy on page 54)
Failure to comply with the Visitation of Campus Policy is prohibited.

B.8 Classroom Decorum (See Classroom Decorum policy on page 40)
Failure to comply with the Classroom Decorum Policy is prohibited.
B.9 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 is prohibited.

B.10 Complicity
To be knowingly associated with or to aid or otherwise assist another person or persons whose behavior is in violation of University policy while failing to either remove one’s self from the incident or to report the act is prohibited.

B.11 Computer and Telecommunications Use (See Information Technology Resources Policy on page 45)
Failure to comply with the Information Technology Resources Policy is prohibited.

B.12 Consensual Relationships (See Policy Statement On Consensual Amorous, Romantic or Sexual Relationships For Students In Supervisory Roles on page 40)
Failure to comply with this policy is prohibited.

B.13 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 is prohibited. Any contract entered into on behalf of the University by a student without proper authorization is void.

B.14 Damage or Vandalism to Property
Damage or vandalism of property belonging to the University or others is prohibited.

B.15 Dangerous Items (Explosives, Firearms, Fireworks, Weapons) (See Dangerous Items Policy on page 41)
Failure to comply with the Dangerous Items Policy is prohibited.

B.16 Demonstration (See Demonstration Policy on page 41)
Failure to comply with the requirements and policies governing Demonstrations is prohibited.

B.17 Disorderly Conduct
A. Loud, threatening or aggressive behavior or any other behavior which disrupts the orderly functioning of the University or disturbs the peace and/or impedes the rights of other person(s);
B. Lewd, indecent or obscene conduct or expression made by any means is prohibited;
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 and event, is prohibited.

B.18 Distributing or Posting Printed Media (Read the full policy on page 48 and/or Solicitation Policy on page 52)
Failure to comply with the Distributing or Posting Printed Materials Policy is prohibited.

B.19 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.20 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 is prohibited:

A. Possession of illegal drugs, including but not limited to marijuana

B. The presence of the odor of illegal drugs

C. Un-prescribed use of prescription medications

D. Inappropriate use of legally obtained over the counter medications or other substances including but not limited to salvia and “bath salts”

E. Possession of drug-related paraphernalia or any item that potentially contains illegal residue.

B.21 Emergency Equipment and Procedures (See Emergency Equipment and Procedures Policy on page 43)
Failure to comply with the Emergency Equipment and Procedures Policy is prohibited.

B.22 False Information
Providing false, misleading, or otherwise untruthful information to any agency of the University or to any other person or business is prohibited. This includes, but is not limited to the following:

A. Giving false testimony during a University investigation or proceeding;

B. 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. Providing false information for the purposes of defrauding an agency of the University or to any other person or business.

B.23 Fire
To either intentionally or otherwise ignite a fire that causes damage to University or personal property is prohibited.

B.24 Gambling and/or Games of Chance
Participating in or wagering on any games of skill or chance is prohibited. This includes, but is not limited to the following examples:

A. It is prohibited to play 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. It is prohibited 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. It is also prohibited to wager on any University-affiliated team, club, organization, or other group that is competing in any inter- or intra-institutional contest or event.

NOTE: Charitable nonprofit organizations may operate “drawings by chance”. The law requires specific disclosures and procedures, 849.0935, SF. Permission for student organizations to organize “drawings by chance” on University premises or at any sponsored affair must be secured from the Dean of Students Office prior to an announcement of the event.

B.25 Harassment or Harm to Others
Unwelcomed 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 is prohibited. (Related policies include the Sexual Harassment Policy on p. 52 and the Hazing Policy on p. 43)
B.26  **Hazing** (See Hazing Policy on page 43)
Hazing and/or hazing-related activities are prohibited.

B.27  **Health and Safety** (See Health and Safety Policy on page 44)
Failure to comply with the Health and Safety Policy is prohibited.

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 (DWR) must comply with the policies and procedures established by the department. An electronic version of the departmental policies can be found on the DWR 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.

B.29  **Identification Cards** (See Identification Cards Policy on page 44)
Failure to abide by the ‘Cane Cards and Identification Cards Policy is prohibited.

B.30  **Interference with University Investigations, Disciplinary Proceedings, or Records**
Interference with any University investigations, administrative procedures, or disciplinary proceedings is prohibited. 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 is prohibited.

B.32  **Littering**
To throw, discard, place, or deposit litter in University buildings or on University grounds except in receptacles provided for such purposes is prohibited.

B.33  **Misuse of Telephones**
To use University telephone lines or University telephone accounts without authorization from University personnel is prohibited.

B.34  **Noise and Nuisance (Outdoors)**
Members of the University community and their guests are prohibited from activity creating any form of noise that is believed by others to be in violation of the noise ordinances in the City of Coral Gables, South Miami, or other municipality of record (see Appendix A for the text of the Coral Gables ordinance).

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 47)
Failure to comply with the Parking and Motor Vehicle Policies is prohibited.

B.37  **Pets**
Possession of pets or animals, other than fish, in restricted areas is prohibited.
B.38 **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 is prohibited.

B.39 **Rathskeller Policies and Procedures** (See Rathskeller Policies and Procedures on page 49 Failure to comply with Rathskeller Policies and Procedures is prohibited.

B.40 **Relationship and/or Intimate Partner Violence**  
Gender-based violence is strictly prohibited. This includes any acts of sexual, physical, or emotional violence, abuse, or aggression, or threats thereof, which are committed by one person against another person because of an individual’s gender or those acts that are committed by one person against the other person in a relationship is prohibited. This policy will be applied evenly to all persons and actions, regardless of sexuality or the presence of multiple parties in a relationship.  
A. **Domestic Violence** includes acts of violence committed by one individual against another individual who is either a current or former spouse, is someone with whom a child has been conceived, is someone with whom the other has cohabitated with as a spouse, or is the child or other protected individual of that person. 
B. **Dating and/or Intimate Partner Violence** includes violence committed by a person against another person with whom a social relationship of a romantic or intimate nature was present.

B.41 **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, is prohibited.

B.42 **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 is prohibited.

B.43 **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: [http://www.miami.edu/sa/index.php/residential_life/on_campus/residence_halls_policies_procedures/](http://www.miami.edu/sa/index.php/residential_life/on_campus/residence_halls_policies_procedures/)

B.44 **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 is prohibited.

B.45 **Sexual Assault / Battery** (See Sexual Assault / Battery Policy on page 50)  
Non-consensual oral, anal, or vaginal penetration by or union with the sexual organ of another or by any other object is prohibited.

B.46 **Sexual Harassment** (See Sexual Harassment Policy on page 52)  
Violating the Sexual Harassment Policy is prohibited.

B.47 **Smoking** (See Smoking Policy on page 52)  
The Coral Gables Campus and the Miller School of Medicine are smoke free environments; smoking is prohibited.

B.48 **Solicitation** (See Solicitation Policy on page 52)  
Failure to follow the Solicitation Policy is prohibited.
B.49 **Speakers / Public Presentations**
Failure to comply with the University’s Speaker Policy is prohibited. The full text of this policy can be found in the Office of Student Activities in the Whitten University Center.

B.50 **Stalking**
Engaging in a course of conduct directed at a specific individual that that would cause a reasonable person to fear for his or her safety or the safety of others, or conduct that cause substantial emotional distress.

B.51 **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 Student Activities 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: https://umshare.miami.edu/web/wda/universitycenter/pdf/reservation_policy.pdf.

B.52 **Student Organization Rights and Responsibilities**
All student organizations, including fraternities and sororities, are subject to University rules and regulations concerning conduct as set forth in this handbook.

B.53 **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 is prohibited.

B.54 **Trespass** (See Trespass Policy on page 53)
Failure to comply with the University Trespass Policy is prohibited.

B.55 **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.56 **Unauthorized Possession of University Property**
Unauthorized possession of property owned or controlled by the University of Miami or the University Bookstore is prohibited. Students in violation of this rule may also be referred to legal authorities for prosecution.

B.57 **Video and/or Audio Copyright Violation**
Federal copyright law restricts the use and/or distribution of copyrighted video and audio recordings without appropriate licenses. Use of the aforementioned falling outside the boundaries of copyright law is prohibited.

B.58 **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 disciplinary action.

B.59 **Worthless Checks**
To make and/or deliver check(s) to the University of Miami or its agent or designee that are dishonored by a bank or financial institution is prohibited.
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.

ALCOHOL BEVERAGES

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

The use or possession of alcohol 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 Alcohol Beverage Policy. Empty alcohol 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 alcohol 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 alcohol 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 her/his designee. Students should contact the Dean of Students Office to determine the University
official responsible for a particular area. Alcohol 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: Director, Wellness and Recreation
- Residence Areas: Director, Housing and Residential Life and/or designee
- Ring Theatre: Chairman, Drama Department and/or designee
- Student Activities 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 Student Activities Center
- Whitten University Center: Executive Director, University Center and Student Activities 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 alcohol 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 her/his 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 alcohol 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 alcohol beverages must adhere to the following guidelines:
a. Uncontrolled sampling of alcohol beverages is not permitted and no sampling or other promotional activities may include “drinking contests.”
b. Materials that show the consumption/serving of alcohol 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. Alcohol 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 alcohol beverages without the prior knowledge and consent of the Dean of Students or her/his 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 alcohol 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 alcohol 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 alcohol 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 alcohol 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 Alcohol Beverages

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

2. Time Limit
Events may not last longer than four hours. The consumption/serving of alcohol beverages must stop at least 30 minutes prior to the scheduled end of an event. Alcohol 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 alcohol 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 alcohol 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 alcohol 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 alcohol 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 alcohol 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 Alcohol Beverages**
   University funds will not be used to pay for or sponsor a party, meal, or event, on or off campus, where alcohol 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 alcohol 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, fraternities and sororities are also expected to follow the provisions of this policy documented below when planning events at their off-campus houses or in the Merritt Panhellenic Building.

1. **Event Registration**
   If alcohol beverages are to be consumed/served on fraternity 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 alcohol 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**
   Fraternities and sororities are responsible for the conduct of their members and guests.

4. **Publicity**
   Fraternities/Sororities may not advertise that alcohol beverages will be consumed/served at an event. A Student Affairs Dean must approve all publicity for any fraternity and/or sorority function.

5. **Rental or Use**
   The use of fraternity houses or fraternity/sorority suites by non-member groups for the purpose of having social activities where Alcohol 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 his/her designee may make exceptions to this policy.

An additional Fraternity 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-Alcohol Beverages**
   Food and Non-Alcohol 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 alcohol beverages to the event. Alcohol beverages may not be purchased through the chapter treasury nor may the purchase of alcohol 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 Alcohol 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 alcohol 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 alcohol 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 alcohol beverages before or during an event. No alcohol may be distributed from any other area of the fraternity 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 alcohol 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 alcohol 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 alcohol beverages within the confines of their rooms or apartments as long as they comply with all public laws, the University’s Alcohol 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 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.

CLASSROOM DECORUM

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.

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

This policy was created in an effort to avoid the appearance of a conflict of interest, favoritism, or bias in the workplace, which may be prejudicial to the interests of the University, its members, and the public interest it serves, and to help insure that each member of the UM community is treated with dignity and without regard to other factors that are not relevant to that person’s work.

A. Definitions
For purposes of this policy, the term “University of Miami,” “employee,” “supervisor,” “junior party,” “faculty,” “student,” and “amorous relationships” are defined as follows:

1. University of Miami: University of Miami and related entities, including the University of Miami Graduate School, School of Law, and School of Medicine, and all undergraduate Schools and Colleges.
2. Employee: Anyone employed by the University of Miami as faculty or staff, full-time or part-time.
3. Supervisor (Senior Party): Applies to anyone who has academic, supervisory, administrative or authority over another (junior party), including but not limited to counselors and counselees; coaches and student athletes; teaching assistants and students in their sections; and Residence Masters, Area Directors, Residence Assistants, and students under their supervision.
4. Subordinate / (Junior Party): Anyone over whom evaluative authority is exercised.
5. Faculty: All those charged with academic instruction, including all ranks recognized as faculty under the University of Miami Faculty Manual and its Graduate, Law, and Medical schools, teaching assistants, academic advisors, coaches
6. **Students**: All those enrolled full-time or part-time in any program at the University of Miami and its various schools.

