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Student Rights and Responsibilities Handbook

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FOREWORD

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

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

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

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

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

From time to time it may be advisable for the University to alter or amend its procedures, policies, and/or the modality of instruction. Reasonable notice may be furnished to the University community of any substantive changes, but is not required. Similarly, the University reserves the right to change the course content, instructor, location, and instructional format of its for-credit and non-credit courses. The University cannot guarantee an in-person format even where noted as such in course catalogs or other informational material, and the University reserves the right to present any courses in a virtual/remote and/or hybrid format.

Whenever specific titles are used in these procedures, they shall include the appropriate designee of the person bearing these titles. Whenever references to the singular appear in this handbook, the plural is also intended; whenever the plural is used, the singular is also intended. Wherever a reference is made to the masculine gender, the feminine gender is included.

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

In all disciplinary matters, the President, or their designated representative, reserves the authority to affirm, reverse or modify all decisions at the President's and/or Board of Trustee's discretion.

As a private institution, the University reserves the right, at any time, to determine what materials can be posted, exhibited, disseminated, or otherwise shared, on its premises.

The University reserves the right to modify the Student Rights and Responsibilities Handbook at any time. The most current version of the handbook is posted online at www.miami.edu/srr .

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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, color, religion/creed, sex (including pregnancy), sexual orientation, gender identity, genetic information, national origin (including shared ancestry and shared ethnic characteristics), age, disability, marital status, familial status, citizenship status, or other protected classification. This prohibition includes harassment based upon any of the aforementioned protected classifications, including sexual harassment, which is a form of sex discrimination. Discrimination because of religion and/or national origin (including shared ancestry and shared ethnic characteristics) includes antisemitism. Antisemitism is defined as a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions, and religious facilities. 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.

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

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

- The right to have access to leadership development opportunities
- The right to engage in service opportunities that enhance learning outcomes, both on and off campus
- The right to associate with student organizations of one's own choosing
- The right to participate in a system of shared governance
- The right to assemble

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

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

STATEMENT ON STUDENT RESPONSIBILITIES

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

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

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

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

living and learning environment

- **Responsibility to other students**
- Responsibility to participate in student government
- Responsible for approaching differing and diverse views and opinions with an open mind
- Responsibility to recognize the value of diversity and an exchange of ideas within a university community
- Responsibility for showing respect to other students
- **Responsibility to the community**
- Responsible for engaging in appropriate service learning experiences that improve the quality of life of those around them
- Responsible for complying with laws, rules and regulations
- Accountability for one's own actions
- Responsibility to maintain the property and facilities of the University
- Responsibility to maintain a positive image of the University

ACADEMIC INTEGRITY POLICY AND THE UNDERGRADUATE HONOR CODE

TITLE I. GENERAL PROVISIONS

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A. **Purpose**
The University of Miami community recognizes integrity as a core institutional value. The Undergraduate Honor Code is based upon the Academic Integrity Policy which was approved by the Faculty Senate, the President of the University, and the Board of Trustees in 2019.

A full copy of the Academic Integrity Policy may be accessed through the link: https://doso.studentaffairs.miami.edu/_assets/pdf/honor-council/the-undergraduate-honor-code.pdf The Honor Code is designed to ensure academic integrity of the University of Miami, encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

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

C. **Responsibility of the University Community**
All undergraduate students are responsible for reading, understanding, and upholding the Academic Integrity Policy (AIP) and the Honor Code which derives from it. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of the policy. The absence of a signed pledge does not free a student from the ethical standards set by the Honor Code. To fulfill the responsibilities of membership in the University community, violations of this Code should be reported by faculty and by all other members of the

community.

D. **Jurisdiction**
All undergraduate students, full and part-time, attending the University of Miami shall be subject to the Academic Integrity Policy and the Undergraduate Honor Code which derives from this policy. . No action under the Academic Integrity Policy or the Undergraduate Honor Code shall be brought against any student who has graduated from, or officially severed all relations with the University. To the extent of a conflict between the Academic Integrity Policy and the Undergraduate Honor Code, the terms of the Academic Integrity Policy shall control.

E. **Faculty Cooperation**
The Academic Integrity Policy and this Undergraduate Honor Code acknowledge that the norms and the responsibility of academic integrity are to be jointly upheld by the faculty and student members of the University community. Substantial responsibility is vested in the schools and colleges to manage first-time offences and to coordinate their faculty's efforts.

TITLE II. VIOLATIONS OF ACADEMIC INTEGRITY

A. **Policy Statement**
All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the falsification or misrepresentation of experimental data, and violating the professional ethics that obtain in clinical activities, research projects and internships. In determining what constitutes academic dishonesty, a student should be guided by the purposes of this Code, common sense, and information provided by the instructor.

B. **Violations**

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

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TITLE III. THE UNDERGRADUATE HONOR COUNCIL AND APPEALS BOARD

A. **General**

1. The Honor Council's purpose is to review documents provided by individual school Academic Integrity Committees (AIC), ascertain the facts in a given case and, upon finding a violation of academic integrity, suggest appropriate penalties. It should be noted that while penalties regarding grades may be recommended by the AIC, Honor Council and/or Appeals Board, allocation of grades rests solely with the instructor. Students may appeal grades through the Faculty Senate Student Affairs Committee. The Honor Council may, however, determine disciplinary actions which could include suspension or expulsion.
2. The University of Miami Undergraduate Honor Council is a standing committee deriving its authority from the University.
3. The Honor Council shall consist of up to 31 representatives from the undergraduate schools or colleges selected each year for a one-year term by the Appeals Board in addition to 18 faculty appointed by the respective undergraduate School Councils for a term of 2 years.
4. The Appeals Board shall attempt to include at least one representative from each undergraduate school or college on the council.
5. Each Honor Council Hearing Panel shall consist of 2 faculty and 2 students. The Dean of Students will resolve any ties (refer to the Academic Integrity Policy for more information).

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B. **Appointment of the Council**

1. Faculty are appointed by each respective School Council for a 2-year term.
2. 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 students).
3. Each Spring semester students may apply for initial appointment or re-appointment to the Honor 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 Appeals Board. Each Dean may recommend to the Secretary at least five applicants in addition to the members currently serving from that school or college.
4. The Appeals Board shall interview the students and shall appoint 31 students to serve on the Honor Council.

C. **Officers of the Honor Council**

1. The Honor Council shall elect from its members a President and a Vice President.
2. The President must have served at least one year as a member of the Honor Council.
3. The Vice President shall assume the responsibilities of the President when the President is unavailable.
4. The President shall preside over meetings of the Honor Council.

D. **Meetings**

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

TITLE IV. THE APPEALS BOARD AND SECRETARY

A. **The Appeals Board**

1. The Appeals Board consists of: the Senior Vice President for Student Affairs, or designee, the President of the Undergraduate Student Body Government, and a tenured academic dean from the school or college where the violation occurred. The student speaker from the Honor Council hearing panel serves as a non-voting member.

B. **The Secretary**

1. The Senior Vice President for Student Affairs shall appoint a Secretary to the Honor Council
2. The Secretary, who shall be the Dean of Students or their designee, shall keep orderly records of all Honor Council and Appeal Board proceedings, provide such advice as may be sought by the Honor Council, and perform the other duties as necessary based on the University's Academic Integrity Policy.

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TITLE V. PROCEDURES: REPORTING VIOLATIONS

A. Any member of the University can confidentially report academic dishonesty to the instructor teaching the course or directly to the Dean of Students when there is strong evidence that an academic integrity violation has occurred.

B. If no evidence is present or when suspicion is not strong, the instructor may give the student a warning and close the matter.

C. When instructors have a strong suspicion, or when evidence is present, instructors shall report the violation through the process described herein and have the authority to recommend a sanction.

D. Instructors must also report all cases of academic integrity violations in which they have taken an adverse action affecting a student's grade but have not invoked the adjudication process described herein.

E. Based on the class of violation, the appropriate adjudicating body will be assigned to adjudicate the case.

TITLE VI. CLASSIFICATION OF VIOLATIONS AND SANCTION GUIDELINES

A. The University distinguishes between a) first-time violations that are of low severity, b) first-time violations that are more severe, and c) repeat violations of any type and highly egregious offenses.

B. For greater consistency of sanctions for the same violation across the University, instructors are encouraged to consult the examples of violation classes and guidelines for potential sanctions suggested by the University. These guidelines may be used to set course specific policies and/or for recommending sanctions when course specific expectations are not clearly outlined in the

syllabus.

C. When instructors have clearly outlined expectations and grade sanctions in their syllabus, those grade sanctions will supersede the grade sanctions recommended by the AIC, Honor Council, and/or Appeals Board.

D. The suggested violation classes and corresponding recommended sanctions are only examples and do not provide an exhaustive list. The determination of the severity of a violation and the corresponding sanction will often fall on instructors and the hearing boards.

E. If a student is ultimately found not responsible for a violation of this Honor Code, no sanctions can be imposed even if sanctions were recommended by the faculty member and/or provided for in the faculty member's syllabus.

1. **Examples of Class I Violations and Sanctions Guidelines**
   Class I violation are first-time offenses that need to be addressed, but offer an expedited process at the school level due to the low severity of the offense.

Alleged Violation*	Recommended Sanction(s)
• Studying from someone else's notes, when prohibited by the instructor. • Utilizing tutor or writing center in violation of the rules and guidelines set by the instructor. • Plagiarism: Submitting an assignment where up to 25% of the assignment is not the work of the student and/or properly cited. • Copying homework or providing homework to another student to copy. • Signing in for another student for attendance purposes. • Working with a group (collusion) on an assignment, exam, or paper that should be done individually. • Submitting the same work for more than one course. • Any use of digital technologies prohibited by the instructor.	• Minimum "F" on the assignment. • Maximum "F" in the course. • Educational sanction related to academic integrity. • Not a reportable disciplinary concern to graduate or professional schools, etc. For an expedited process, student can accept faculty recommended sanction or the minimum sanction ("F" on the assignment) when faculty recommendation is not available. If a student wishes a hearing with the AIC, and is found responsible, the committee may recommend increasing or decreasing the sanction suggested by the instructor. The parties can appeal to the Honor Council as the final adjudicator.