7. **Amorous relationships**: Consensual, romantic, or sexual relationships between members of the University of Miami community that are willingly undertaken.

**B. Introduction**

Amorous, romantic or sexual relationships (“amorous relationships”) between members of the University community, where one of the parties has academic, supervisory, administrative or other authority over a subordinate (junior) party are highly problematic, even when entirely consensual. The amorous relationship may create, or be perceived as creating a conflict of interest that undermines the objectivity of evaluations.

**C. Policy**

Members of the University community are strongly discouraged from entering into amorous relationships with persons over whom they have evaluative authority. Supervisors who engage in an amorous relationship must take whatever steps necessary to ensure that they do not simultaneously have evaluative authority and an amorous relationship in a way that places the subordinate (junior) party at a disadvantage.

**D. Procedures**

Such steps may include, for example, withdrawing from a position as thesis advisor or teaching assistant supervisor. These steps should be taken in a way that does not disadvantage the junior party. If an amorous relationship develops with a subordinate/junior party (student) the supervisor/senior party (teaching assistant) must report the situation to the relevant program director, department chair, or dean, who will act to determine the best means of resolving potential conflicts and shall maintain the confidentiality of the information.

A party who engages in amorous relationships without reporting such a relationship may be subject to disciplinary action under applicable university policies and procedures.

**E. Resources**

Questions regarding this policy or available options of recourse may be referred to the departmental chairs, Office of the appropriate Dean, the Office of the Vice Provost for Undergraduate Affairs, the Office of the Ombudsperson, or the Office of Equality Administration.

This policy is printed in the University of Miami Student Rights & Responsibilities Handbook, *Graduate Bulletin, and Law School Handbook*. Additional information is available in the *Faculty Handbook*. Copies can be found on the web at [www.miami.edu/dean-students](http://www.miami.edu/dean-students), [www.miami.edu/grad](http://www.miami.edu/grad), and [www.miami.edu/equality-administration](http://www.miami.edu/equality-administration)

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

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.
DEMONSTRATION (ON CAMPUS)

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 or 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 will assure the right of students and approved student organizations to demonstrate and publicly proclaim any view, 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 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.

A. Demonstration Guidelines
   1. Persons may not display, threaten to use, or attempt to use firearms, explosives, or other weapons on University property.
   2. Persons may not engage in or threatening or physically abusive behavior or cause or threaten to cause physical injury to another person.
   3. Persons may not 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.
   4. Persons may not 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.
   5. Persons may not 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.
   6. Persons may not obstruct, disrupt, or attempt to force the cancellation of any event or activity sponsored by the University or by any users authorized to use University facilities, including classes and other scheduled activities.
   7. 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.
   8. The Dean of Students Office must be notified of any planned demonstration two business days prior to the event.
   9. Spontaneous (non-planned) demonstrations are restricted to designated University of Miami free speech zones.
   10. 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.

B. Failure to Comply with Demonstration Guidelines
   Individuals participating in any demonstration, as defined by this policy, whether sponsored or not, are accountable for compliance with this policy. Sponsoring organizations, agencies, and other entities are also responsible for compliance with this policy.

   In the event of the 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 such 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.

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 disciplinary action, arrest, and/or other action by appropriate authorities. Student organizations charged with violating this policy will be referred to the Committee on Student Organizations and the Dean of Students Office. Sanctions for failing to abide with policy guidelines may include termination of the demonstration and prohibition of future demonstration activities.

C. Procedure for Gaining Approval for a Demonstration
1. Recognized University organizations and full or part-time students who wish to schedule a demonstration, rally, or equivalent activity, may request the space through the Dean of Students Office. Any such request must be made no less than two business days in advance of the activity.
2. Demonstrations may be held at locations on campus with the approval of the Dean of Students Office on a first-come, first-served basis 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.
3. The required registration form can be obtained by calling (305) 284-5353. The following information is required from each individual or organization submitting a form: name of UM sponsoring organization; date, time, length of demonstration; location, issue/topic/reason for demonstration; estimated number of participants; person(s) in charge (names, addresses, phone numbers); and names of known non-University participants (addresses, phone numbers). Any and all co-sponsoring organizations, companies, agencies, or other entities must be identified (contact names, addresses, phone numbers) at the time of submission of the registration form. Co-sponsorship shall be defined as, but not be limited to, providing staff, money, or publicity for the event. The form requires a signature assuring that copies of the University of Miami’s Policies and Procedures, Section B.16, governing demonstrations, will be distributed to all participants by the applicant.

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.

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, 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.

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 with the assistance of the Director of the Student Health Center and the Director of the Student Counseling Center (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 s/he 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 his or her 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.

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 Cards 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.)

### INFORMATION TECHNOLOGY RESOURCES

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 disciplinary 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.

**C. Examples of usage that could lead to disciplinary 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

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 disciplinary 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.

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 or the individual to whom a parking permit displayed on the vehicle is registered may, as determined by the University, be 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 not transferable. A permit may not be assigned, sold, given, or used by any individual other than the one to whom the permit was assigned.

Students in possession of an annual parking permit who graduate in December or leave the University before the end of the academic year are required to return their parking permit to the Parking and Transportation office. Towing at the owner/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 Moving Vehicle Parking Code is available online at http://www.miami.edu/parking, or at the Parking & Transportation Services office.

### PRINTED MEDIA DISTRIBUTION AND ADVERTISING

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 his/her 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 sole discretion of the Office of Financial Operations;
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.

**RATHSKELLER POLICIES AND PROCEDURES**

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 Alcohol 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 44)

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 civil authorities.

   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 his/her designee.
   3. Possession and/or consumption of Alcohol beverage by minors.
   4. Public intoxication.
   5. Removing Alcohol 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 Alcohol beverages are dispensed.
   8. Bringing in and/or possession of Alcohol beverages procured outside of the Rathskeller.

   Whenever it comes to the attention of the University Rathskeller Manager or his/her 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 his/her 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 disciplinary procedures apply.
C. Intoxication
The Director of the Rathskeller or his/her designees shall have the sole authority to determine, in his/her 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 his/her designees a patron becomes intoxicated, the Manager or his/her 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.

HOUSING AND RESIDENTIAL LIFE POLICIES AND PROCEDURES

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.

SEXUAL ASSAULT / BATTERY

Sexual battery, which is more commonly known as Sexual Assault and/or Rape and fits into a category of sexual violence, is considered to be the most serious form of sexual harassment. It is defined as non-consensual oral, anal, or vaginal penetration by or union with the sexual organ of another or by any other object. For University purposes, consent shall be defined as intelligent, knowing, and voluntary consent and shall not be construed to include submission obtained by force, intimidation, threat, blackmail, extortion, or any other method of coercion. For University purposes, consent cannot be given if:

A) the complainant was under the age of 18, or

B) an individual was known to have been under the influence of alcohol, drugs, or other intoxicating substances, or that a person reasonably should have known of the influence of intoxicating substances at the time s/he supposedly provided consent. In either of these instances, the consent will not be considered to be one that was intelligent, knowing, and voluntary. While this is not an exhaustive list of indicators for intoxication, consent cannot be obtained when any of the following are present:

1. the respondent knew the complainant had been drinking or using drugs, and/or knew how much the complainant had consumed,
2. the complainant was visibly stumbling or otherwise was at a loss of equilibrium,
3. the complainant had noticeably bloodshot, glassy, or unfocussed eyes,
4. the complainant exhibited any of the signs of alcohol poisoning,
5. the complainant was known to have vomited as a result of consumption of an intoxicating substance,
6. the complainant was known to be disoriented or confused as to their whereabouts, or the time and date, or
7. the complainant has exhibited the loss of consciousness at any point between the consumption of the intoxicating substance and the alleged sexual activity.

Violations of this kind may result in disciplinary action by the University and/or criminal prosecution.

Federal guidelines mandate that many administrators, faculty, and staff members are “responsible employees” (i.e., mandatory reporters) and therefore may not guarantee confidentiality for the reporting party or to the alleged victim (referred to in procedural terms as the complainant). The only exceptions to this rule include mental health care professionals – including those operating outside the clinical setting such as S.A.R.T. volunteers and the licensed clinical social worker assigned to the Dean of Students Office, health care professionals, and chaplains. All other University community members are required to convey the report to a Title IX Coordinator or Deputy Coordinator for follow up at (305) 284-6666 or TDD (305) 284-3152.

The Sexual Assault Response Team (see S.A.R.T. below for more information) may keep the name of a student confidential unless directed otherwise by the student.

All reasonable efforts will be made by the University to keep the names of the students involved confidential; however, the University cannot guarantee anonymity.

Students will be provided with information regarding the options for reporting the sexual battery and their right to make choices based on this information will be respected. Those involved will be advised of, and if so desired, assisted in receiving services from University departments and from community service agencies that provide assistance to persons involved in a sexual battery.

- The matter reported will be treated with the greatest concern and seriousness, regardless of her/his gender.
- Students will be treated with dignity, courtesy, sensitivity, and understanding and will not be prejudged or blamed for what occurred.
- University staff will neither coerce students to report a sexual battery as a lesser offense nor prevent or discourage students from reporting a sexual battery to another person or authority.
- Students will have the opportunity to pursue all legal and/or disciplinary remedies.
- Students will have the opportunity to obtain counseling services without academic penalty by the University.
- If requested, University staff will take any reasonable steps to prevent unnecessary or unwanted contact or proximity between the involved students and/or other parties.
- The University has the ability to provide assistance to students in changing academic or living situations after an alleged sexual battery incident, if so requested, and if changes are reasonably available.

REPORTING INCIDENTS OF SEXUAL ASSAULT/BATTERY

Unless the alleged victim is under 18 years of age, staff at the University of Miami Counseling Center, the Student Health Center, and members of the clergy are exempt from applicable reporting requirements under the Clery Act and Title IX of the Civil Rights Act of 1964. All other UM employees are required to report issues related to gender discrimination, sexual abuse, and/or violence to the Dean of Students Office, the University of Miami Police Department or the applicable Human Resources Office. If the alleged victim is under 18 years of age, Florida law requires reporting of the alleged incident to the Department of Children and Families Abuse Hotline at www.myflfamilies.com/service-programs/abuse-hotline.

Individuals who have information about an incident that is believed to be in violation of the University's Sexual Battery policy are encouraged to report the incident to the University choosing one or more of the following options:

A. Report the incident to the University Police
   1. People interested in reporting an incident to the University of Miami Police Department should call 305-284-6666.
   2. Once a sexual battery is reported, the University of Miami Police Department will take an initial police report and will call the police agency responsible for sexual battery investigations. That police agency will then conduct any further investigations.
3. Alleged victims will be given the option of reporting the incident as a standalone report just for information purposes, or doing so in conjunction with filing charges against an alleged assailant based on the standard operating procedures in the precinct where the incident occurred.

4. Information reported to the University of Miami Police Department related to students at the University will be forwarded to the Dean of Students Office as a matter per standard operating procedure.

B. Report the incident directly to the Dean of Students Office

1. People interested in reporting an incident to the Dean of Students Office should call 305-284-5353.

2. All incidents that are reported to the Dean of Students Office must be investigated as thoroughly as possible based on the information provided, and in consideration of any request from the alleged victim to remain anonymous, where applicable. Investigations include meeting with the alleged victim(s) (i.e., complainant(s)), accused student(s) (i.e., respondent(s)), and/or any witnesses which includes any person(s) who may have knowledge of the incident in question. These investigations will follow the Disciplinary Procedures for Reported Incidents of Gender Discrimination, Sexual Violence, or Sexual Harassment described later in this Handbook.

3. Reports will be taken by the Associate Dean of Students/Director of Judicial Affairs or his/her designee, and may be done in conjunction with the Assistant Dean of Students/Case Manager where requested by the reporting student.

   Note: The Student Affairs Dean taking the report will ensure that proper procedures are followed and all reporting options are fully explained. The Assistant to the Dean/Case Manager can be made available to discuss local service options available to an alleged victim.