*This is not an exhaustive or strict list. These examples are provided only as a guideline to determine severity of the violations and commensurate sanction(s). Note: When the

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instructor has clearly outlined expectations and grade sanctions in their syllabus, those grade sanctions will supersede the grade sanctions outlined above and/or recommended by the AIC, Honor Council, and/or the Appeals Board

2. **Examples of Class II Violations and Sanction Guidelines**
Class II violations are first-time offenses that are more egregious than Class I violations with higher penalties, but allow for an expedited process at the school level.

Alleged Violation*	Recommended Sanction(s)
• Possession of or use of any materials prohibited by instructor. • Unauthorized use of term paper or exam (e.g., past exams or other source). • Giving exam to students in a later section. • Plagiarism: Submitting an assignment where 25% to 50% of the assignment is not the work of the student and/or properly cited. • Bringing a cheat sheet or unauthorized notes or formulas into the exam. • Facilitating the academic dishonesty of another student (e.g., texting or emailing exam answers to another student, helping another student write a paper).	• At minimum, "F" in the course. • At maximum, dismissal from the University. • Educational sanction related to academic integrity. The parties can appeal to the Appeals Board as the final adjudicator.

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*This is not an exhaustive or strict list. These examples are provided only as a guideline to determine severity of the violations and commensurate sanction(s). Note: When the instructor has clearly outlined expectations and grade sanctions in their syllabus, those grade sanctions will supersede the grade sanctions recommended by the AIC, Honor Council, and/or the Appeals Board.

3. **Examples of Class III Violations and Sanction Guidelines**
Class III violations are repeated offenses of any kind, or a violation so egregious it requires an Honor Council Hearing, with more severe sanction guidelines than Class II.

Alleged Violation*	Recommended Sanction(s)
• Any repeat alleged violation that the student has been found responsible for previously. • Falsifying or forging academic credentials or University documents including internship documentation and letters of recommendation.	• At minimum, "XF" in the course. • At maximum, expulsion from the University. • Educational sanction related to academic

Alleged Violation*	Recommended Sanction(s)
• Submission or use of falsified data. • Sabotage of someone else's work. • Taking a test or writing a paper for someone else. • Plagiarism: Submitting an assignment where 50% or more of the assignment is not the work of the student and/or properly cited. • Obtaining/purchasing exam answers or term papers from someone else. • Unauthorized distribution of a quiz or exam. • Any other type of fraud.	integrity. The parties can appeal to the Appeals Board as the final adjudicator.

*This is not an exhaustive or strict list. These examples are provided only as a guideline to determine severity of the violations and commensurate sanction(s). Note: When the instructor has clearly outlined expectations and grade sanctions in their syllabus, those grade sanctions will supersede the grade sanctions recommended by the AIC, Honor Council, and/or the Appeals Board.

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MEMBERSHIP AND HEARING PANEL STRUCTURES

School/College Academic Integrity Committee:	
Adjudicates	Alleged Class I and Class II violations
Hearing Panel Structure	3 Faculty
Membership	6 Faculty*, Dean of Undergraduate Studies/Education (DoUG) (non-voting) *At the school's discretion, committee membership may be altered to compose more than two hearing panels, or decreased to constitute one panel as long as the cases are adjudicated in a timely manner
Selection	Faculty appointed by the school council of the school/college for a 2-year term
Honor Council:	
Adjudicates	Alleged Class III violations and appeals for Class I and II violations
Membership	18 Faculty, up to 31 Students, Dean of Students (non-voting)
Hearing Panel Structure	2 Faculty, 2 Students (Dean of Students will resolve any ties) In exceptional cases when the Dean of Students is unable to find 2 students to serve on a hearing panel within 7 days, the parties may agree to one of the following options for an expedited hearing: 1) A panel deviating from the regular number and structure of members. 2) An administrative hearing with the Dean of Students (or designee) and an Academic Dean (or faculty designee).

	**Parties in the policy are defined as the student(s)suspected of academic dishonesty, and the faculty reporting the suspected behavior.
Selection	Faculty: Appointed by the school council of each school/college for a 2-year term Students: Multi-layered interview process

Appeals Board:	
Adjudicates	Appeals for Class II and Class III violations
Hearing Panel Structure	VP for Student Affairs DoUG of the school where the violation occurred U/G Student Government President Speaker of the Honor Council hearing panel (non-voting)

Note: The Appeals Board – the only grounds for appeal to the Appeals Board are: the failure to follow the procedures established for adjudication of an academic integrity violation constituted an error; and the sanction(s) imposed was (were) not commensurate with the offense.

TITLE VII. ADJUDICATION PROCESSES

Any member of the University may confidentially report academic dishonesty to the instructor teaching the course or directly to the Dean of Students when there is strong evidence that an academic integrity violation has occurred. If no evidence is present or when suspicion is not strong, instructors may give the student a warning and close the matter. When instructors have a strong suspicion, or when evidence is present, instructors shall report the violation through the process described herein and have the authority to recommend a sanction. Instructors must also report all cases of academic integrity violations in which they have taken an adverse action affecting a student's grade but have not invoked the adjudication process described herein. Based on the class of violation, the appropriate hearing board will adjudicate the case.

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A. **Process for Class I Violations**

1. Instructors must immediately report the suspected violation to the Department Chair (or relevant administrator in the non-departmentalized schools) and complete the online Academic Integrity Reporting Form. The Department Chair will immediately inform the DoUG of the school.
2. The instructor may or may not recommend a sanction depending on the specific expectations and policies outlined in their syllabus. However, if an instructor has clearly outlined expectations and grade sanctions in their syllabus, those grade sanctions will supersede the grade sanctions recommended by the AIC, and/or the Honor Council.
3. The DoUG will determine the violation class and meet with the student within 5 academic days of receiving a report to present the charges (and potential sanctions) and go over the student's options as follows:
    i. Admit responsibility and take the instructor's suggested sanction or the sanction set forth in the syllabus (Expedited Process).
    ii. Admit responsibility and take the minimum sanction when the instructor's recommendation is not available and the syllabus is silent as to the sanction (Expedited Process).
    iii. Request a hearing with the AIC.
4. The student will get 3 academic days to make a decision. If the student does not respond

within the allowed time, the sanction set forth in the syllabus, the sanction recommended by the instructor, or the minimum sanction, if neither of the foregoing two instances apply, will hold and the student will waive the right to any further hearing.

5. If the student accepts responsibility and agrees with the sanction set forth in the syllabus, the instructor's recommended sanction, or the minimum sanction, the DoUG will administer the Academic Integrity Resolution Form. No further action will be needed. The DoUG will report the case to the Dean of Students for record-keeping within 3 academic days of the resolution.
6. If the student does not admit responsibility or does not agree with the sanction, the DoUG will refer the case to the AIC within 3 academic days of the student's decision. The AIC will meet within 2 weeks of receiving the DoUG's notice. The AIC will listen to both parties and make a recommendation within 3 academic days of the hearing. The AIC's recommendation may be more or less stringent than the faculty's recommended sanction. If the student is found responsible and the instructor has clearly outlined expectations and sanctions in their syllabus concerning a grade sanction, this grade sanction will supersede the AIC's recommendation on grading but will not impact other disciplinary measures imposed by the AIC.
7. The parties will have 3 academic days to consider the AIC's recommendation and make a decision. If the student fails to respond within the allotted time, the sanction set forth in the syllabus, the sanction recommended by the instructor, or the minimum sanction, if neither of the foregoing two instances apply, will hold and the student will waive the right to appeal. If the parties agree with the AIC's recommended action, the DoUG will administer the Academic Integrity Resolution Form and will report the matter to the Dean of Students within 3 academic days, during the fall and spring semesters, for record-keeping.
8. If either party does not agree with the AIC, an appeal can be made to the Honor Council. Such requests must be made in writing to the Office of Dean of Students within 3 academic days of communication of AIC's determination.
9. The Dean of Students within 7 academic days of receiving the appeal will establish the Honor Council hearing panel and will inform the parties. The procedures for a hearing before the Honor Council, as set forth in Title VII(C), will apply, but for a Class I violation, there will no right to appeal to the Appeals Board.
10. The Honor Council's decision will be binding for both parties. If the student is found responsible and the instructor has clearly outlined expectations and sanctions in their syllabus concerning a grade sanction, this grade sanction will supersede the Honor Council's recommendation on grading but will not impact other disciplinary measures imposed by the Honor Council.
11. The adjudication process will continue as outlined herein even if the student withdraws from the course. If the student is found responsible, the course where the violation occurred will reflect on the student's transcript with a failing grade (in addition to any other sanctions determined by the hearing panel).
12. When there is a prior record of violations that a student has been found responsible for, the DoUG will forward the case to the Dean of Students to be adjudicated by the Honor Council as a Class III violation, and will inform the parties.
13. A student who wants to contest a grade affected due to academic integrity violation may request a hearing with the AIC by reporting to the DoUG within 3 days of receiving the

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grade. The DoUG will report the violation to the Dean of Students and will refer the case to the AIC. However, if the instructor involved has clearly outlined expectations and grade sanctions in their syllabus, those grade sanctions will supersede any recommendations made by AIC, Honor Council, or the Appeals Board.

B. **Process for Class II Violations**
These are first time violations that are deemed more severe than the Class I violations. The reporting and hearing process for Class II violations will be the same as Class I violations except:

1. The minimum recommended sanction for Class II violations is "F" on the course. This assumes that the instructor did not have clear grade sanctions and expectations for integrity violations on their syllabus. If they do, the grade sanctions set forth in the syllabus supersede any recommendations on grading by the Honor Council or the Appeals Board but do not impact any other disciplinary sanctions imposed by such adjudicatory bodies.
2. Parties will have the right to appeal to the Appeals Board after the Honor Council's determination in accordance with the grounds described below in Title VIII.
3. Except for a grade sanction that is clearly set forth in the faculty member's syllabus, the Appeals Board's decision on disciplinary action will be binding for both parties.