C. Report the Incident through the Sexual Assault Response Team (S.A.R.T.)

People interested in reporting an incident to S.A.R.T. should call 305-798-6666. More information about S.A.R.T. is available below. Note: S.A.R.T. is only available during the regular fall and spring academic semesters.

SEXUAL ASSAULT RESPONSE TEAM (S.A.R.T.)

S.A.R.T. is a 24-hour hotline that provides information about sexual battery and provides emotional support to those who have been the victim of a sexual battery. The S.A.R.T. team consists of University of Miami faculty, staff, and graduate student volunteers. S.A.R.T. is also available to answer questions concerning sexual battery.

A. Faculty and staff can contact S.A.R.T. on behalf of a student if the student makes such a request.

B. S.A.R.T. volunteers can provide information about resources and options in the aftermath of a sexual battery and can assist in obtaining help. Resources include: The Counseling Center, the Health Center, the Rape Treatment Center at Jackson Memorial Hospital (for treatment and collection of evidence), the University Chaplains, the Dean of Students Office, and the Department of Housing and Residential Life.

C. S.A.R.T. volunteers do not provide ongoing counseling, but such help is available at the Student Counseling Center.

D. S.A.R.T. members can meet students on campus to provide support should a victim decide to speak with police.

E. Please note that federal law (the Clery Act) requires that the University report crimes to local authorities. Accordingly, for purposes of complying with the Clery Act, information as to the crime and location will be reported to the University of Miami Police Department. Such reporting will not include the name of the alleged victim or respondent unless requested by the alleged victim.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination covered under Title IX, Education Amendments Act of 1972 and Title VII of the Civil Rights Act of 1964.

Sexual harassment includes, but is not limited to physical or verbal abuse of a sexual nature including graphic commentaries about an individual’s body, sexually degrading remarks used to describe an individual, or unwelcome propositions or physical advances of a sexual nature. Sexual harassment also includes the threat or insinuation that sexual submission or the lack thereof will be used as a basis for employment or education decisions affecting or interfering with an individual’s employment, academic standing, and/or academic or career development. Sexual harassment of or by any administrator, faculty member, employee, or student is prohibited. A violation of the sexual harassment policy shall constitute grounds for disciplinary action up to and including dismissal from the University. The University reaffirms its commitment to the concept of nondiscrimination and to providing an educational forum and work environment free of discrimination/sexual harassment.
SMOKING

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.

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.


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.

All students who are traveling abroad on a University trip must register with Red24 at the following website: https://www.red24.com/affiliate/chartis/um/. The link can also be found in myUM under Online Resources. Students must input their entire itinerary including all locations traveled. Should the itinerary change at any time prior to and/or during the trip, the changes must be updated in the Red24 website.

Approval must also be given by the Director of Risk Management four weeks prior to traveling to the following countries.

A. Colombia
B. Haiti
C. Mexico
D. Ecuador

E. All of the countries listed on the U.S. State Departmental travel advisory warning page (http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html)

A copy of the Foreign Travel Insurance Form must be printed and carried by the student while traveling. The form can be found here: www6.miami.edu/risk-management/UM_Travel_Guard_ID_Card-FY12.pdf

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.

Any student who does not register with the Red24 program prior to travel will not be authorized to travel. Also, failure to comply with this policy may lead to the non-recognition of credits by the University of Miami for courses taken abroad.

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 his/her 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.

VISITATION OF CAMPUS

Students are welcome to bring visitors to the campus but must assume responsibility for the conduct of their visitors and must accompany them at all times. If a visitor 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.

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.

A. Housing and Residential Life

The Residential Colleges and University Village are not public facilities. Students who reside in or intend to visit these areas should obtain a copy of and become familiar with the rules and regulations of the Housing and Residential Life. Any and all persons residing in or visiting one of the residential colleges or University Villages are subject to legal or disciplinary action by the University for failure to comply with the rules. The rules and regulations may be obtained at the Department of Housing and Residential Life, Eaton Residential College, Suite 153, and (305) 284-4505.

B. Fraternity Houses Visitation Policy

Fraternity Houses are not public facilities. Students who reside in or intend to visit a fraternity house should obtain a copy of and become familiar with the rules and regulations of the fraternity house. Any and all persons residing in or visiting the fraternity houses are subject to legal or disciplinary action by the University for failure to comply with the rules. The rules and regulations may be obtained at the Dean of Students Office. If it is determined that a fraternity has condoned and/or permitted violations of the fraternity house policy to occur within its facilities, disciplinary action may be taken against the fraternity by the University of Miami or by the Interfraternity Council Judicial Board.

C. Panhellenic Building Visitation Policy

The Panhellenic Building is not a public facility. Students who intend to visit the Panhellenic Building should obtain a copy of and become familiar with the rules and regulations of the organization to whom the suite is assigned. Any and all persons visiting the Panhellenic Building are subject to legal or disciplinary action by the University for failure to comply with the rules. The rules and regulations may be obtained at the Dean of Students Office.

If it is determined that a fraternity or sorority has condoned and/or permitted violations of the Panhellenic Building policy to occur within its facilities, disciplinary action may be taken against the organization by the University of Miami or by the appropriate Judiciary Council.
UNIVERSITY DISCIPLINARY PROCEDURES

Students who are alleged to have violated University Policies or Procedures may be charged under the University Disciplinary 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 Disciplinary Process:

**Figure 1: University Disciplinary Procedures (Undergraduate or Graduate)**

- **Reported Incident**
- **Investigation Meeting/s**
  - **No Charges**
    - When it is determined that no policies have been violated, the student is not charged and the case is closed.
  - **Preliminary Hearing**
    - When a discipline officer believes a student’s actions violated one or more policies, charges are clearly outlined and delivered in writing.

- **Student’s Response** (Within 1 class day)
  - **Responsible**
  - **Not Responsible**

- **University Disciplinary Hearing**
  - Student chooses either an objective individual Student Affairs Dean or Disciplinary Hearing Panel to complete the case.

- **Sanctioning**
  - **Responsible Finding**
    - When it is determined that no policies have been violated, the case is closed.
  - **Not Responsible Finding**
    - Student given opportunity to share information s/he feels would be helpful in making a sanctioning decision.

- **Appeal**
  - Student may appeal based on either the severity of sanction or if s/he believes a procedural error may have changed the outcome.
  - The Appeal decision is final.

  - **Upheld**
  - **Denied**
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 disciplinary processes.

The following section more fully explains the University Disciplinary 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 DISCIPLINE 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 discipline 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 her/him during all meetings and/or hearings during a discipline case.
1. An advisor must be a current full-time faculty or staff member, or another enrolled student, at the University of Miami.
2. An advisor should be someone who understands the policies and procedures used in the student discipline process and can help the student understand those policies and procedures to make more informed decisions during the investigation meeting/s and preliminary hearing.
3. An advisor may not “represent” a student or speak for her/him 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.
4. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the discipline 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 his/her formal hearing and the decisions that s/he will make on their own behalf.

C. The right to a formal hearing
Meetings with a discipline officer prior to and during the presentation of charges during a preliminary hearing will be formal, yet conversational. If 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 his/her actions violated the Code of Conduct, that student is then given the opportunity to have the decision of her/his responsibility made by an impartial Hearing Officer (a Student Affairs Dean) or by a University 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 discipline case.

D. The right to review evidence and question witnesses, and provide the same on her/his own behalf during a formal disciplinary hearing
In cases where there was more than one student involved in an incident, or when there were witnesses to an incident, both the investigating discipline 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. Additionally, where there is either incriminating or exonerating evidence it will be shared between the student and the discipline officer. This information may be shared prior to a formal disciplinary hearing. The results of polygraph tests are not permitted for consideration during this process.

SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING A UNIVERSITY-LEVEL DISCIPLINE CASE
The following are the procedural requirements of a University-level discipline 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 Discipline 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 her/his request as noted below.
A. **Explanation of Personal Rights**  
At the beginning of each meeting with a student who may be charged with a violation of the Code of Conduct, the Discipline Officer shall ensure that the student involved 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; 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 Discipline 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 Discipline 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 disciplinary 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 disciplinary process.

C. **Preliminary Hearing**  
During a Preliminary Hearing, the Discipline Officer shall:

1. Review the student’s personal rights,

2. Give the student another opportunity to make any statement or explanation s/he wishes,

3. Advise the student whether or not s/he is being charged with a violation of the Code of Conduct, and advise the student of the specific charge/s for which s/he is being charged (where applicable), and

4. Where applicable, advise the student that a temporary residence hall room change will be made, pending the full adjudication of the charges.

D. **Charge and Notice**  
If the Discipline Officer determines that charges are necessary for specific violation(s), the Discipline Officer will provide the student with a “Notice of Charge” during the Preliminary Hearing. The Notice of Charge is a formal document, and will

1. Inform the student of his/her personal rights as outlined in this handbook,

2. Inform the student of the specific Code of Conduct violations s/he is charged with, and

3. 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 one (1) class day to respond to charges after receiving a Notice of Charge. Students may respond by choosing whether s/he believes s/he is “Responsible” or “Not Responsible.” If the student does not respond to the charges within the prescribed time period, s/he 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 s/he is Responsible, the investigating Discipline 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 s/he is Not Responsible or fails to enter a response in the time allotted, s/he 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 s/he 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 his/her discretion, 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 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.

F. **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 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. One of the student panel members will serve as the Panel Chairperson and a Student Affairs Dean will serve as an 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 he/she feels that his/her presence may be prejudicial to the case;

d. To allow the panel members, the discipline 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 he/she fails to dismiss himself);

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.

2. **Waiver of a Hearing Panel**

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

a. **A student may waive his/her right** to a hearing before a UDHP/GDHP and have his/her 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), a discipline case will not be heard by a disciplinary hearing panel. In these instances, the charged student has the following options:

   i. To have the case heard by a UDHP/GDHP during the next period of normal University operation and have a “Stay” placed on their case (see Major Disciplinary Proceedings, Section II, B for specific details on using a Stay), or

   ii. To have the case heard by a Student Affairs Dean.
iii. Delays in adjudication because of the unavailability of UDHP/GDHP panel members may not be used as a basis of appeal in the event of a finding of responsible.

G. 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 be presided over by an objective Student Affairs Dean (not the same individual who served as Investigator). This Hearing Officer will either serve as an advisor to the Hearing Panel to 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.

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 in an effort to provide for confidentiality of University disciplinary actions. Witnesses will be permitted to participate for a select period of time only. Exceptions include:
   a. Staff members of the University Division of Student Affairs may observe a hearing for training or oversight purposes, with the permission of the charged student.
   b. The charged student may request to waive his/her right to a closed hearing upon a motion in writing to the Hearing Officer, except in cases of sexual battery or sexual harassment. Such a waiver is rare, and must be agreed upon by all persons who are participating in the hearing. Under normal circumstances even witnesses will only be present in the hearing during the time when s/he is sharing their own recollection of the incident. In cases of sexual battery or sexual harassment a complainant may testify from another room, as long as it does not impede discussion of the issues involved in the case.

4. Hearings in Absentia
In instances where the charged student fails to attend 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 student
The charged student 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 his/her own behalf.

6. 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, “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, or an individual who has knowledge of the incident directly from either the complainant or respondent. A charged student bears the responsibility of notifying the witnesses that will appear on her/his behalf during the hearing. All reasonable efforts will be made to entertain the insights of a charged student’s witness/es. Upon written request and submission of the Charged Student’s witness list, the University will supply to the Charged Student a list of the Witness/es that will be called during a hearing on its behalf.

7. Requests or Orders
Witnesses must cooperate in all phases of the discipline 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.

8. Related Information
Charged Students 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 introduction or use of polygraph evidence is prohibited.

9. Sharing of Information Prior to a Hearing
Charged students who would like to receive a copy of the information related to the charge/s received that will be used by the Investigator during a formal disciplinary hearing may do so by submitting a written request to
Dean of Students Office no less than 7 class days prior to a formal hearing. Within 4 class days prior the hearing, the charged student must then submit copies of all written or recorded information or other related information in response to the charges that the charged student plans to use at the formal hearing with the Dean of Students Office; upon receipt of such information from the charged student, the Investigator will provide the charged student with a copy of the Notice of Charge along with all other written or recorded information, or other related information in support of the charges that the Investigator plans to use at the 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 his/her designee may make exceptions to this policy.