C. **Process for Class III Violations**
The Honor Council will hear repeated violations of any kind, or a violation so egregious that it requires an Honor Council hearing, with more severe sanction guidelines than Class II. The instructor reporting process will be the same as for Class I and II violations. The DoUG will determine the violation class and meet with the student within 5 academic days of receiving a report to present the charges (and potential sanctions) and to inform the student about next steps. DoUG will forward the case to the Dean of Students for adjudication by the Honor Council. The Dean of Students within 7 academic days of receiving the report of the alleged violation will establish the Honor Council hearing panel and will inform the parties.

1. **Investigation**
The Dean of Students shall assign Investigators from the Honor Council student membership to gather and examine all information for the complaint used by the school-level AICs and prepare findings for presentation to the Hearing Panel. They should interview the student charged, the complainant, the instructor, 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 or syllabus of the instructor and shall make such inquiry as appropriate.

2. **Hearing Panel Selection and Regulations**
Upon receipt of the investigators' reports, the Dean of Students shall select a four member Hearing Panel ("Hearing Panel" or "Panel") from among the members of the Honor Council consisting of two faculty members and two students and designate one student panel member as the Panel Speaker. Hearing Panels shall be filled on a rotating and impartial basis, subject to review by the Appeals Board on its own motion, or upon request of the President of the Honor Council. The Dean of Students 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.

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

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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.

Hearings that are scheduled within the last two weeks of the end of the academic year or during summer terms may be heard by an administrative panel consisting of the Dean of Students or their designee and an Academic Faculty Dean or their faculty designee.

3. **Charge**
Following receipt of the investigators' report and designation of the Hearing Panel, the Dean of Students shall prepare a charge that includes a brief description of the alleged violation. The Dean of Students shall then serve the student charged with a copy of the charge and the names of the Hearing Panel members.

The Dean of Students shall provide a copy of the charge to the Complainant.

Within one day of the receipt of the names of Hearing Panel members, the student charged may challenge any member by submitting to the Dean of Students a written statement specifying why the panel member should not serve. The Dean of Students 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.

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 the student's graduation until the case is fully adjudicated.

4. **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.

If the accused admits the charge, the Panel shall receive mitigating circumstances before retiring to deliberate on a sanction.

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.

If the accused refuses to enter a plea or speak on his 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.

5. **Hearing Procedures**
The hearing shall be held in private. Witnesses may attend only to present their testimony. Panel members, witnesses, and others involved in the hearing shall not discuss the case with anyone outside the hearing.

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The student charged, the Dean of Students, the complainant and all witnesses must attend the hearing. In addition to those required by the Honor Council to attend, a University of Miami undergraduate student, faculty, or staff advisor may attend and assist the accused. Such an advisor may not speak on behalf of the accused.

If a student enters a plea of "responsible" when charged by the Dean of Students, the Panel may elect to not hear witnesses or the complainant.

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.

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.

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.

6. **Presentation of Information**
   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.

   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 therefrom.
7. **Witnesses**
   A witness may refuse to answer a question if the answer, if truthful, might incriminate the witness.

   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.
8. **Deliberation**
   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 (3 out of 4) is required to find the accused responsible. The Panel shall not consider prior Responsible findings under this Code in deciding responsibility.
9. **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 sanction(s).

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10. **Dismissal – No Finding of Responsible**
    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. Additionally, no sanction can be imposed even if sanctions were recommended by the faculty member and/or provided for in the faculty member's syllabus.

    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.

11. **Affirmative Rights of the Accused**
    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.

    The accused has the right to choose a University of Miami undergraduate student, faculty, or staff member to attend the hearing and assist them. The advisor cannot speak on the accused's behalf.

    The accused has the right to question the complainant and witnesses and submit statements or evidence to prove not responsible, if they you deny the charge(s).

    The accused has the right to remain silent and no inference may be drawn from this silence.

    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 them 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.

    The accused has the right to present evidence of mitigating circumstances before the Panel retires to deliberate on a sanction, if the accused enters a plea of responsible, or is found responsible.

    The accused, if found responsible, has the right to review a written summary upon which the finding of responsibility and sanction were based.

    Parties will have the right to appeal to the Appeals Board after the Honor Council's decision is rendered. Appeals must be in writing, addressed to the Appeals Board and, be submitted within three (3) days of receipt of the hearing summary. The only grounds for an appeal, however, are: (i) : a. the failure to follow the procedures established for adjudication of an academic integrity violation constituted an error; or (ii)b. the sanction(s) imposed was (were) not commensurate with the offense

12. **Sanctions**
    Penalties shall be based on the severity of the violation and shall consist of one or more of the following:

    a. Disciplinary Warning

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b. Strict Disciplinary Probation
c. Final Disciplinary Probation
d. Suspension from the University
e. Expulsion from the University
f. University service
g. Minimum "F" on the assignment (grade penalties may only be 'suggested' to the instructor of record. Students who wish to appeal grades assigned by the instructor may do so by appealing to the Faculty Senate Student Affairs Committee)
h. Maximum "XF" in the Class
i. Other appropriate action as approved by the Academic Integrity Committee or the Honor Council

Failure to comply with any of the above penalties may result in additional sanctions.

The Panel may consider prior discipline in assessing sanctions.

When instructors have clearly outlined expectations and grade sanctions in their syllabus, such grade sanctions will supersede the grade sanctions recommended by the AIC, Honor Council, and/or Appeals Board but they will not impact any other disciplinary sanctions imposed by these adjudicatory bodies.

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13. **Panel's Decision**
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.

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.

In reporting its decision to the student charged, the Panel shall provide a written summary of its reasons for the decision.

Parties will have the right to appeal to the Appeals Board after Honor Council's determination. The only grounds for an appeal are: (i) the failure to follow the procedures established for adjudication of an academic integrity violation constituted an error; or (ii) the sanction(s) imposed was (were) not commensurate with the offense.

When instructors have clearly outlined expectations and grade sanctions in their syllabus, such grade sanctions will supersede the grade sanctions recommended by the Honor Council but they will not impact any other disciplinary sanctions imposed by the Honor Council.

The adjudication process will continue as outlined herein even if the student withdraws

from the course. If the student is found responsible, the course where the violation occurred will reflect on the student's transcript with a failing grade (in addition to any other sanctions determined by the hearing panel).

TITLE VIII. APPEALS TO THE APPEAL BOARD AND OTHER TERMS

A. **Appeals for Class II and Class III Violations**

1. After the Honor Council's Determination in connection with a Class II or a Class III violation, the parties have the right to appeal to the Appeals Board.
2. The only grounds for an appeal to the Appeals Board are:
    a. That the failure to follow the procedures of this Code constituted an error, or
    b. That the sanctions imposed by the Honor Council were not commensurate with the offense.
    c. That new evidence has been discovered.
3. Allowable appeals must be made in writing and submitted to the Office of the Dean of Students within 3 academic days from the date the determination of the Honor Council is communicated to the student, stating with specificity the grounds for the appeal and facts upon which it is based.
4. The Dean of Students within 7 academic days from the date of receipt on an appeal, will establish the Appeals Board.
5. Upon establishment, the Appeals Board will make a determination within 5 academic days as to whether the appeal is timely and made on proper grounds. The Dean of Students will communicate that determination to the student within the next 3 academic days.
6. If the appeal is determined to be timely and made on proper grounds, the Appeals Board will make a decision on the merits of the appeal within 10 academic days of its determination on the validity of the appeal. The Vice President of Student Affairs (or designee) will communicate the decision to the student within 3 academic days of the determination.
7. The Appeals Board shall review the record and:
    a. Affirm the Honor Council's sanction;
    b. Reduce the Honor Council's sanction,
    c. Increase the Honor Council's sanction, or
    d. Refer the case back to the Honor Council for appropriate action.
8. The decision of the Appeals Board shall be final. Note that the Appeals Board may require any of a series of disciplinary actions but can only recommend that course grades be changed. More specifically, when instructors have clearly outlined expectations and grade sanctions in their syllabus, such grade sanctions will supersede the grade sanctions recommended by the Honor Council and/or Appeals Board. Students who disagree with the grade given to them by their instructor may appeal the specific grade to the Faculty Senate Student Affairs Committee.

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B. **Effective Date**
This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Fall 2021 semester.

C. **Amendment of this Code**

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

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.

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TITLE I. DEFINITIONS

A. **"Accused"** refers to a student or students charged with a violation of this Code.

B. **"Chair"** refers to the Hearing Panel Chair.

C. **"Code"** refers to the Graduate Student Honor Code.

D. **"Council"** refers to the Graduate Student Honor Council.

E. **"Day(s)"** refers to University working days only.

F. **"GSA"** refers to the Graduate Student Association.

G. **"Panel"** refers to the Panel selected to hear a complaint.

H. **"Secretary"** refers to the Honor Council Secretary or designee.

I. **"Student"** refers to any full-time or part-time University of Miami graduate student who is not enrolled either in the School of Law or in the MD program. Students who are dual enrolled are subject to the Graduate Student Honor Code while attending non-law and/or non-MD courses.

TITLE II. GENERAL PROVISIONS

A. **Responsibility of the University Community**
All graduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. To fulfill the responsibilities of membership in the

University community, faculty, students, and all other members of the community should report violations of this Code.

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

C. **Jurisdiction**
This Code shall apply to all graduate students as defined herein throughout their enrollment and up to five years after graduation or date of last attendance. This Code does not, however, apply to graduate students to the extent they are subject to codes and procedures adopted by a particular school or department.

D. **Choice of Procedure**
Students charged with violations of the Code may choose to have their matter heard by a panel of members selected from the Council or by administrative hearing.

E. **Faculty Role**
This Code preserves the prerogatives of the University and its faculty. Nothing in this Code shall interfere with the faculty member's right to assign grades. Faculty members shall be informed of the final outcome of any Council proceedings relating to work for which they are responsible.

During a pending proceeding, faculty members are encouraged to provide documents relevant to the proceedings. The faculty are encouraged to cooperate fully in the implementation of this Code. The faculty member responsible for the course or other academic activity to which the charge relates may, and is encouraged to, file a statement, and provide any documentation, list of witnesses, or other information deemed relevant to the alleged offense. The faculty member shall present this information in writing to the Secretary.

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

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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

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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 Senior 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 Senior 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.

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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.

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4. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall resolve the matter by majority vote of the members present.
5. The Chair of the Panel shall commence the hearing by reading the charge and any statements received from the complainant.
6. The investigator shall give a report of their findings. The Panel and the accused may then question the investigator. The investigator shall remain at the hearing as a resource for the Panel but shall not participate in deliberations or vote with the Panel.
7. At any time, the Panel may modify a charge to reflect the evidence; however, the student charged must be given an opportunity to respond. If a modification occurs following a hearing during Panel deliberations, the hearing shall be reopened to allow a response by the student charged.

G. **Plea**

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

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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,

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the student is barred from campus visiting privileges unless the Dean of Students or the Dean of the Graduate School grants specific permission.

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

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

1. The Dean of Students Office shall maintain records of disciplinary action as follows:
    a. Disciplinary Warning – maintained for specified number of academic semesters in which the student is in attendance.
    b. Strict Disciplinary Probation and Final Disciplinary Probation – maintained for two years after student graduates or withdraws from the University.
    c. Suspension and Expulsion – maintained indefinitely.
    d. After the time periods specified above, the Dean of Students Office will remove the record of disciplinary action from its files. However, other offices within the institution may have knowledge or records that indicate that a student has been subject to disciplinary action.

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2. Failure to comply with any of the conditions of a penalty may result in additional charges. In assessing penalties, the Panel may consider prior responsible findings under this Code or any similar Code or University policy.

O. **Panel's Decision**

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

TITLE VI. ADMINISTRATIVE HEARING

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

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TITLE VII. APPEALS

A. **Selection and Appeals Committee**
The Selection and Appeals Committee consists of the Senior 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

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

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

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

STUDENT CODE OF CONDUCT

University of Miami encourages all students to engage the University community towards their personal excellence. The University also seeks to partner with students who choose to exercise freedom of conduct consistent with the mission and purpose of the University. The basic responsibilities outlined in the Student Code of Conduct are intended to ensure the well-being of the University community, while also offering transparency and providing parameters for students who are a part of the community. UM also understands that some students may fall short of the University's standards resulting in violations of University policies and procedures. Such violations will introduce students to the student conduct process. The Dean of Students, or their designee, has the authority and responsibility for the administration of the student conduct

system and the establishment of procedures which apply to all students alleged to be in violation of this Code of Conduct.

The partnership between the student and the University governs student behavior whether an incident occurs on campus or in any location off campus from the date the student completes and submits their Reply to Offer of Admission form and submits their enrollment deposit to the University of Miami through the date when a student has permanently severed ties with the University.

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

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

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

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

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A. GENERAL ADMINISTRATIVE POLICIES AND GUIDELINES

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.
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.
3. **Equal Opportunity**
   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 on the basis of race, color, religion/creed, sex (including pregnancy), sexual orientation, gender identity, genetic information, national origin (including shared ancestry and shared ethnic characteristics), age, disability, marital status, familial status, citizenship status, or other protected classification. This prohibition includes harassment based upon any of the aforementioned protected classifications, including sexual harassment, which is a form of sex discrimination. Discrimination

because of religion and/or national origin (including shared ancestry and shared ethnic characteristics) includes antisemitism. Antisemitism is defined as a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions, and religious facilities. 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. Additional information and resources for addressing harassment and discrimination at the University of Miami can be found later in this Handbook, or by visiting the following web address: https://umiami.policystat.com/policy/18002534/latest

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

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

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

Persons may contact the Assistant Director of Disability Services, who is responsible for coordinating the University of Miami's 504 compliance efforts at (305) 284- 2374 (P.O. Box 249003,

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Coral Gables, Florida, 33124), with any questions or concerns.

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

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

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

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

   Complete information regarding the University's GLBA program can be found online at: https://www.osas.miami.edu/about-us/glba/index.html

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

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

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

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

8. **Off-Campus Residency**

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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 update and maintain and accurate address in CaneLink.

9. **Restriction/Revocation of Facilities Use**
   The University of Miami reserves the right at any time to deny, revoke, or modify authorization to use any University facility or premises.

   Decisions to authorize use of University facilities are made by the appropriate facility coordinator. Decisions to deny, revoke, or modify the authorization to use University facilities, because of potential danger, are made by the President of the University upon recommendation by the Senior 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.

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

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

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

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

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

    Sororities and Fraternities may also be governed by a governing council - the Panhellenic Association (PA), the Interfraternity Council (IFC), the National Pan-Hellenic Council (NPHC), and the Multicultural Greek Council (MGC), each of which is a member of the Association of Greek Letter Organizations (AGLO). The policies, governing constitutions, bylaws, rules and regulations of

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these councils shall not conflict with the rules and policies of the University of Miami. The University of Miami rules and regulations supersede any conflicting rules or regulations.

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

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

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

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

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

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

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

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

12. **Rental or Use of a Greek Organization House or Suite**
Rental or use of Greek Organization houses or suites is permitted for current undergraduate members of the organization that owns/leases that space only. All other occupancy or use is prohibited.
13. **Indebtedness to a Greek Organization**
Upon written request by a Greek Organization Alumni Advisor, the University may withhold grades, transcripts, diplomas, and registration materials of any student owing money for room and/or board to the Greek Organization or related entities. The University, by taking such action, neither verifies the indebtedness nor accepts liability for incorrect billings or actions. If a dispute arises as

to whether a student owes money to the Greek Organization, the student may present evidence to the Dean of Students who shall have the discretion to release grades, transcripts, diplomas, and registration materials if he/she determines that there is a good faith dispute as to the existence of any indebtedness.

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

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

A. Have completed a minimum of 12 credit hours of college-level coursework while physically participating in coursework on a single college campus. Coursework in advance placement or dual status programs involving a high school, or credit hours earned on-line will not be counted toward this requirement;

B. Have earned a minimum cumulative grade point average of 2.50 in the aforementioned college-level coursework; and

C. Be enrolled and remain enrolled in a minimum of 12 credit hours as an undergraduate student at the University of Miami.

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

A. Have earned a minimum cumulative grade point average of 2.50 at the time of initiation (as reflected in the most recent records of the Office of the Registrar);

B. Have maintained enrollment in at least 12 credit hours of academic work during the entire pre-initiation (pledging/new member/intake) process.

C. Be enrolled in at least 12 credit hours of academic work at the time of initiation

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

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

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

oaths, affirmations, or symbols to prospective members at the beginning of the recruitment process to the extent that a student may make an informed decision regarding their affiliation with a particular organization.

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

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

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

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

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    Additionally, the following guidelines will apply:

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

    B. **Requests for Payment of Outstanding Balances Owed to the University**
    The University will charge individual organizations for services rendered that include, but may not be limited to, rent owed for use of a suite in the Panhellenic Building, utilities, lawn care at a particular Greek Organization house, maintenance, and other expenses. Anytime the Dean of Students Office is notified that a Greek Organization account balance exceeds $500.00 and has not been previously paid by the deadline/s provided by Accounts Payable, the organization's President (or equivalent) will be contacted in writing by the Dean of Students Office. The organization will then be given a reasonable and finite amount of time within which to remit payment to the University. If the organization fails to remit payment by the Dean of Students deadline, the organization will be deemed

"inactive" and will remain inactive until payment is submitted or for a period of no less than one month, whichever is greater. The individual organization will be notified of such a determination in writing and the Inter/National organization will be notified of the Chapter's change in status at the University.

17. **Greek Organization Additional Insured Requirements**
All Greek organizations must maintain commercial general liability insurance per the requirements below in order to remain in good standing with the university:

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

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

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

20. **Sexual Misconduct**
A copy of the University's Sexual Misconduct Policy can be found at:
https://www.compliance.miami.edu/policies/sexual_misconduct/index.html

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

21. **No Contact Orders**
Any student can contact the Dean of Students Office to request they issue an Administrative No Contact Order to another student. A Dean will meet with the student to evaluate the request and issue a No Contact order if there is merit. No Contact Orders are not considered disciplinary related measures but they can result in student conduct charges if they are not adhered to. Contact includes any physical or verbal face-to-face contact or electronic contact by any means, which includes but is not limited to text, video, or audio messages of any kind, through any form of social

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media or other electronic communication, and methods not yet invented but used for the same purposes. It also includes intentional contact made through a third party. No Contact Orders remain in place until otherwise directed by the Dean of Students Office. No Contact Orders are issued to both parties involved no matter who requests the order.

22. **States of Emergency**
The University of Miami reserves the right to implement special policies, procedures and restrictions that may otherwise affect the normal course of operations of the University during states of emergency as declared by local, state, or national officials. Examples of states of Emergency include but are not limited to natural disasters, terrorist actions, war, pandemic, and other threats to public health and safety. During such states of emergency, the University may have to restrict certain areas of campus from use, close buildings, limit operations, and when necessary, implement additional policies and procedures to help ensure the health and safety of all students. Students who do not comply with requirements created by additional policies and procedures deemed necessary during states of emergency are subject to disciplinary action including but not limited to the prohibition from being present on University campuses and properties.

23. **Public Health Policy**
For the health and safety of our students and all University community members, the University establishes specific protocols and requirements of students during public health emergencies. Students may be required to provide proof of certain vaccinations, submit to regular testing related to the health emergency, maintain physical distance, observe curfews, and wear personal protection equipment such as masks. Students may also be required to self-isolate or quarantine on or off campus as determined by Student Health Services or Housing and Residential Life. Students who do not follow the established protocols and requirements related to public health emergencies are subject to disciplinary action and may be removed from the campus community if necessary.