10. Advisement
Advisors are permitted to attend University Disciplinary Hearings as described in Section I, B of the University Disciplinary Procedures. Students must inform the Dean of Students Office in writing no later than 3 class days prior to a formal disciplinary hearing if s/he is planning to bring an advisor to the hearing. This written notice must include the name, telephone number, e-mail address, as well as the Advisor’s current affiliation with the University. If the student fails to provide such information in the time prescribed, the Advisor may be excluded from the hearing.

11. Pre-Hearing Conference
The Hearing Officer or presiding Student Affairs Dean may schedule a mandatory Pre-Hearing Conference upon his/her initiative or upon a written request from the charged student.

12. Requests
The Hearing Officer may entertain any request 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.

13. Decorum
The Hearing Officer is charged with the responsibility for maintaining proper decorum and order during the hearing. S/He may use any reasonable means necessary to maintain decorum and may exclude any person whom, in his/her 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, Disciplinary Proceedings, or Records.

14. Standard of Proof
In the University’s discipline 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.

15. 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 student within 3 class days of the decision.

16. Improper Procedure
Improper procedure may be declared at any stage of the hearing by the Hearing Officer or presiding Student Affairs Dean upon a finding that the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a reasonable decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 14 class days with the same presiding Student Affairs Dean and new Panel members.

17. 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 her/his request, and for the purpose of appeal only, the student 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
When a student responds that s/he is responsible for violating a particular aspect of the Code of Conduct, or if s/he is 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.

J. 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 discipline case
9. 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 UDHP has decided a case. 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 too severe for the nature of the violation;
2. Timing for the delivery of an appeal letter. Appeals must turned in to the Dean of Students Office (Building 21-H) by the charged student and be received 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 discipline 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.

**L. The University Appellate Board**

This Board, with each member having one vote, shall be comprised of three individuals: the Dean of Students or his/her 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 his/her personal rights as contained in these policies and procedures.

   b. The Board will allow the Charged Student an appropriate presentation of his/her 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 her/his 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 discipline 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. Determinations of the Appellate Board may not be further appealed.

3. **Interpretation of University Disciplinary Procedures.** Whenever necessary, the Dean of Students shall interpret and/or provide specific clarification on University disciplinary 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 DISCIPLINARY PROCEDURES

Students who are alleged to have violated University policies or procedures may be charged under the Major Disciplinary 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 her/his designee determines whether a charge constitutes a Major offense based on the nature of the reported violation. 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 Disciplinary Process:
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 disciplinary processes.

The following section more fully explains the Major Disciplinary 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 DISCIPLINE 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 discipline 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 her/him during all meetings and/or hearings during a discipline case.
1. An advisor must be a current full-time faculty or staff member, or another enrolled student, at the University of Miami.
2. An advisor should be someone who understands the policies and procedures used in the student discipline process and can help the student understand those policies and procedures to make more informed decisions during the investigation meeting/s and preliminary hearing.
3. An advisor may not "represent" a student or speak for her/him 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.
4. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the discipline 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 his/her formal hearing and the decisions that s/he will make on their own behalf.

C. The right to a formal hearing
Meetings with a discipline officer prior to and during the presentation of charges during a preliminary hearing will be formal, yet conversational. If 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 his/her actions violated the Code of Conduct, that student is then given the opportunity to have the decision of her/his responsibility made by an impartial Hearing Officer (a Student Affairs Dean) or by a Major 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 discipline case.

D. The right to review evidence and question witnesses, and provide the same on her/his own behalf during a formal disciplinary hearing
In cases where there was more than one student involved in an incident, or when there were witnesses to an incident, both the investigating discipline 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 discipline officer. This information may be shared prior to a formal disciplinary hearing. The results of polygraph tests are not permitted for consideration during this process.

SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING A MAJOR-LEVEL DISCIPLINE CASE
The following are the procedural requirements of a Major-level discipline 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 Discipline 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 her/his request as noted below.
A. **Explanation of Personal Rights**
   At the beginning of each meeting with a student who may be charged with a violation of the Code of Conduct, the Discipline Officer shall ensure that the student involved understands her/his personal rights as explained above.

B. **Incidents also being adjudicated in a Court of Law**
   Should a student find her/himself 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 Disciplinary Proceedings.” A Stay effectively pauses the disciplinary 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. Discipline 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 her/his 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 Disciplinary 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 Discipline 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 Discipline 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 disciplinary 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 disciplinary process.

D. **Preliminary Hearing**
   During a Preliminary Hearing, the Discipline Officer shall:
   1. Review the student’s personal rights,
   2. Give the student another opportunity to make any statement or explanation s/he wishes,
   3. Advise the student whether or not s/he is being charged with a violation of the Code of Conduct, and advise the student of the specific charge/s for which s/he is being charged (where applicable), and
   4. Where applicable, advise the student that a temporary residence hall room change will be made, pending the full adjudication of the charges.

E. **Charge and Notice**
   If the Discipline Officer determines that Major charges are necessary for specific violation(s), the Discipline Officer will provide the student with a “Notice of Charge for a Major Offense” during the Preliminary Hearing. 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 s/he is determined to be responsible for violating University policy or policies.
   2. Inform the student of his/her personal rights as outlined in this handbook,
   3. Inform the student of the specific Code of Conduct violations s/he is charged with, and
4. Afford the charged student with the opportunity to enter a response addressing the charge(s).

F. 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 s/he is “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, s/he 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 person against whom charges are brought believes that the University is without jurisdiction or has not followed the disciplinary procedures as outlined in this manual, the Charged Student 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 Discipline 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.

No Request to Dismiss based upon lack of jurisdiction will be accepted unless the person against whom charges are brought was not within the scope of those policies and procedures as defined in this Handbook. If a Request to Dismiss is properly made, the matter shall immediately be referred to a Judicial Officer 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, within one class day the student must enter a new response of either Responsible or Not Responsible, or No Contest.

2. Responsible

If the student believes s/he is Responsible, the investigating Discipline Officer shall immediately refer the case to the Dean of Students or her/his designee for a Mitigation Hearing (see Section II, J for details on a Mitigation Hearing).

3. Not Responsible

If the student believes s/he is Not Responsible or fails to respond within the allotted time, s/he 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 s/he 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 student against whom disciplinary charges are delivered may respond to those charges with “No Contest” when the student is under criminal investigation or indictment for an offense arising out of the same activities or circumstances that gave rise to the University’s charge or charges. A No Contest response 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 charged student will move directly to a mitigation hearing with the Assistant Vice President and Dean of Students, or his/her designee, for sanctioning.

G. Disciplinary Hearing Panels for Major-Level Cases
A Major Disciplinary Hearing Panel (MDHP) will be used to decide responsibility in cases utilizing the Major Disciplinary 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 his/her designee, will select 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
The student shall be selected in the same manner as the faculty member except that the names of prospective student members shall be selected from a randomized list of full-time senior undergraduate students or full time graduate students, each who are not on disciplinary probation, have a minimum cumulative grade point average of 2.5 (3.0 for graduate students), have been students at the University for at least one full academic year, and have previously expressed their willingness to serve. These 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 he/she feels that his/her presence may be prejudicial to the case;
   d. To allow the panel members, the discipline 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 he/she fails to dismiss himself);
   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 his/her discipline case heard by a hearing panel; however, there are circumstances where this right can be waived.
a. **A student may waive his/her right** to a hearing before an MDHP and have his/her 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 discipline case will not be heard by a disciplinary hearing panel. In these instances, the charged student has the following options:
   i. To have the case heard by an MDHP during the next period of normal University operation and have a “Stay” placed on their case (see Major Disciplinary Proceedings, Section II, B for more information), or
   ii. To have the case heard by a Student Affairs Dean.
   iii. Delays in adjudication because of the unavailability of MDHP panel members may not be used as a basis of appeal in the event of a finding of responsible.

H. **Procedures for a Formal Disciplinary 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 be presided over by an objective Student Affairs Dean (not the same individual who served as Investigator). This Hearing Officer 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.

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. Witnesses will be permitted to participate for a select period of time only. Exceptions include:
   a. 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.
   b. The charged student may request to waive his/her right to a closed hearing upon a motion in writing to the Hearing Officer, except in cases of sexual battery or sexual harassment. Such a waiver is rare, and must be agreed upon by all persons who are participating in the hearing. Under normal circumstances even witnesses will only be present in the hearing during the time when s/he is sharing their own recollection of the incident. In cases of sexual battery or sexual harassment a student may be asked to participate from another room, as long as it does not impede discussion of the issues involved in the case.

4. **Hearings in Absentia**
   In instances where the charged student fails to attend 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 student**
   The charged student 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 his/her own behalf.

6. **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, “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, or an individual who has knowledge of the incident directly from either the complainant or respondent. A charged student bears the responsibility of notifying the witnesses that will appear on her/his behalf during the hearing. All reasonable efforts will be made to entertain the insights of a charged student’s witness/es. Upon written request and submission of the Charged Student’s witness list, the University will supply to the Charged Student a list of the Witness/es that will be called during a hearing on its behalf.
7. Requests or Orders
Witnesses must cooperate in all phases of the discipline 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.

8. Related Information
Charged Students 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 introduction or use of polygraph evidence is prohibited.

9. Sharing of Information Prior to a Hearing
Charged students who would like to receive a copy of the information related to the charge/s received that will be used by the Investigator during a formal disciplinary hearing may do so by submitting a written request to Dean of Students Office no less than 7 class days prior to a formal hearing. Within 4 class days prior to the hearing, the charged student must then submit copies of all written or recorded information or other related information in response to the charges that the charged student plans to use at the formal hearing with the Dean of Students Office; upon receipt of such information from the charged student, the Investigator will provide the charged student with a copy of the Notice of Charge along with all other written or recorded information, or other related information in support of the charges that the Investigator plans to use at the 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 his/her designee may make exceptions to this policy.

10. Advisement
Advisors are permitted to attend Major Disciplinary Hearings as described in Section I, B of the Major 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 s/he is 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. If the student fails to provide such information in writing and in the time prescribed, the Advisor may be excluded from the hearing.

11. Pre-Hearing Conference
The Hearing Officer may schedule a mandatory Pre-Hearing Conference upon his/her initiative or upon a written request from the charged student.

12. 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.

13. Decorum
The Hearing Officer is charged with the responsibility for maintaining proper decorum and order during the hearing. S/He may use any reasonable means necessary to maintain decorum and may exclude any person whom, in his/her 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, Disciplinary Proceedings, or Records.

14. Standard of Proof
In the University’s discipline 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.

15. 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 student within 3 class days of the decision.

16. 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 reasonable
decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 15 class days
with the same Hearing Officer and new Panel members.

17. 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 her/his request, and for the purpose of appeal
only, the charged student 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.

I. 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.

J. Mitigation Hearing
When a student responds that s/he is responsible for violating a particular aspect of the Code of Conduct, or if s/he is
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 her/his designee shall hear all mitigating/aggravating circumstances during a Mitigation
Hearing and decide upon sanctions for all Major-level disciplinary cases.

K. Disciplinary Decisions/Sanctions
After the mitigating and aggravating circumstances surrounding an incident for which it has been determined that a
student is responsible, 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 Disciplinary 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 discipline case

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

I. **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.

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 too severe for the nature of the violation;

2. **Timing for the delivery of an appeal letter.** Appeals must 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 discipline 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 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.

II. **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 discipline officer. These decisions may include:
a. If the Appellate Officer finds no merit to the appeal, s/he shall affirm the action of the adjudicating body.
b. If the Appellate Officer finds that the student’s appeal on procedure is valid, s/he 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. Determinations of the appellate officer are final and may not be further appealed.

9. **Interpretation of University Disciplinary Procedures.** Whenever necessary, the University General Counsel shall interpret and/or provide specific clarification on Major disciplinary 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 are instituted with the knowledge and consent of the Dean of Students.