24. **Drug Free Schools and Communities Act**
THE FOLLOWING INFORMATION IS PRESENTED IN RESPONSE TO COMPLIANCE OF REGULATIONS OF THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989 (PUBLIC LAW 101-226), SECTION 22: "DRUG-FREE SCHOOLS AND CAMPUSES."

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;"

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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.

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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.947.146or 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.

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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

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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 Sander Center for Alcohol and Other Drug Education located in UC2250. 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.

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

1. **Alcoholic Beverages**
    A. Possession of beverage/s containing alcohol by any person under the age of 21, including residue/remnants of alcohol that may be found in glassware (this includes the presence of the aforementioned within a student's room or contained within their possessions or vehicle)
    B. Consumption/use of alcohol by any person under the age of 21
    C. Intoxication requiring evaluation by emergency personnel and/or transport to a hospital for treatment (Medical Amnesty may apply in certain situations. See Medical Amnesty Policy.)
    D. Possession or use of any paraphernalia that enables the playing of "drinking games" or other activities that encourage binge drinking
    E. Unlicensed distribution of beverage/s containing alcohol, including the purchase for and/or delivery of alcohol to any individual(s) under the age of 21
    F. Operating a motor vehicle while under the influence of beverage/s containing alcohol, or possession of open containers of beverage/s containing alcohol while in a vehicle while parked or in operation
    G. Public intoxication, regardless of age

H. Failure to follow the guidelines for social events involving alcohol (detailed in the full policy on page 61 of this *Handbook*)

2. **Animals**
Students are responsible for the actions of any animal that either they or one of their guests bring onto the campus grounds or into one of the campus facilities. Student are also responsible for their treatment of wild/feral animals.

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

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

   B. The inhumane or cruel treatment of any animal including wild and feral animals, including failure to take proper care of animals or other creatures.

   C. The capture of wild/feral animals or creatures and/or re-release of said animal or creature into a campus facility.

   D. The prohibited feeding of wild/feral animals in areas where the University has posted signs prohibiting feeding of wild/feral animals.

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

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

5. **Business Operations**
Business operations are defined as any operation of a private or individual business that is not approved for operation by the Associate Vice President for Business Services within University of Miami properties or facilities including, but not limited to, Residence Hall facilities, Greek Organization, the Student Center Complex and the Herbert Wellness Center.

6. **Classroom Decorum** (See Classroom Decorum policy in UNIVERSITY POLICIES AND PROCEDURES)

7. **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.

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

9. **Computer and Telecommunications Use** (See Information Technology Resources Policy in UNIVERSITY POLICIES AND PROCEDURES)

10. **Consensual Relationships** (See Policy Statement on Consensual Amorous, Romantic or Sexual

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Relationships for Students in Supervisory Roles in UNIVERSITY POLICIES AND PROCEDURES)

11. **Contracting on Behalf of the University**
    Any attempt to enter into a contract on behalf of the University without proper authorization from the Office of Financial Operations. Any contract entered into on behalf of the University by a student without proper authorization is void.
12. **Damage or Vandalism to Property**
    Damage or vandalism of property belonging to the University or others
13. **Dangerous Items (Explosives, Firearms, Fireworks, Weapons)** (See Dangerous Items Policy in UNIVERSITY POLICIES AND PROCEDURES)
14. **Demonstration** (See Demonstration Policy in UNIVERSITY POLICIES AND PROCEDURES)
15. **Disorderly Conduct**
    A. Loud, threatening or aggressive behavior or any other behavior which disturbs the peace and/or impedes the rights of other person(s); and/or disrupts the orderly functioning of the University;
    B. Lewd, indecent or obscene conduct or expression made by any means;
    C. Disruptive behavior which substantially interferes with, obstructs, or in any way negatively impacts the safety, viewing, or enjoyment of other attendees in the context of a University of Miami event, or when traveling to or from an event.
16. **Distributing or Posting Printed Media** (See full policy and the Solicitation Policy in UNIVERSITY POLICIES AND PROCEDURES)
17. **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.
18. **Drugs, Drug Paraphernalia**
    The possession (including the presence of a substance as identified below within a student's room or contained within their possessions), manufacture, distribution, use, abuse, or sale of the following:
    A. Possession or use of any form of cannabis including any cannabidiol (CBD) derivative regardless of tetrahydrocannabinol (THC) content.
    B. Possession or use of other illegal drugs, including but not limited to ecstasy/MDMA, lysergic acid diethylamide (LSD), cocaine, and/or heroin
    C. The inappropriate use, or misuse of legally obtained over the counter medications or other substances including but not limited to salvia, spice, "bath salts", flakka, and/or NBOMe
    D. Use of any drugs requiring evaluation by emergency personnel and/or transport to a hospital for treatment (Medical Amnesty may apply in certain situations. See Medical Amnesty Policy.)
    E. The misuse or un-prescribed possession of prescription medications
    F. Possession of drug-related paraphernalia or any item that potentially contains illegal residue
    G. Unlicensed distribution or sale of illegal drugs or prescription drugs that were not

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prescribed to the person receiving the drugs

19. **Emergency Equipment and Procedures** (See Emergency Equipment and Procedures Policy in UNIVERSITY POLICIES AND PROCEDURES)
20. **False Imprisonment**

    The intentional and unlawful restraint of a person's freedom of movement, either directly or indirectly, without justification or consent. This restraint can occur in a bounded area, such as a confined space or a room, and can involve physical or psychological means.
21. **False Information**

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

    A. Knowingly giving false testimony during a University investigation or proceeding;

    B. Knowingly providing false information on University records or other documents, including but not limited to admission, registration, financial aid, student disciplinary, academic, health records, parking permits, and student employment records;

    C. Knowingly providing false information for the purposes of defrauding an agency of the University or to any other person or business.
22. **Fire**

    To either intentionally or otherwise ignite a fire that causes damage to University or personal property.
23. **Gambling and/or Games of Chance**

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

    A. Participation lay in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student organization.

    B. Students or student organizations may not sponsor or co-sponsor events at gambling establishments or host gambling themed events on University premises. Such events include, but are not limited to, poker tournaments and casino nights.

    C. To sell, barter, or offer tickets, entries, or any interest in a scheme of chance, such as a raffle, drawing, or similar activities by any other name on University premises or at any affair sponsored by a student organization without authorization.

    D. To wager on any University-affiliated team, club, organization, or other group that is competing in any inter- or intra-institutional contest or event.
24. **Guests**

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

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

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

25. **Harassment or Harm to Others**
    A. Unwelcome and/or discriminatory words or acts, whether intentional or a product of the disregard for the safety, rights, or welfare of others, which intimidate, degrade, demean, threaten, bully, haze or otherwise interfere with another person's daily activity.
    B. Words or acts that have the effect of excluding or are intended to exclude another student from participation under any program or activity of the university in violation of the University's Equal Opportunity policy available at https://umiami.policystat.com/policy/18002534/latest
    C. Words or acts considered as a bias incident. A bias incident is defined as an action, behavior, or expression against an individual's or group's actual or perceived identity. (See full Bias Related Incident Definition)
26. **Hazing** (See Hazing Policy in UNIVERSITY POLICIES AND PROCEDURES)
27. **Health and Safety** (See Health and Safety Policy in UNIVERSITY POLICIES AND PROCEDURES)
28. **Herbert Wellness Center Policies and Procedures**
    University of Miami students and their guests who utilize the facilities managed by the Department of Wellness and Recreation (WR) must comply with the policies and procedures established by the department. An electronic version of the departmental policies can be found on the WR website (www.miami.edu/wellness) 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.
29. **Identification Cards** (See Identification Cards Policy in UNIVERSITY POLICIES AND PROCEDURES)
30. **Interference with University Investigations, Student Conduct Proceedings, or Records**
    Interference with any University investigations, administrative procedures, or student conduct proceeding. Additionally, no person may, without authorization, examine, take possession of, alter or destroy University investigative material, evidence, or records.
31. **Lake Swimming**
    Swimming in Lake Osceola or the adjacent waterways.
32. **Littering**
    To throw, discard, place, or deposit litter in University buildings or on University grounds except in receptacles provided for such purpose.
33. **Misuse of Telephones**
    To use University telephone lines or University telephone accounts without proper authorization from University personnel.
34. **Noise and Nuisance**
    Members of the University community and their guests are prohibited from activity creating any form of disturbance that is believed to be in violation of the ordinances in the City of Coral Gables, South Miami, or other municipality of record. This includes, but is not limited to:
    A. The prohibition of any activity that causes a disruption or nuisance in a residential area, and

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B. The prohibition of sound from any instrument or amplified device being plainly audible outside a residence between the hours of 11:00p.m. and 7:00a.m. the following day, Sunday through Thursday; or between the hours of 12:00a.m. and 7:00a.m. the following day, on Friday or Saturday.

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.

36. **Parking and Motor Vehicle Policy** (See Parking/Motor Vehicle Policy in UNIVERSITY POLICIES AND PROCEDURES)

37. **Personal Mobility Vehicles**
    1. The use of **Personal Mobility Vehicles**, including but not limited to bicycles, skateboards, roller skates, roller blades, and all other manual, motorized, and electric vehicles are prohibited inside any residential buildings and may be prohibited in any other university building as determined by the building managers.
    2. The operation of **Gas Powered Vehicles** including but not limited to motorcycles, motor scooters, motor bikes and petroleum powered all-terrain vehicles are prohibited in all university buildings and on any pedestrian walkway or sidewalk.
    3. **Personal Electric Vehicles (PEVs)**, including but not limited to e-scooters, e-bikes, hoverboards, electric skateboards, motorcycles, mopeds, and segways are not permitted inside any residential buildings and may be prohibited in any other university building as determined by the building managers.
    4. **Bicycles**
    Parking/securing bicycles is only allowed in designated bicycle racks. Any bicycles parked/secured in unapproved locations are subject to impound by the University Police, Crime Prevention Office. All bicycles parked on campus shall be registered with the University of Miami Police Department (UMPD) and must display a UMPD bicycle registration decal. This allows for easy owner identification and in the event of theft aids in bicycle recovery.