**SECTION III. TEMPORARY SUSPENSION**

The Provost of the University or his/her designee may, upon his/her own initiative or upon the recommendation of the Dean of Students or his/her designee, temporarily suspend any student whenever s/he deems 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 student may, upon the decision of the Provost, be barred 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, 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 her/his 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 his/her 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 his/her incarceration and/or incapacity.
DISCIPLINARY PROCEDURES FOR REPORTED INCIDENTS OF GENDER DISCRIMINATION, SEXUAL VIOLENCE, OR SEXUAL HARASSMENT

INTRODUCTION

For University purposes, “Gender Discrimination” refers to any act that was committed against another person because of that person’s gender. “Sexual Violence” refers to acts that are categorized herein as domestic or dating violence, stalking, or sexual assault/battery. Sexual Harassment has been defined previously in this Handbook. Additionally, this process will be used to adjudicate issues of retaliation against another person for reporting an incident that fits into one of the aforementioned categories. Students found responsible for violating University policy/ies in this manner may be subject to the full range of disciplinary sanctions described herein, including the possibility of suspension or expulsion. A Complaint can be made by anyone. When a complaint is received and the discipline process is requested to be utilized by the individual who experienced the alleged behavior, a disciplinary charge/s will be filed so that a determination on responsibility is made by a specially-trained disciplinary hearing panel. Upon notification that a violation has occurred, the appropriate University official will investigate the circumstances of the case.

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 notice of the outcome of hearings, notice of appeal, and the outcome of appeals will be sent simultaneously to both the complainant and respondent.

Students who report violations of this nature (complainants) will be informed of their right to also report the incident/s to the University Police, while neither being encouraged nor coerced in their decision to do so. When a report has been made to the police University disciplinary investigations may be delayed until the police have completed their initial investigation; however, based on Federal guidelines issued by the Office of Civil Rights, investigations into cases of alleged Sex Assault/Battery may not be delayed to allow for criminal court cases to conclude.

These procedures will be utilized for all cases where the respondent is a student at the University of Miami enrolled in coursework for undergraduate, graduate, law, or medical programs, or when the Respondent is a student organization consisting of any combination of enrolled students.

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. Attorneys are not permitted to participate in or observe the University of Miami disciplinary processes. If the Complainant or the Respondent is below the age of consent as defined by this Handbook (18 years old), that student may choose to have a parent present during the disciplinary proceedings; in any case where students are above the age of consent as defined by this Handbook, parents are not permitted to participate in these disciplinary proceedings.

When a formal hearing is necessary, cases involving perceived sex discrimination will be heard by a Disciplinary Hearing Panel following procedures contained within this section of the Handbook. While the University will make every reasonable effort to
have the case heard by such 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 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.

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.

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 her/his 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, 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.

**INTERIM REMEDIES TO ADDRESS FEELINGS OF SAFETY AND SECURITY**

After reporting an incident of this nature the University is able to provide “interim remedies” to create a greater sense of safety and security for the complainant. Examples of interim remedies include, but are not limited to change of residence halls housing assignments, change of course registration, or a request to faculty for consideration on course deadlines. These are addressed on a case by case basis.

**CONCURRENT LEGAL PROCEEDINGS**

The student disciplinary process is not a legal one. While reports made by the police may be utilized as an investigatory tool, findings and/or other rulings in a public court of law shall not be considered as conclusive and will not be considered as evidence in the student disciplinary process. Additionally, attorneys are not permitted to participate in or be present during any aspect of the disciplinary process.
Figure 3, below, illustrates the Disciplinary Process:

**Figure 3: Disciplinary Procedures for Reported Incidents of Gender Discrimination, Sexual Violence, Other Forms of Sexual Harassment**

1. **Reported Incident**
2. **Investigation Meeting/s**
3. **Preliminary Hearing**
   - Following a thorough investigation, the Respondent is charged with the alleged violations.
4. **Student’s Response (Within 3 class days)**
   - **Request to Dismiss**
     - Case referred to objective Judicial Officer to determine whether or not the case should proceed.
     - **Upheld**
       - Case is Dismissed.
     - **Denied**
       - New response due from student within 1 class day.
   - **No Contest**
     - Student chooses to move the process on to the mitigation hearing without sharing any mitigating information (only for cases also involving criminal charges).
   - **Not Responsible**
   - **Responsible**
5. **Major Disciplinary Hearing**
   - Student chooses either an objective individual Student Affairs Dean or Disciplinary Hearing Panel to complete the case.
   - **Responsible Finding**
   - **Not Responsible Finding**
     - When it is determined that no policies have been violated, the case is closed.
6. **Mitigation Hearing with Dean of Students (Sanctioning)**
   - Student given opportunity to share information s/he feels would be helpful in making a sanctioning decision.
7. **Appeal to Vice President of Student Affairs**
   - Student may appeal based on either the severity of sanction or if s/he believes a procedural error may have changed the outcome. The Appeal decision is final.
   - **Upheld**
   - **Denied**

The following sections more fully explain the Disciplinary 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 disciplinary process.
SECTION I. PERSONAL RIGHTS OF STUDENT DURING THIS DISCIPLINE 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 discipline 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 her/him during all meetings and/or hearings during a discipline case.

1. An advisor must be a current full-time faculty or staff member, or another full-time enrolled student, at the University of Miami.

2. An advisor should be someone who understands the policies and procedures used in the student discipline process and can help the student understand those policies and procedures to make more informed decisions during the investigation meeting/s and preliminary hearing.

3. An advisor may not “represent” a student or speak for her/him 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.

4. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the discipline 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 his/her formal hearing and the decisions that s/he 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 her/him during all meetings and/or hearings during a discipline 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 her/him at any point; rather, a support person may be present to provide emotional support for a particular individual.

D. The right to a formal hearing

Meetings with a discipline 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. In most cases when a student does not believe his/her actions violated the Code of Conduct, that student is then given the opportunity to have the decision of her/his responsibility made by an impartial, specially-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 discipline case.

E. The right to review evidence and question witnesses, and provide the same on her/his 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 discipline 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 discipline officer. This information may be shared prior to a formal disciplinary hearing. The results of polygraph tests are not permitted for consideration during this process.

SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING THIS DISCIPLINARY PROCESS

The following are the procedural requirements of a discipline 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 Discipline 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 her/his request as noted below.
A. Explanation of Personal Rights
At the beginning of each meeting with a student who may be charged with a violation of the Code of Conduct, the Discipline Officer shall ensure that the student involved 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 Discipline Officers shall be specially trained and serve the Institution as a Title IX Investigator, Student Affairs Dean, and/or professional staff member in the Department of Housing and Residential Life.
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 disciplinary 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 disciplinary process.

C. Preliminary Hearing, Charge/s, and Notice
During a Preliminary Hearing, the Discipline Officer shall:

1. Review the student’s personal rights,
2. Give the student another opportunity to make any statement or explanation s/he wishes, and
3. Inform the student that the charges constitute a “Major Offense” and the full range of sanctions will be available if s/he is determined to be responsible for violating University policy or policies.
4. Advise that the student review his/her personal rights as outlined in this Handbook,
5. Inform the student of the specific Code of Conduct violations s/he is 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 s/he is “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, s/he 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 person against whom charges are brought believes that the University is without jurisdiction or has not followed the disciplinary procedures as outlined in this manual, 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 Discipline 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.

   No Request to Dismiss based upon lack of jurisdiction will be accepted unless the person against whom charges are brought was not within the scope of those policies and procedures as defined in this Handbook. If a Request to Dismiss is properly made, the matter shall immediately be referred to a Judicial Officer 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 s/he is Responsible, the investigating Discipline Officer shall immediately refer the case to the Dean of Students or her/his designee for a Mitigation Hearing (see Section II, J for details on a Mitigation Hearing).

3. **Not Responsible**
   If the student believes s/he is Not Responsible or fails to respond within the allotted time, s/he 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 s/he 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 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 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.
   d. **Responsible findings.** If the student is found Responsible at a formal hearing, the case will be forwarded to the Dean of Students, or his/her designee, for a Mitigation hearing.

4. **No Contest**
   A student against whom disciplinary charges are delivered may respond to those charges with “No Contest” when that student is under criminal investigation or indictment for an offense arising out of the same activities or circumstances that gave rise to the University’s charge or charges. A No Contest response 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 Assistant Vice President and Dean of Students, or his/her designee, for sanctioning.

E. **Disciplinary Hearing Panels**
   A Disciplinary Hearing Panel will be used to decide responsibility in cases utilizing these Disciplinary 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 form the same student population as the charge 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. An Disciplinary Panel member may not serve as an Advisor to a Respondent.

1. **Selection of Faculty Member**
   The Provost, or his/her designee, will select 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 his/her 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 his/her 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 from interested students who are full-time students with 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 her/himself in a particular case in the event that he/she feels that his/her presence may be prejudicial to the case;
   c. To allow the panel members, the discipline 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 he/she fails 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 gender discrimination, sexual violence or sexual harassment will automatically 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 disciplinary 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 a Formal Disciplinary 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 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.

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 s/he is planning to bring an advisor to a meeting or hearing. This notice must include the name, telephone number, and e-mail address, as well as the Advisor’s current affiliation with the University. If the student fails to provide such information in writing and in the time prescribed, the Advisor may be excluded from the hearing.

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 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 s/he is planning to bring an support person to a meeting or hearing.

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 her/his behalf during the hearing. All reasonable efforts will be made to entertain the insights of witness/es. 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.

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 his/her own behalf.

6. Requests or Orders
Witnesses must cooperate in all phases of the discipline 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 introduction or use of polygraph evidence is prohibited.

8. Sharing of Information Prior to a Hearing
Complainants or respondents who would like to receive a copy of the information related to the charge/s received that will be used by the Investigator during a formal disciplinary hearing may do so by submitting a written request to Dean of Students Office no less than 7 class days prior to a formal hearing. Within 4 class days prior the hearing, the respondent must then submit copies of all written or recorded information or other related information in response to the charges that the respondent plans to use at the formal hearing with the Dean of Students Office; upon receipt of such information from the respondent, the Investigator will provide the respondent with a copy of the Notice of Charge along with all other written or recorded information, or other
related information in support of the charges that the Investigator plans to use at the 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 his/her designee may make exceptions to this policy.

9. Pre-Hearing Conference
The hearing chairperson may schedule a mandatory pre-Hearing Conference upon his/her 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. S/He may use any reasonable means necessary to maintain decorum and may exclude any person whom, in his/her 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, Disciplinary Proceedings, or Records.

12. Standard of Proof
In the University's discipline 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. Decision
Findings for all formal disciplinary hearings of this nature 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 both the complainant and the respondent simultaneously, within 3 class days of the decision.

14. 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 reasonable 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.

15. 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 her/his 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 s/he is responsible for violating a particular aspect of the Code of Conduct, or if s/he is 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 her/his designee shall hear all mitigating/aggravating circumstances during a Mitigation Hearing and decide upon sanctions for all Major-level disciplinary cases. Additionally, both the complainant and the respondent have the opportunity to present an “impact statement” to the Dean of Students or her/his designee describing the impact of the alleged violation on her/his wellbeing. This may be done verbally and/or in writing. The Dean of Students will consider these statements during mitigation and prior to sanctioning.
I. Disciplinary Decisions/Sanctions

After the mitigating and aggravating circumstances surrounding an incident for which it has been determined that a student is responsible, 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 or her/his 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 Disciplinary 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 discipline case
11. 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 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;

2. Timing for the delivery of an appeal letter. Appeals must 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 discipline 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 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. The Dean of the Law School 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 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. 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.
   1. 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 to discuss the merits of an appeal.
   2. 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 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 Complainant, Respondent, or Investigator should produce for examination by the other party evidentiary material to be used at the appeal 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 complainant and respondent near simultaneously and an official copy of the appeal findings will be sent to the investigating discipline officer for the official file. These decisions may include:
      a. If the Appellate Officer finds no merit to the appeal, s/he shall affirm the action of the adjudicating body.
      b. If the Appellate Officer finds that the student’s appeal on procedure is valid, s/he 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 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.
9. **Interpretation of University Disciplinary Procedures.** Whenever necessary, the University General Counsel shall interpret and/or provide specific clarification on these disciplinary procedures.