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.

39. **Rathskeller Policies and Procedures** (See Rathskeller Policies and Procedure in UNIVERSITY POLICIES AND PROCEDURES)

40. **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.

41. **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.

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42. **Housing and Residential Life Policies and Procedures**
    All residents of and guests in the residential colleges, or University Village are required to comply with Housing and Residential Life Policies and Procedures at all times. A complete list of all Housing and Residential Life Policies and Procedures can be found in the Department of Housing and Residential Life main office and on their website at: www.miami.edu/residentguide . Violations of such policies may result in disciplinary action.
43. **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.
44. **Smoking** (See Smoking Policy in UNIVERSITY POLICIES AND PROCEDURES)
    The Coral Gables Campus and the Miller School of Medicine are smoke free environments.
45. **Solicitation** (See Solicitation Policy in UNIVERSITY POLICIES AND PROCEDURES)
46. **Speakers / Public Presentations**
    The full text of this policy can be found in the Office of Student Activities in the Whitten University Center
47. **Student Center Complex Policies and Procedures**
    Failure to comply with Student Center Complex policies and procedures is prohibited. These policies pertain to use of the Shalala Student Center, the Whitten University Center, the Student Center Complex Patio, the Foote Green, and the Rock. The full text of these policies and procedures can be found on the SCC website at: www.miami.edu/scc
48. **Student Organization Rights and Responsibilities**
    All student organizations and Greek Organizations are subject to University rules and regulations concerning conduct as set forth in this handbook.
49. **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.
50. **Trespass** (See Trespass Policy in UNIVERSITY POLICIES AND PROCEDURES)
51. **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.
52. **Unauthorized Possession of University Property**
    Unauthorized possession of property owned or controlled by the University of Miami or the University Bookstore. Students in violation of this rule may also be referred to legal authorities for prosecution.
53. **Video and/or Audio Copyright Violation**
    Federal copyright law restricts the use and/or distribution of copyrighted video and audio recordings without appropriate licenses.
54. **Violation of Disciplinary Probation**
    Violating University policies or procedures while serving a term of Strict or Final Disciplinary Probation for a previous violation is prohibited and may serve as grounds for Major student conduct action.
55. **Visitation of Campus**

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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.

56. **Non-Title IX – Relationship Violence**

    A. Dating Violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

    B. Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

57. **Non-Title IX – Retaliation**
    Retaliation means any adverse action taken against an individual for making a good faith report of Sexual Misconduct or participating in any investigation or proceeding under this Policy. Retaliation includes threatening, coercing, discriminating, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy.

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

59. **Non-Title IX – Sexual Assault**

    A. Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

    B. Fondling is defined as the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation and/or the forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

    C. Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

    D. Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

60. **Non-Title IX – Sexual Harassment**
    Sexual Harassment means unwelcome verbal or physical behavior which is directed at an

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individual based on sex, when these behaviors are sufficiently severe or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment. Examples of conduct that can constitute sexual harassment if based on an individual's sex include but are not limited to:

- Unwelcome jokes or comments (e.g., sexist jokes);
- Disparaging remarks about sex, gender identity, or gender expression (e.g., negative or offensive remarks or jokes about an individual's self-presentation);
- Displaying negative or offensive posters or pictures about sex;
- Electronic communications, such as e-mail, text messaging, and Internet use, that violate this policy

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

62. **Sexual Exploitation**
Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose through any means whatsoever. Examples include but are not limited to:

- Producing images or recordings of a sexual nature of another person without that person's consent
- Distributing or threatening to distribute sexual information, images, or recordings of another person without that person's consent
- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent
- Engaging or attempting to engage in prostitution, including soliciting services
- Sexual trafficking
- Disclosing or threatening to disclose the sexual orientation or gender identity of a person against their wishes

63. **Restrooms/Changing Facilities**
Except in the event of an emergency or other circumstance provided by F.S. 553.865(6), willfully entering a restroom and/or changing facility designated for the opposite sex and refusing to exit upon request by any administrative personnel, faculty, security or law enforcement personnel.

C. SEXUAL MISCONDUCT AND SEX- OR GENDER- BASED DISCRIMINATION POLICIES

I. **Policy Statement**

A. **Purpose**
The University of Miami ("University" or "UM") seeks to maintain a safe environment free

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from discrimination based on sex. The purpose of this policy is to provide baseline expectations for all members of the University community consistent with the University's Title IX obligation not to discriminate on the basis of sex in the educational programs or activities it operates. In addition to this policy, individuals are encouraged to review the University's Equal Opportunity Policy for staff, all policies contained in the Student Rights and Responsibilities Handbook for students, and all policies contained in the Faculty Manual for members of the faculty.

B. **Scope**

This Policy applies to all members of our University community, including but not limited to UM Students; UM Residents; University employees, including all officers, professional staff and administrators ("Staff"); University faculty, including adjunct and visiting faculty ("Faculty"); University affiliates, including contractors, vendors, volunteers, preceptors and on-site supervisors for clinical rotations, or other third parties within the University's control ("Affiliates"); and other visitors or guests of the University ("Guests").

This Policy applies to acts committed of Prohibited Conduct by or against UM community members when:

- The conduct occurs in the context of an UM employment or educational program or activity at any location within the United States, including, but not limited to, UM-sponsored research, residency, fellowship, or internship programs; and
- The Complainant and Respondent are participating or seeking to participate in UM employment or educational program or activity.

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A University program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the alleged Sexual Misconduct or Sex- or Gender- Based Discrimination occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Matters that do not meet the foregoing two requirements must be dismissed for Title IX purposes; however, when the Respondent is a student, such matters will be processed as a Student Conduct (non-Title IX) matter. For example, if a report was received alleging that a student engaged in a sexual assault off campus (outside of the Title IX jurisdiction), the matter would be dismissed for Title IX purposes but the student could still be charged with Sexual Assault under the general policies of the Student Rights and Responsibilities Handbook. That matter would be handled following the Major Level Student Conduct Procedures."

When the accused is not a student, matters that do not meet the foregoing two requirements will be processed as described in the University's Equal Opportunity Policy for staff, the Faculty Manual for members of the faculty, or consistent with other applicable policies or practices depending on the identity of the accused. Depending on the applicable code of conduct, this may include adjudication under the same or different

procedures as referenced in this policy.

A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Following a finding of responsibility, a Respondent determined to have violated this Policy will be subject to disciplinary action, up to and including separation from the University. Affiliates or Guests who violate this Policy may have their relationship with the University terminated and/or their privileges and access to the University's premises revoked.

An attempt to commit an act of Sexual Misconduct, even if not completed, or an act prohibited under this policy perpetuated through electronic means (such as cyber-sexual harassment) is also a violation of this Policy and will be resolved or adjudicated under this Policy following the same procedure as if the act were completed.

Along with Sexual Misconduct, Sex- or Gender Based Discrimination and Retaliation as defined within the "Prohibited Conduct" section of this Policy are also prohibited.

Lastly, the University will not tolerate or condone the deliberate filing of false accusations. An individual found to have made, or encouraged another to make, a bad faith complaint may be subject to disciplinary action.

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C. **Title IX Office, Title IX Coordinator, and Compliance Oversight**
The University's Title IX Coordinator (Title IX Coordinator) is responsible for monitoring compliance with this Policy, as well as related federal statutes and regulations concerning the prohibition of Sexual Misconduct and Sex- or Gender- Based Discrimination in higher education. The Title IX Coordinator's duties include: overall management of the complaint process including coordination of supportive measures, signing of formal complaints, oversight of the investigative and decision-making process, and training of all Title IX-related personnel consistent with training requirements set by applicable law

The Title IX Coordinator is available to assist all members of the University community, on all University campuses, with any questions about this Policy and/or the application of Title IX:

University's Title IX Office
Maria Sevilla, JD, Title IX Coordinator
Title IX Office
6200 San Amara Drive, Suite 230
Coral Gables, FL 33146
Telephone: 305-284-8624
Email: titleixcoordinator@miami.edu
Website: www.miami.edu/titleix

Consistent with the procedures set forth in Section III Part A below ("How to Report

Sexual Misconduct"), any person may report Sexual Misconduct or Sex- or Gender- Based Discrimination (whether or not the person reporting is the person alleged to be the victim of the alleged conduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed above for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

The Title IX Coordinator works in collaboration with Area Deputy Title IX Coordinators (defined below), Area Title IX Investigators, and Area Title IX Liaisons (defined below), across the University campuses in the performance of the Title IX compliance functions.

1. **"Area Deputy Title IX Coordinators"** have been designated by the University to assist the Title IX Coordinator and Deputy Coordinator in responding to complaints of Sexual Misconduct and reviewing those complaints to determine applicable policies and procedures under which the complaint shall be resolved. In addition, Area TIX Coordinators supervise TIX Investigators within specific areas of the University and, as needed, may serve as investigators themselves. A current list of Area Deputy Title IX Coordinators is posted at www.miami.edu/titleix under Contact Us- Title IX Coordinators.
2. "**Title IX Investigators**" have been designated by the University to investigate complaints of Sexual Misconduct. Among other things, Investigators are responsible for the investigation including interviews, collection of evidence, and producing the investigative report. In addition, as needed, Title IX investigators may assist in responding to complaints of sexual misconduct and reviewing those complaints to determine applicable policies and procedures under which the complaint shall be resolved. A current list of Area Title IX Investigators is posted at www.miami.edu/titleix under Contact Us- Title IX Investigators**.**
3. "**Area Title IX Liaisons**" are individuals throughout the UM community who help provide Sexual Misconduct resources to the UM community and help develop and implement Sexual Misconduct prevention and awareness programs. The list of Title IX Liaisons is posted at www.miami.edu/titleix under Contact Us-Title IX Liaisons.

The University's resolution of alleged Sexual Misconduct, Sex- or Gender- Based Discrimination, or Retaliation is performed under the authority of the University's Title IX Coordinator. No member of the UM community has authority to investigate, resolve, or institute corrective measures related to this Policy without the involvement of the Title IX Coordinator, Deputy Title IX Coordinator, or an Area Title IX Coordinator.

Administrative investigation through the University's applicable grievance procedure is not a substitute for civil or criminal charges, or for any other administrative or legal process that either party may wish to pursue.

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D. **Definitions**

For purposes of this Policy, the following Definitions apply:

a. **Actual Knowledge:** means that the alleged Sexual Misconduct has been reported by any person to either the University's Title IX Coordinator, Deputy Title IX Coordinator, any of the Area Deputy Title IX Coordinators; or any of the Title IX Liaisons.

b. **Advisor:** a support person or other person selected by a participant in an investigation, in accordance with the applicable procedure, to attend interviews and investigative meetings with the participant. If the Advisor is present during an investigative meeting, the Advisor is an observer, and may not speak on behalf of the participant. The only exception to this limitation is that the advisor may conduct cross-examination during a live hearing proceeding consistent with the applicable grievance procedure.

c. **Affiliates:** contractors, vendors, volunteers, preceptors, and on-site supervisors for clinical rotations, or other third parties within the University's control ("Affiliates").

d. **Complainant:** means an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct or other prohibited conduct under this Policy.

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

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For purposes of this definition:

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

Consent **cannot** be given:

1. By a Complainant who the Respondent knew or should have known was under 18 years of age; or
2. By a Complainant who the Respondent knew or should have known had a temporary or permanent disability making them unable to consent; or
3. By a Complainant who the Respondent knew or should have known was intoxicated (by alcohol or another substance). Intoxication means being incapable of employing the physical and mental abilities which a person is expected to possess in order to make a

conscious decision about engaging in the sexual relations that are alleged to have occurred. While this is not an exhaustive list of indicators of intoxication, the following factors should be considered in determining whether a person was intoxicated: the Respondent knew the Complainant had been drinking or using drugs, and/or knew how much the Complainant had consumed; the Complainant was visibly stumbling or otherwise was at a loss of equilibrium; the Complainant had noticeably bloodshot, glassy, or unfocused eyes; the Complainant exhibited any of the signs of alcohol poisoning; the Complainant was known to have vomited as a result of consumption of an intoxicating substance; the Complainant was known to be disoriented or confused as to their whereabouts, or the time and date; or the Complainant has exhibited the loss of consciousness at any point between the consumption of the intoxicating substance and the alleged sexual activity.

f. **Covered Persons:** UM Students, Employees (including UM Residents), Faculty, Affiliates, and Guests are sometimes collectively referred to in this Policy as a "Covered Person" or "Covered Persons." At points throughout this Policy, these groups are also collectively referred to as members of the University community/ UM community members.

g. **Formal Complaint:** a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Misconduct.

h. **Prohibited Conduct:** collective term used to refer to the totality of conduct prohibited in Section II of this Policy: Sexual Misconduct, Sex- or Gender-Based Discrimination, and Retaliation.

i. **Supportive Measures:** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

j. **UM Student:** any student, including visiting students, students in non-credit courses, and students in non-degree programs, who is enrolled, or has the ability to re-enroll, full-time, part-time, or to audit any course or program, at any University campus, under the auspices of the University, and/or using the University resources.

k. **UM Resident:** anyone enrolled in, or who has the ability to re-enroll, to participate in the University's medical residency program, at any University campus, under the auspices of the University, and/or using the University

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resources. UM Residents are considered Employees for all purposes under this Policy.

l. **Mandatory reporter:** a University employee, including student employees, who has an affirmative responsibility to promptly report the complaint of Sexual Misconduct involving members of the University Community and child abuse, neglect, or abandonment of minors to a Title IX Coordinator. These individuals do not have authority to investigate, resolve, redress, or institute corrective measures related to this policy without the involvement of the Title IX Coordinator, Deputy Title IX Coordinator, or Area Title IX Coordinators.

m. **Official with Authority:** an official with authority to redress Sexual Misconduct and who has Actual Knowledge of an incident of alleged Sexual Misconduct that triggers an obligation for the University to respond. For University purposes, the Officials with Authority are: the University's Title IX Coordinator, the Deputy Title IX Coordinator, Area Deputy Title IX Coordinators, and Title IX Liaisons.

n. **Respondent:** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct or other Prohibited Conduct under this Policy.

II. **Prohibited Conduct (Sexual Misconduct, Sex- or Gender- Based Discrimination, & Retaliation)**
The definitions provided in this section provide baseline expectations for all members of the University community. In addition to this policy, individuals are encouraged to review the Equal Opportunity Policy for staff, all policies contained in the Student Rights and Responsibilities Handbook for students, and all policies contained in the Faculty Manual for members of the faculty.

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As stated above, an attempt to commit an act of Sexual Misconduct, even if not completed, or an act prohibited under this policy perpetuated through electronic means (such as cyber-sexual harassment), is also a violation of this Policy and will be resolved or adjudicated under this Policy following the same procedure as if the act were completed. In addition, the University will not tolerate or condone the deliberate filing of false accusations. An individual found to have made, or encouraged another to make, a bad faith complaint may be subject to disciplinary action. Except for "Retaliation" and "Sex- or Gender- Based Discrimination", all the other prohibited conduct set forth in this Section II constitutes "Sexual Misconduct".

1. **Relationship Violence**

   i. **Dating Violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

   ii. **Domestic violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

2. **Retaliation** means any adverse action taken against an individual for making a good faith report of Sexual Misconduct or participating in any investigation or proceeding under this Policy. Retaliation includes threatening, coercing, discriminating, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. Complaints and/or reports of Retaliation under this

Policy may be filed utilizing the same procedures described in Section (V)(C), below.

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

4. **Sexual Assault:**

    i. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

    ii. **Fondling** is defined as the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation and/or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

    iii. **Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

    iv. **Statutory Rape** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

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For University purposes, consent is defined in Section I (D) of this Policy.

5. **Sexual Harassment** means:

    i. **Quid pro quo harassment:** an employee conditioning the provision of an aid, benefit, or service of the University on the individual's participation in unwelcome sexual conduct.

    ii. **Hostile Environment Harassment:** unwelcome sexual conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University's education programs or activities.

    For the purposes of Hostile Environment Harassment , unwelcome sexual conduct can include any or all of the following behaviors, as well as others which are not listed: public or private sexually suggestive comments concerning a person's body or behavior, and sexual demands; remarks about clothing, body, sexual activities, sexual preferences, gender identity or sexual orientation, as well as teasing, jokes, remarks, or gestures which are sexual in nature; unnecessary touching, pinching, patting, or exposure of another

person's body; unwarranted staring at another person's body; unwanted communications of a sexual nature in any form, over any medium, and in any media; or repetition of unwanted invitations for dates or romantic messaging.

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

III. Reporting Prohibited Conduct

A. How to Report Sexual Misconduct

Incidents of Sexual Misconduct as defined above in this Policy may be reported to the University, to an external agency, to local law enforcement, or to any combination of the three.

Once the University has Actual Knowledge of alleged Sexual Misconduct, it will respond promptly in a manner that is not deliberately indifferent, including by offering Supportive Measures and explaining the applicable Grievance Process to the Complainant. This applies to Sexual Misconduct covered by this Policy whether or not a parallel law enforcement action is pending or if a formal complaint is filed. Actual Knowledge means that the alleged Sexual Misconduct has been reported by any person to either the University's Title IX Coordinator, Deputy Title IX Coordinator, any of the Area Deputy Title IX Coordinators; or any of the Title IX Liaisons. The following reporting options constitute giving Actual Knowledge to the University and trigger the University's obligation to respond:

- A report made/filed through the University's Title IX Website (www.miami.edu/titleix) or the University Hotline System;
- A report made by calling (305-284-8624) or emailing the Title IX Office (titleixcoordinator@miami.edu);
- A report mailed to the Title IX Office at the address provided above;
- A report made by contacting the Title IX Coordinator, Deputy Title IX Coordinator, or an Area Deputy Title IX Coordinator directly; or
- A report made by contacting a Title IX Liaison.

A report as outlined above may be made at any time (including during non-business hours). Note that this does not mean that an individual will be available to take a report in real time during non-business hours; however, all reports received during non-business hours will be acknowledged shortly after business hours have resumed.

In order to encourage reporting of these issues, amnesty may be granted to individuals who, in reporting an incident or in the course of collaborating with an investigation under this Policy, disclose that at the time of the incident they may have violated portions of the University's Alcohol or Illegal Drugs policies, or other policies. For example, a charge for

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personal consumption of alcohol in violation of University Policy will not be brought against an individual who, in reporting an incident of sexual misconduct or gender discrimination, reports that they were under the influence of alcohol at the time when they were the target of the misconduct. This policy is designed to encourage reporting and it is not intended to be used as a defense after an individual is found to have been in violation of University policies.

The University recognizes that individuals may sometimes wish to report Sexual Misconduct but have no interest in the Grievance Process. As such, a report of alleged Sexual Misconduct will not automatically trigger an investigation and an adjudicative process. Instead, upon receipt of a report of alleged Sexual Misconduct, a Title IX Coordinator or their designee will promptly contact the complainant, inform the complainant of the availability of supportive measures, and explain to the complainant the process for filing a Formal Complaint.

If at any point in the process the Complainant expresses interest in the applicable Grievance Process, the Title IX Coordinator shall assist the Complainant in filing a Formal Complaint consistent with Section IV of this policy. Lastly, if upon review of the allegations in the report it is determined that the alleged behavior is not covered under the scope of this Policy, the Title IX Coordinator shall review with the Complainant other policies or procedures under which the reported behavior might be actionable, or refer the Complainant to another University official who can assist the student and/or employee with that process.

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B. **How to Report Sex- or Gender- Based Discrimination or Retaliation**
A report of Sex- or Gender- Based Discrimination can be made in the same manner as described in Section III(A), above, or as set forth in the Student Rights and Responsibilities Handbook for students, in the Faculty Manual, for faculty, and in the University's Equal Opportunity Policy (for non-TIX Sexual Misconduct, Sex- or Gender-Based Discrimination, or Retaliation), for employees.