10. **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 are instituted with the knowledge and consent of the Dean of Students.

**SECTION III. TEMPORARY SUSPENSION**

The Provost of the University or his/her designee may, upon his/her own initiative or upon the recommendation of the Assistant Vice President / Dean of Students or his/her designee, temporarily suspend any student whenever s/he deems 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 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 her/his 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 his/her 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 his/her 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.
DISCIPLINARY 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.

The following disciplinary 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 3: DISCIPLINARY PROCEDURES FOR STUDENT ORGANIZATIONS

[Diagram of disciplinary procedures]

Reported Incident

Investigation Meeting/s

No Charges
When it is determined that no policies have been violated, the organization is not charged and the case is closed.

Determination of Severity
When it is believed that University policy/policies may have been violated, the investigating discipline officer must then determine whether or not the organization will face the possibility of suspension or expulsion if found responsible for violating the policies that are believed to have been violated.

Preliminary Hearing
All charges and their perceived severity are clearly outlined and delivered in writing to the organization’s Representative.

Organization’s Response (Within 3 class days)

Request to Dismiss
Case referred to objective judicial officer to determine whether or not the case should proceed.

Upheld
Case is Dismissed.

Denied
New response due from organization within 3 class days.

No Contest
Organization chooses to move the process on to the mitigation hearing without sharing any mitigating information.

Not Responsible

Yes

Disciplinary Hearing
Organization chooses either an objective individual Student Affairs Dean or Disciplinary Hearing Panel to complete the case.

Respnsible

Not Responsible
When it is determined that no policies have been violated, the case is closed.

Mitigation Hearing (Sanctioning)
Organization’s Representative given opportunity to share information s/he feels would be helpful in making a sanctioning decision.

Appeal to Vice President of Student Affairs
Organization may appeal based on either the severity of sanction or if s/he believes a procedural error may have changed the outcome. The Appeal decision is final.

Upheld

Denied
The following section more fully explains the University Disciplinary 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 disciplinary 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:

- Fraternities and sororities 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 discipline 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 discipline 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 DISCIPLINE 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 discipline 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 her/him during all meetings and/or hearings during a discipline 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 discipline process and can help the student/s involved understand those policies and procedures to make more informed decisions during the investigation meeting/s and preliminary hearing.
   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 discipline 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 s/he will make on the organization’s behalf.

C. The right to a formal hearing
   Meetings with a discipline officer prior to and during the presentation of charges during a preliminary hearing 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 discipline case.

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

Both the investigating discipline 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 discipline officer. This information may be shared prior to a formal disciplinary hearing. The results of polygraph tests are not permitted for consideration during this process.

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

The following are the procedural requirements of a student organization discipline 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 Discipline 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 her/his request as noted below.

A. Explanation of Organizational Rights

At the beginning of each meeting with the organization’s Representative the Discipline Officer shall ensure that the student involved understands the organization’s rights as explained above when that organization may be charged with a violation of the Code of Conduct.

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-graphics 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 Discipline 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 Discipline 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 disciplinary 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 disciplinary process.

C. Preliminary Hearing

During a Preliminary Hearing, the Discipline Officer shall:

1. Review the organization’s rights,

2. Give the organization’s Representative another opportunity to make any statement or explanation s/he wishes,

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), and
D. **Charge and Notice**

If the Discipline Officer determines that charges are necessary for specific violation(s), the Discipline 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, s/he 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 organization against whom charges are brought believes that the University is without jurisdiction or has not followed the disciplinary procedures as outlined in this manual, the Charged Organization’s Representative 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:
   - The name, address and telephone number of the person submitting the Request to Dismiss;
   - Specifically outline the basis of the Request to Dismiss; and,
   - Be signed by the organization’s Representative.

   Failure to follow the 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.

   No Request to Dismiss based upon lack of jurisdiction will be accepted unless the organization against whom charges are brought was not within the scope of those policies and procedures as defined in this Handbook. If a Request to Dismiss is properly made, the matter shall immediately be referred to a Judicial Officer for determination. The Judicial Officer has the option to determine if a hearing should be afforded to an organization 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 organization’s representative must enter a new response of either Responsible Not Responsible, or No Contest.

2. **Responsible**

   If the organization’s Representative believes the organization is Responsible, the investigating Discipline Officer shall immediately refer the case to the appropriate disciplinary hearing panel for a mitigation hearing. See Section IV.1.A-B of these procedures for more information of the different kinds of disciplinary hearing panels for cases involving student organizations.

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 for exceptional circumstances.

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 hearing officer or disciplinary hearing panel shall determine the sanction to be imposed by the University.

4. **No Contest**

   A student against whom disciplinary charges are delivered may respond to those charges with “No Contest” when the student is under criminal investigation or indictment for an offense arising out of the same activities or circumstances that gave rise to the University’s charge or charges. A No Contest response 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 charged student will move directly to a mitigation hearing for sanctioning.

F. **Hearings and Hearing Procedures**

   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 Multiethnic 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 disciplinary 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 he/she feels that his/her presence may be prejudicial to the case;

   d. Allow the panel members, the discipline 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 he/she fails to dismiss himself);

   e. Briefly explain to the organization’s Representative the manner by which the hearing will be conducted at the beginning of a disciplinary proceeding;
f. 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 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 discipline 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 her/his designee.

b. When hearings that are requested for incidents that occur 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 may not be heard by a disciplinary hearing panel. In these instances, the charged organization will be given the following options:
   i. Have the case heard by an ADHP during the next period of normal University operation and be temporarily suspended pending the complete adjudication of the case.
   ii. Have the case heard by a Student Affairs Dean.
      Delays in adjudication because of the unavailability of an ADHP panel member may not be used as a basis of appeal in the event of a finding of responsibility.

G. Procedures for a Formal Disciplinary Hearing by the hearing panel or a Student Affairs Dean
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. Exceptions include:

a. 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.

b. The charged organization may request to waive his/her right to a closed hearing upon a motion in writing to the Hearing Officer, except in cases of sexual battery or sexual harassment. Such a waiver is rare, and must be agreed upon by all persons who are participating in the hearing. Under normal circumstances even witnesses will only be present in the hearing during the time when s/he is sharing their own recollection of the incident. In cases of sexual battery or sexual harassment a complainant may testify from another room, as long as it does not impede discussion of the issues involved in the case.

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. Upon written request and submission of the charged organization’s witness list, the University will supply to the charged organization a list of the witness/es that will be called during a hearing on its behalf.

7. Requests or Orders
Witnesses must cooperate in all phases of the discipline 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.

8. 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 introduction or use of polygraph evidence is prohibited.

9. Sharing of Information Prior to a Hearing
A charged organization that would like to receive a copy of the information related to the charge/s received that will be used by the Investigator during a formal disciplinary hearing may do so by submitting a written request to Dean of Students Office no less than 7 class days prior to a formal hearing. Within 4 class days prior to the hearing, the charged organization’s representative must then submit copies of all written or recorded information or other related information in response to the charges that the charged organization plans to use at the formal hearing with the Dean of Students Office; upon receipt of such information from the charged organization’s representative, the Investigator will provide the charged organization with a copy of the Notice of Charge along with all other written or recorded information, or other related information in support of the charges that the Investigator plans to use at the 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 his/her designee may make exceptions to this policy.

10. Advisement
Advisors are permitted to attend Disciplinary 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 s/he is 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.

11. Pre-Hearing Conference
The Hearing Officer may schedule a mandatory Pre-Hearing Conference upon his/her initiative or upon a written request from the charged organization’s Representative.

12. 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.

13. Decorum
The Hearing Officer is charged with the responsibility for maintaining proper decorum and order during the hearing. S/He may use any reasonable means necessary to maintain decorum and may exclude any person whom, in his/her 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, Disciplinary Proceedings, or Records.
14. **Standard of Proof**
In the University’s discipline 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.

15. **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.

16. **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 reasonable 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.

17. **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 her/his 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. Both Hearing Officers and Hearing Panels are authorized to make a determination on the sanctions taking all of the available information related to the case, and any decisions made regarding previous disciplinary cases related to the same student organization into account. In addition to the following information, additional information about Discipline 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 Discipline Officer will have the right to appear before the Hearing Panel or Hearing Officer to present any mitigating or aggravating circumstances or other factors that may affect the sanction.

2. **Effective Date of Sanction**
Unless the Hearing Panel or Hearing Officer 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**
i. The organization must cease and desist all activities.
   ii. The organization is permanently ineligible to return to / reorganize at the University.
   iii. In cases where the organization occupies a physical space within the University’s property, it will be required to vacate that space.
   iv. 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.
   v. 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**
   i. The organization must cease and desist all activities.
   ii. Suspension is for a finite period of time that will be defined upon delivery of the sanction.
   iii. In cases where the organization occupies a physical space within the University’s property, it will be required to vacate that space.
   iv. Following the term of suspension, any one or more of the sanctions set forth below (Probation) may also be required.
   v. Following the term of suspension, any of the following sanction may also be assessed.

c. **Probation**
   i. Removal of certain members from office
   ii. Fine of up to $500
   iii. Restriction of membership recruitment and new member education privileges for a defined period of time
   iv. Restriction of social privileges for a defined period of time
   v. Community service project or special fundraising / philanthropic activity
   vi. 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.

1. **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.

   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 discipline 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 her/his 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 discipline officer. These decisions may include:
   a. If the Appellate Officer finds no merit to the appeal, s/he shall affirm the action of the adjudicating body.
   b. If the Appellate Officer finds that the student’s appeal on procedure is valid, s/he 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 Disciplinary Procedures
   Whenever necessary, the Dean of Students shall interpret and/or provide specific clarification on disciplinary 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 V. 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 he/she deems 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 his/her 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.
OUTCOMES OF THE DISCIPLINE PROCESS

The judicial system is comprised of two types of cases, Major and University. Major 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 offenses are those which typically result in lesser sanctions, such as Disciplinary Probation or Disciplinary Warning or other penalties as appropriate.

The University’s disciplinary 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 discipline officers using her/his 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 (Possible only following a responsible determination in a Major Disciplinary Investigation and/or Hearing)
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.

Suspension (Possible only following a responsible determination in a Major Disciplinary Investigation and/or Hearing)
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.

Final Disciplinary Probation (FDP)
A disciplinary sanction serving notice to a student that his/her 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 his/her 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 his/her 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 his/her 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 which are a result of a violation.

**Administrative Charge (Fine)**
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.

**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 disciplinary 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 disciplinary procedures. In such cases, any University 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 (PIER 21) for education on the topic related to her/his particular case.

**D. Medical Amnesty for Alcohol**
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 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 Housing and Residence Life staff 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 violations, may receive Medical Amnesty when it is determined that they sought emergency medical attention for themselves or medical assistance was sought for them related to the consumption of alcohol. If Medical Amnesty applies, disciplinary alcohol violations will be expunged automatically from a student’s disciplinary 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 completes an assessment by the Assistant Dean of Students and Director of the Sandler Center for Alcohol and Other Drug Education,

3. The student complies with all treatment recommendations set by both of the aforementioned by an established deadline. For most first-time incidents, the BASICS (Brief Alcohol Screening and Intervention for College Students) will be used, and

4. 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. However, depending on their involvement, they may be required to meet with the substance abuse prevention coordinator and follow through with recommendations.

Failure to comply with police, emergency medical personnel, or University staff, or the follow-up interventions assigned, disqualifies a person from the Medical Amnesty Policy and the student will be immediately referred to the discipline process for possible alcohol violations.

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 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 Associate Dean of Students and Director of Judicial Affairs, or her/his 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 to meet with an appropriate University discipline officer to discuss the incident as a part of a thorough investigation,

2. The discipline officer will assign appropriate educational and financial sanctions depending upon the incident. The minimum sanctions for a first-time alcohol violation resulting in the necessity for medical attention includes a PIER 21 substance abuse evaluation including all suggested follow up, completion of an on-line alcohol education module, and a $100 fine.

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 he/she disputes 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-related incident occurs. In either case, both violations become a part of the student’s record and the subsequent minimum sanctions will also include the student being placed on Final Disciplinary Probation, which is one step below a disciplinary suspension.

This process was developed to emphasize that the University supports students who make the decision to seek assistance from a medical professional for themselves or a friend. The Code of Conduct reflects the importance of respecting and caring for oneself and others within the community. In this spirit, the University of Miami seeks never to be witness to a tragedy that could have been prevented by a student coming forward to seek help.
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 her/his 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 44)

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 (PIER 21) 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 his/her 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 Alcohol Beverages or Drugs/Drug Paraphernalia polices. In addition, the University will notify the parents/guardians of any student that is placed on Final Disciplinary Probation for violating any policy contained herein.

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.

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 disciplinary investigation meetings or hearings, failure to attend meetings or hearings related to a disciplinary investigation, or failure to complete sanctions as directed by a discipline officer following the adjudication of a discipline case. Holds are considered temporary and can be removed at the discretion of the Dean of Students or her/his 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 her/his 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 Disciplinary Records:
Where required by Federal law, the Dean of Students Office will maintain records for a period of no less than seven years beyond the date of the incident. “Active Records” are those that would 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 will be referred to as follows:

1. **Disciplinary Warning:**
   Maintained as an active files for specified number of academic semesters outlined in the sanction letter during the time in which a student is enrolled.

2. **Strict and Final Disciplinary Probation:**
   Maintained as an active files for two years after the student graduates or withdraws from the University unless deemed “inactive” sooner by the Dean of Students.

3. **Suspension and Expulsion:**
   Maintained as active files indefinitely.

At the expiration of the specified time periods, the Dean of Students will remove the record of disciplinary action from a student’s files.

The fact that the Dean of Students Office does not retain these records does not mean that there may not be a record of disciplinary action maintained by another office or division of the institution. Further, 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 the fact that the student was subject to disciplinary action while at the institution.

The Dean of Students may allow a student to shorten the period of time disciplinary action remains 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. Successful completion of the Program prior to graduation will result in shortening the time period of retention of the discipline records by the Dean of Students, but will not reduce the duration of any probation period.

**G. Audio Recordings of Disciplinary Proceedings**

All Disciplinary Hearings conducted by the Dean of Students Office are recorded. These recordings are maintained as part of the disciplinary record for a particular student and are destroyed:

1. after the time frame for an appeal on a particular case has elapsed; or
2. after the conclusion of the appeal process in a particular case

Note that in cases where the disciplinary file is maintained “Indefinitely” as noted above, the digital recording may also be maintained in that record.

**H. Disclosure of Disciplinary Proceedings**

Under the provisions of FERPA, the University may disclose the following information:

1. The University may disclose to a victim of violence the results of any disciplinary 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 shall include University violations of “Assault”, Harassment or Harm to Others,” and “Sexual Battery.”

2. The University may disclose to the parent/legal guardian of a student information regarding any violation of any federal, state, or local law, or any rule or policy of the University of Miami governing the use or possession of alcohol or a controlled substance if the student is under the age of 21, and the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

**I. 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.
I. 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 disciplinary record. This table is not intended to suggest that only these sanctions can be considered. In all discipline 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

<table>
<thead>
<tr>
<th>Code of Conduct Violation</th>
<th>M / U</th>
<th>ED</th>
<th>DW 1-2</th>
<th>SDP 1-3</th>
<th>FDP</th>
<th>Susp</th>
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APPENDIX A - APPLICABLE STATUTES AND CODES

FLORIDA STATUTE

Section 877.13 Educational Institutions or School Boards; Penalty for Disruption”, in pertinent part, provides:
1. It is unlawful for any person:
   A. Knowingly to disrupt or interfere with the lawful administration or functions of any educational institution, school board, or activity on school board property in the state.
   B. Knowingly to advise, counsel or instruct any school pupil or school employee to disrupt any school or school board function, activity on school board property, or classroom.
   C. Knowingly to interfere with the attendance of any other school pupil or school employee in a school or classroom.
   D. To conspire to riot or to engage in any school campus or school function disruption or disturbance which interferes with the educational processes or with the orderly conduct of a school campus, school, school board function or activity on school board property.
2. This section shall apply to all educational institutions, school boards, and functions or activities on school board property; however, nothing herein shall deny public employees the opportunity to exercise their rights pursuant to part II of chapter 447.
3. Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

CORAL GABLES CODE

Sec. 16-141. Loud, unnecessary, etc., noises are unlawful.
A. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, improper, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City.
B. It shall be unlawful for the owner of any property, or the agent of any owner of any property, to allow to be made, any loud, improper, unnecessary, or unusual noise, which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the limits of the City.

Sec. 16-142. Declared a nuisance.
The making of unnecessary noises upon, near or adjacent to the streets, highways, and other public places in the city is hereby declared to be a nuisance.

Sec. 16-146. Operation of radios, phonographs or other sound-making devices; bands, orchestras and musicians.
It shall be unlawful for any person owning, occupying or having charge of any building or premises, or any part thereof in the City, to cause or allow any loud, unnecessary, excessive or unusual noise in the operation of any radio, phonograph or other mechanical sound-making device or instrument or reproducing device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the music of any band, orchestra, musician or group of musicians where the noise or music is plainly audible in a residential area between the hours of 11:00 p.m. and 7:00 a.m. the following day, on Sunday, Monday, Tuesday, Wednesday, and Thursday; between the hours of 12:00 midnight and 7:00 a.m. the following day on Friday and Saturday. Any equipment used by such person or persons during such prohibited hours may be impounded for use at trial in the discretion of the arresting officer.
APPENDIX B - DRUG-FREE SCHOOLS AND COMMUNITIES ACT


REGULATION: SEC. 1213 “DRUG AND ALCOHOL ABUSE PREVENTION”

Section 1213 Subpart B.a.1. requires annual distribution to each student and employee of:
“standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;”

All students, faculty, administrators, and support staff are expected to recognize the potential for alcohol and drug abuse whenever illegal drugs or alcohol are sold, given, manufactured, and/or used and that such abuse is in conflict with the University’s purpose. To mitigate abuse, the University has established policies and regulations which adhere to applicable federal laws and Florida statutes regarding such abuse. The regulations and policies governing the use of Alcohol beverages apply to all students, guests, and visitors on University property or as part of any University activity. The responsibility for knowing and abiding by the provisions of the University’s beverage and drug policies rest with each individual.

Section 1213 Subpart B.a.2. requires:
“a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;”

The Florida State Statutes on drug and alcohol abuse are based upon and are consistent with current Federal Statutes, which are found in Titles 21 and 27 of the United States Code.

The University of Miami adheres to Florida Statutes Chapter 562 which details the Florida Laws on Alcohol beverages and related penalties (misdemeanor, felony). These statutes include selling, giving or serving Alcohol beverages to persons under 21 years of age (562.11) and for possession of Alcohol beverages by persons under 21 years of age (562.111). It is unlawful for any person to misrepresent or misstate his or her age. This includes the manufacture or use of false identification. Use of altered identification for the purpose of procuring Alcohol beverages is a felony. It is unlawful for any person to consume or possess open containers of Alcohol beverages while in municipal parks, playgrounds, sidewalks or streets. It is unlawful for a person to be found in a state of intoxication on a street or public place while within the city limits. It is unlawful for a person to drive while under the influence of alcohol or other drugs. Penalties include: (a) a mandatory suspension of license for 90 days for the first conviction; (b) fines of up to $500.00 for the first offense; (c) a minimum of 50 hours community service; (d) imprisonment of not more than six months.

The Florida Statutes, to which the University of Miami adheres with regard to drug abuse, are found in Florida Statutes Chapter 893. This chapter includes definitions of what constitutes illegal drugs, drug paraphernalia, prohibited activities, and related penalties. Conviction for the possession or distribution of illegal drugs or alcohol will result in various penalties according to the nature of the offense. This can include imprisonment, fines, confiscation of property, and other related penalties. A violation of State Law which results in a conviction will result in additional disciplinary action by the University.

According to Section 893.13 (1) Florida Statutes, “it is unlawful for any person to sell, purchase, manufacture, or deliver, or to possess with the intent to sell, purchase, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, University, or other post-secondary educational institution.” Individuals who violate this law commit a felony of the first degree, and shall be sentenced to a minimum term of “imprisonment for three calendar years and shall not be eligible for parole or release under the Control Release Authority pursuant to s.947.146 or statutory gain-time under s.944.275 prior to serving such minimum sentence.”
Section 1213 Subpart B.a.3. requires:
“a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;”

The following health risks are related to alcohol and drug abuse:

Alcohol
Alcohol is a “psychoactive,” or mind-altering drug. It can alter moods, cause changes in the body, and become habit forming. Alcohol is called a “downer” because it depresses the central nervous system. Drinking too much causes slowed reactions, slurred speech, and sometimes unconsciousness. Alcohol works first on the part of the brain that controls inhibitions. A person does not have to be an alcoholic to have problems with alcohol. Every year, many individuals lose their lives in alcohol-related automobile accidents, drowning, and suicides. Serious health problems can and do occur before drinkers reach the stage of addiction or chronic use.

Some of the serious diseases associated with chronic alcohol use include alcoholism and cancer of the liver, stomach, colon, larynx, esophagus, and breast. Alcohol abuse also can lead to such serious physical problems as: damage to the brain, pancreas, and kidneys; high blood pressure, heart attacks, and strokes; Alcohol hepatitis and cirrhosis of the liver; stomach and duodenal ulcers, colitis, and irritable colon; impotence and infertility; birth defects and Fetal Alcohol Syndrome, which causes retardation, low birth weight, small head size, and limb abnormalities; premature aging; and a host of other disorders such as diminished immunity to disease, sleep disturbances, muscle cramps, and edema.

Marijuana
The potency of the marijuana now available has increased more than 275% since 1980. For those who currently smoke marijuana, the dangers are much more serious than they were in the 1960s. There are more known cancer-causing agents in marijuana smoke than in cigarette smoke. In fact, because marijuana smokers try to hold the smoke in their lungs as long as possible, one marijuana cigarette can be as damaging to the lungs as four tobacco cigarettes.

Even small doses of marijuana can impair memory function, distort perception, hamper judgment, and diminish motor skills. Chronic marijuana use can cause brain damage and changes in the brain similar to those that occur during aging. Health effects also include accelerated heartbeat and, in some persons, increased blood pressure. These changes pose health risks for anyone, but particularly for people with abnormal heart and circulatory conditions, such as high blood pressure and hardening of the arteries.

Marijuana can also have a serious effect on reproduction. Some studies have shown that women who smoke marijuana during pregnancy may give birth to babies with defects similar to those seen in infants born with Fetal Alcohol Syndrome - for example, low body weight and small head size.

Cocaine
Cocaine is one of the most powerfully addictive of the drugs of abuse, and it is a drug that can lead to death. No individual can predict whether or not he or she will become addicted or whether the next dose of cocaine will prove to be fatal. Cocaine can be snorted through the nose, smoked, or injected. Injecting cocaine, or injecting any drug, carries the added risk of contracting HIV, the virus that causes AIDS if the user shares a hypodermic needle with a person already infected with HIV. Cocaine is a very strong stimulant to the central nervous system, including the brain.

This drug produces an accelerated heart rate while at the same time constricting the blood vessels which are trying to handle the additional flow of blood. Pupils dilate and temperature and blood pressure rises. These physical changes may be accompanied by seizures, cardiac arrest, respiratory arrest, or stroke. Nasal problems, including congestion and a runny nose occur with the use of cocaine, and with prolonged use the mucous membrane of the nose may disintegrate. Heavy use of cocaine can sufficiently damage the nasal septum to cause it to collapse. Users often report being depressed when they are not using the drug and often resume use to alleviate further depression. In addition, cocaine users frequently find that they need more and more cocaine more often to generate the same level of stimulation. Therefore, any use can lead to addiction. “Freebase” is a form of cocaine that is smoked. Freebase is produced by a chemical process whereby “street cocaine”
(cocaine hydrochloride) is converted to a pure base by removing the hydrochloride salt and some of the “cutting” agents. The end product is not water soluble, so the only way to get it into the system is to smoke it. The cocaine reaches the brain within seconds, resulting in a sudden and intense high. However, the euphoria quickly disappears, leaving the user with an enormous craving to freebase again and again. The user usually increases the dose and the frequency to satisfy this craving, which results in addiction and physical debilitation.

“Crack” is the street name given to one form of freebase cocaine that comes in the form of small lumps or shavings. The term “crack” refers to the crackling sound made when the mixture is smoked (heated).

Heroin
Heroin is an illegal opiate drug. Its addictive properties are manifested by the need for persistent, repeated use of the drug (craving) and by the fact that attempts to stop using the drug leads to significant and painful physical withdrawal symptoms. Use of heroin causes physical and psychological problems such as shallow breathing, nausea, panic, insomnia, and a need for increasingly higher doses of the drug to get the same effect. Heroin exerts its primary addictive effect by activating many regions of the brain; the brain regions affected are responsible for producing both the pleasurable sensation of “reward” and physical dependence. Together, these actions account for the user’s loss of control and the drug’s habit-forming action.

Heroin is a drug that is primarily taken by injection (a shot) with a needle in the vein. This form of use is called intravenous injection (commonly known as IV injection). This means of drug entry can have grave consequences. Uncertain dosage levels (due to differences in purity), the use of unsterile equipment, contamination of heroin with cutting agents, or the use of heroin in combination with such other drugs as alcohol or cocaine can cause serious health problems such as serum hepatitis, skin abscesses, inflammation of veins, and cardiac disease (subacute bacterial endocarditis). Of great importance, however, the user never knows whether the next dose will be unusually potent, leading to overdose, coma, and possible death. Heroin is responsible for many deaths. Needle sharing by IV drug users is one of the causes of new AIDS cases.

The signs and symptoms of heroin use include euphoria, drowsiness, respiratory depression (which can progress until breathing stops), constricted pupils, and nausea. Withdrawal symptoms include watery eyes, runny nose, yawning, loss of appetite, tremors, panic, chills, sweating, nausea, muscle cramps, and insomnia. Elevations in blood pressure, pulse, respiratory rate, and temperature occur as withdrawal progresses. Symptoms of a heroin overdose include shallow breathing, pinpoint pupils, clammy skin, convulsions, and coma.

PCP
PCP is a hallucinogenic drug; that is, a drug that alters sensation, mood, and consciousness and that may distort hearing, touch, smell, or taste as well as visual sensation. It is legitimately used as an anesthetic for animals. When used by humans, PCP induces a profound departure from reality, which leaves the user capable of bizarre behavior and severe disorientation. These PCP-induced effects may lead to serious injuries or death to the user while under the influence of the drug.

PCP produces feelings of mental depression in some individuals. When PCP is used regularly, memory, perception functions, concentration, and judgment are often disturbed. Used chronically, PCP may lead to permanent changes in cognitive ability (thinking), memory, and fine motor function.

“Designer Drugs”
By modifying the chemical structure of certain drugs, underground chemists are now able to create what are called “designer drugs” - a label that incorrectly glamorizes them. They are, in fact, analogues of illegal substances. Frequently, these drugs can be much more potent than the original substances; therefore, they can produce much more toxic effects. “Ecstasy,” for example, is a drug in the amphetamine family that, according to some users, produces an initial state of disorientation followed by a rush and then a mellow, sociable feeling. We now know, however, that it also kills certain kinds of brain cells.

Section 1213 Subpart a.4 requires:
“a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students;”
A list of some drug and alcohol prevention, counseling, treatment and rehabilitation, and re-entry programs are available at the Center for Alcohol and Other Drug Education located in Building 21-E. Additional programs may be listed in the local and other area telephone directories.

Section 1213 Subpart B.a.5 requires:
“a clear statement that the institution will impose sanctions on students and employees (consistent with local, State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by Section 1213 Subpart B.a.1.”

The University will impose sanctions for violation of the standards of conduct consistent with local, state and federal laws, student and employee handbooks, and University policies. Violations will result in disciplinary action, up to and including termination of employment, expulsion, and referral for prosecution. Sanctions imposed will depend upon the severity and frequency of the violation. In addition to, or in lieu of discipline, violators may be required to complete an appropriate rehabilitation program.
APPENDIX C - GRAMM-LEACH-BLILEY ACT

This document summarizes the University of Miami’s ("University") comprehensive information security program ("Program") as mandated by the Federal Trade Commission’s Safeguards Rule and the Gramm – Leach – Bliley Act ("GLBA"). This Program is undertaken in alliance with the Office of General Counsel, Office of the Treasurer, Information Technology ("IT"), Office of the Registrar, Office of Financial Assistance Services and the University's Compliance Committee through the Office of the Vice Provost for Research. While these practices mostly affect Information Technology, they may impact diverse areas of the University, including but not limited to Treasury Operations, the Office of the Registrar, Office of Financial Assistance Services, Athletics, Institutional Advancement, and others as well as third party contractors such as student loan billing and collections services. The goal of this document is to define the Program as required by the GLBA and to provide an outline to ensure ongoing compliance with federal regulations related to the Program. This program is in addition to any other University policies and procedures that may be required pursuant to other federal and state laws and regulations, including Family Educational Rights and Privacy Act ("FERPA")

Scope of Program

The 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.

For the purpose of this policy, offering financial products and services includes offering student loans, receiving income tax information from a student's parent when offering a financial aid package, and other miscellaneous financial services. Examples of student financial information include without limitation, information a student provides to obtain a loan or other financial product or service, bank and credit card account numbers, income and credit histories and social security numbers, in both paper and electronic format. The fact that a student or third party has obtained a financial product or service from the University is also financial information.

Pursuant to this Program, administrative, technical and physical safeguards will govern access, collection, distribution, processing, protection, storage, use, transmittal, disposal or other handling of information covered under GLBA.

Gramm – Leach – Bliley Act Requirements

GLBA mandates that the University (i) designate an employee(s) to coordinate the Program, (ii) identify reasonably foreseeable internal and external risks to the security, confidentiality and integrity of covered information, giving consideration to operations such as employee training and management, information systems, and potential system failures, attacks and intrusions, (iii) design and implement information safeguards to control the risks identified through risk assessment, (iv) oversee service providers and contracts, and (v) evaluate and adjust the Information Security Program periodically.

Designation of Representative(s)

The Gramm-Leach-Bliley Compliance Committee (“GLBCC”) shall be responsible for coordinating and overseeing the Program. This committee will consist of administrators from the Office of General Counsel, IT, Treasury Operations, Financial Assistance Services and the Registrar. The GLBCC may designate other representatives of the University to oversee and coordinate particular elements of the Program. Any questions regarding the implementation of the Program or the interpretation of this document should be directed to the chair of the GLBCC.
The GLBCC will act as a consultant to and coordinate Program activities with Schools and Departments that have access to or maintain information that is covered by GLBA (“Data Custodians”). Each Data Custodian must identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of account information; evaluate the effectiveness of the current safeguards for controlling these risks; design and implement an administrative, technical and physical safeguards program, regularly monitor and test the program and report to the GLBCC.

**Risk Assessment and Safeguards**

The University intends, as part of the Program, to (i) identify and assess reasonably foreseeable external and internal risks to the security, confidentiality, and integrity of nonpublic personal information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information and (ii) assess the sufficiency of any safeguards in place to control these risks. The GLBCC will work with all Data Custodians and other areas of the University to identify potential and actual risks to security and privacy of information.

Each Data Custodian will conduct an annual data security review, with guidance from the GLBCC. IT will ensure that procedures and responses are appropriately reflective of those widely practiced at other national research universities.

The University has discontinued usage of social security numbers as student identifiers. Social security numbers are considered protected information under both GLBA and the FERPA. By necessity, student social security numbers remain in the University student information system. The GLBCC will conduct an assessment to determine who has access to social security numbers, in what systems the numbers are still used, and in what instances, if any, students are inappropriately being asked to provide a social security number. This assessment will cover University employees as well as subcontractors such as student loan billing and collection services.

IT will develop a plan to ensure that all electronic covered information is encrypted in transit and that the central databases are strongly protected from security risks.

IT will develop plans and procedures to detect and prevent any attempted attacks, intrusions or other failures on central systems and will develop incident response procedures for actual or attempted unauthorized access to covered data or information.

The GLBCC will provide Data Custodians who maintain their own servers with plans and procedures they must follow to detect any attempted attacks or intrusions on central systems and incident response procedures for actual or attempted unauthorized access to covered data or information.

**Designing and Implementing Safeguards**

The risk assessment and analysis described above shall apply to all methods of handling or disposing of nonpublic financial information, whether in electronic, paper or other form. The GLBCC will, on a regular basis, assist Data Custodians in implementing safeguards to control the risks identified through such assessments and to regularly test or otherwise monitor the effectiveness of such safeguards. Such testing and monitoring may be accomplished through existing network monitoring and problem escalation procedures.

This evaluation will include assessing the effectiveness of the University’s current policies and procedures relating to system access, the use of the University’s network, network security, documentation retention and destruction. The GLBCC will also coordinate with IT to assess procedures for monitoring potential information security threats associated with software systems and for updating such systems, implementing patches or other software fixes designed to deal with known security flaws.

**Employee Training and Management**

While the directors and supervisors in the Data Custodian offices are ultimately responsible for ensuring compliance with information security practices, the GLBCC will consult with relevant offices to evaluate the effectiveness of the University’s
employee training and practices relating to access to and use of covered information. Employees with access to covered information typically fall into three categories: professionals in information technology who have general access to all university data, Data Custodians who have access to specific systems, and those employees who use data as part of their essential job duties.

Oversight of Service Providers
The GLBCC shall consult with those responsible for the procurement of third party services and other affected departments to raise awareness of, and to institute methods for, selecting and retaining only those service providers that are capable of maintaining appropriate safeguards for nonpublic personal information of students and other third parties to which they will have access. In addition, the GLBCC will work with the Office of General Counsel to develop and incorporate standard, contractual protections applicable to third party service providers, which will require such providers to implement and maintain appropriate safeguards. These standards shall apply to all existing and future contracts entered into with such third party service providers.

Program Review and Revision
This Program is subject to review and revision by the GLBCC, based on the risk assessment results, to ensure compliance with existing and future laws and regulations. Technology security should undergo quarterly review by IT. Other processes, such as data access procedures and training should undergo regular reviews by the GLBCC.

Program Questions
Questions regarding the University's GLBA policy or regarding information security may be e-mailed to: GLBA@miami.edu
APPENDIX D - 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 (PIER 21) 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 disciplinary 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 Disciplinary 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 44.

DEAN OF STUDENTS
Acts as Student Affairs Dean and conducts mitigation hearings and assesses sanctions in Major actions.

DISCIPLINARY RECORDS
Records that detail a student's disciplinary history that are made a part of the student's educational records.

DISCIPLINARY WARNING
A University disciplinary sanction serving notice to a student that his/her behavior has not met University standards.

DISCIPLINE 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 his/her 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.

JUDICIAL OFFICER
Hears requests to dismiss in major disciplinary actions. May serve as the presiding member of Major Disciplinary Hearing Panels or as the presiding officer of a Major Disciplinary Hearing. The Provost appoints the Judicial Officer.

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 Disciplinary Hearings, unless the student waives his/her 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 his 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/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.
SELECTION AND REVIEW COMMITTEE FOR UNIVERSITY DISCIPLINE
The Committee has the responsibility of selecting students to serve on the UDHPs, and the Appellate Board for the following academic year and is responsible for conducting an ongoing evaluation of the entire University disciplinary system and making recommendations for changes to 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 disciplinary proceedings. When a Stay is enacted, the student who allegedly committed an act in violation of University policy/ies also receives a “Hold” on her/his 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 discipline system, and the case has concluded. The University reserves the right to remove a student (i.e., drop) from courses that s/he has already registered for but has not yet started.

STRONG DISCIPLINARY PROBATION
A disciplinary sanction serving notice to a student that his/her 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 his/her 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.
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