C. **Mandatory Reporting Obligations of University Employees/Faculty**
The University recognizes that individuals may sometimes want to disclose instances of alleged Sexual Misconduct or other Prohibited Conduct to a member of the University community without triggering any response or action by the University. That said, mandatory reporting by certain individuals who learn of potential Sexual Misconduct or other Prohibited Conduct under this Policy helps the University identify trends and take proactive action to build a safe community, as well as ensure that individuals who disclose misconduct fully understand the options and resources available to them through the University.

In addition, consistent with applicable law and the University Policy on Protection of Youth and Mandatory Reporting of Child Abuse, Neglect or Abandonment, the University sets mandatory obligations requirements for reports involving minors.

Reports Involving Minors:

- All employees and faculty have an obligation to report any and all alleged Sexual Misconduct, Sex- or Gender- Based Discrimination, mistreatment, or neglect involving minors to the Title IX Coordinator, Deputy Coordinators, or an Area Deputy Coordinator and may do so through any of the means listed immediate above in "A. How to Report Sexual Misconduct."

Reports Involving Members of the University Community:

- The following employees, including student employees, have an obligation to report any and all alleged Sexual Misconduct and Sex- or Gender- Based Discrimination that they learn of:
    - employees, including student employees, in any supervisory role;
    - institutional law enforcement;
    - all personnel in Athletics, Housing & Residential Life, and Student Affairs; and
    - all University faculty, including teaching assistants.
- This obligation does not apply to the following employees regardless of whether they fall into one of the categories immediately above:
    - Employees at the University's Student Health Center;
    - Employees at the University's Counseling Center;
    - Social workers in the Dean of Students Office;
    - Chaplains; and
    - Employees or Faculty serving as an attorney, academic counsel, or representative for a member of the faculty, staff, or student.

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Mandatory reporters have an obligation to report alleged Prohibited Conduct to the Title IX Coordinator, Deputy Coordinator, or an Area Deputy Coordinator and may do so through any of the means listed immediately above in Sections III(A) or III(B). Upon receipt of a disclosure, a mandatory reporter shall inform the Complainant of their duty to report. A mandatory reporter shall not inform anyone else of such disclosure.

As stated in Section I of this policy, no member of the UM community, including mandatory reporters, has authority to investigate, resolve, redress, or institute corrective measures related to this Policy without the involvement of the Title IX Coordinator, Deputy Title IX Coordinator, or an Area Title IX Coordinator. Notifying a mandatory reporter of alleged Sexual Misconduct does not constitute Actual Knowledge by the University until the mandatory reporter notifies either the Title IX Coordinator, Deputy Title IX Coordinator, an Area Title IX Coordinator, or a Title IX Liaison of the report. An individual who seeks to give the University Actual Knowledge of an allegation of Sexual Misconduct should not use disclosure to a mandatory reporter as a means to do so; instead, that individual should report to the University directly by one of the ways listed in the section above ("How to Report Sexual Misconduct").

D. **Privacy and Confidentiality**

The University is committed to protecting the privacy of all individuals involved in a report under this Policy. Privacy generally means that information related to a report of Prohibited Conduct will be shared with a limited number of individuals who "need to know" in order to assist in the active review, investigation, and resolution/adjudication of the allegation. Other than disclosure(s) to such "need to know" individuals and/or in the circumstances described in the next paragraph, the University will keep confidential the identity of any individual who has made a report or complaint under this Policy, including any individual who has made a report or filed a Formal Complaint, any Complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any Respondent, and any witness, except as may be permitted and/or required by applicable regulations and/or law.

The Title IX Coordinator will work collaboratively with a reporting individual and the parties involved to establish the appropriate parameters of confidentiality in each case, always making every effort to operate with discretion and maintain the privacy of the individuals involved. Investigations of complaints of Sexual Misconduct, Sex- or Gender-Based Discrimination, or Retaliation often require that the Complainant's identity be known by the party or parties whose conduct is being reviewed. More specifically, and as discussed above, the University may need to disclose information in order to conduct an investigation, resolve a complaint, and/or comply with applicable law.

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If an individual requests that the University keep the matter confidential, or not pursue action against Respondent(s), the Title IX Coordinator will carefully evaluate that request by balancing Complainant's wish for privacy against the safety and welfare of the UM community. The University will weigh such requests against the University's obligation to provide a safe, non-discriminatory environment. There will be times when the University may not be able to honor a Covered Person's request in order to comply with this obligation.

The University will comply with its legal and policy obligations to report Prohibited Conduct that may constitute child abuse, abandonment, and neglect. (See University Policy on Protection of Youth and Mandatory Reporting of Child Abuse, Neglect or Abandonment). The University will continue to report instances of Prohibited Conduct in accordance with the Clery Act. Pursuant to the Clery Act, the University includes statistics about certain offenses in the University's annual security report. The University will provide those statistics to the United States Department of Education, but in a manner that does not include any identifying information about persons involved in an incident.

E. **Supportive Measures**

Upon receipt of a report of alleged Prohibited Conduct, the University may take and/or make available Supportive Measures to either the Complainant or the Respondent.

Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all

parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

All Employees and Faculty are expected to comply with a Title IX Coordinator's or Investigator's request for, or implementation of Supportive Measures under this Policy and may be subject to discipline for failing to do so. Such discipline may include, if circumstances warrant, separation from the University.

The University may withdraw Supportive Measures if the University concludes that the Supportive Measures are no longer necessary or appropriate. The University will maintain as confidential any Supportive Measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

F. **External Reporting Options**

For Students: For assistance related to civil rights in education, you may contact the **United States Department of Education Office for Civil Rights** (OCR) Enforcement Office serving your state or territory or the OCR headquarters office in Washington D.C.

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The **OCR Enforcement Office for Florida institutions** is:	The **OCR National Headquarters** is located at:
Atlanta Office United States Department of Education Office for Civil Rights 61 Forsyth St. S.W., Suite 19T10 Atlanta, GA 30303-8927 Telephone: (404) 974-9406 Fax: (404) 974-9471 TDD: (800) 877-8339 Email: OCR.Atlanta@ed.gov Contact the OCR Enforcement Office if you wish to file a complaint, or if you need technical assistance on a problem or assistance to prevent civil rights problems. You can also file a complaint online: http://www.ed.gov/about/offices/list/ocr/co mplaintintro.html	U.S. Department of Education Office for Civil Rights LBJ Department of Education Bldg. 400 Maryland Avenue, SW Washington, DC 20202-1100 Telephone: (800) 421-3481 Fax: (202) 453-6012 TDD: (800) 877-8339 Email: OCR@ed.gov Contact the OCR headquarters office if you have a question on national policy, to make a Freedom of Information request for information that is national in scope, or to request publications or other assistance that is not available online.

For Employees:

1. **US Equal Employment Opportunity Commission** (EEOC)
   Miami District Office, Miami Tower
   100 SE 2nd Street, Suite 1500
   Miami, FL 33131
   Phone: (800) 669-4000
   Fax: (305) 808-1855
   Website: https://www.eeoc.gov/field/miami/index.cfm
2. **Florida Commission on Human Relations** (FCHR)
   4075 Esplanade Way, Room No. 110
   Tallahassee, FL 32399-7020
   Phone: (850) 488-7082
   Toll-Free: 1-800-342-8170
   Fax: (850) 487-1007
   Website: http://fchr.state.fl.us Email: fchrinfo@fchr.myflorida.com

   For Those with Communication Impairments:
   The Florida Relay Service Voice (statewide) 711
   TDD ASCII (800) 955-1339
   TDD Baudot (800) 955 - 8771
3. **Miami-Dade County Office of Human Rights and Fair Employment**
   Stephen P. Clark Center
   111 NW 1st Street, 22nd Floor
   Miami, FL 33128
   Phone: (305) 375-2784
   Fax: (305) 375-2114
   Email: OFEP@miamidade.gov

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IV. Investigative Process

A. Filing a Formal Complaint of Sexual Misconduct

When a Complainant is interested in seeking investigation and adjudication of their report of Sexual Misconduct through the University's applicable Grievance Process, the individual shall file a Formal Complaint. A Formal Complaint is a written, signed document in which the Complainant outlines the alleged Sexual Misconduct and requests that the University investigate the alleged misconduct. A third party can always report Sexual Misconduct to the University; however, a third party, aside from the Title IX Coordinator as set forth below, cannot file a Formal Complaint.

A Formal Complaint may be:

- Emailed to titleixcoordinator@miami.edu;
- Mailed to the Title IX Office:
  University of Miami – Title IX Office
  6200 San Amaro Drive, Suite 230
  Coral Gables, FL 33146
- Emailed to the Title IX Coordinator, Deputy Title IX Coordinator, or an Area Deputy Title IX Coordinator directly.
- In person with a Title IX Coordinator, Deputy TIX Coordinator, or an Area Deputy

TIX Coordinator. Please contact these individuals directly to schedule an in-person meeting.

Review, Dismissal, and/or Consolidation of Complaints
Upon receipt of the Formal Complaint, a Title IX Coordinator will review the allegations in the Complaint. If the conduct alleged in the Formal Complaint does not constitute Sexual Misconduct as defined in this Policy or falls outside of the scope of this Policy, then the University must dismiss the Formal Complaint with regard to this Policy. In those instances, the TIX Coordinator will review with the Complainant other policies or procedures under which the reported behavior might be actionable, or refer the Complainant to another University official who can assist the student and/or employee with that process.

Further, the University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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If a Formal Complaint is dismissed, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties involved. Upon receipt of the written notice of the dismissal, a party may appeal the decision following the procedures in the applicable grievance procedures as set forth in Section (V)(C)," Investigative Areas and Grievance Procedures" below

In addition, upon review of a Formal Complaints, the University may consolidate allegations of Sexual Misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

Formal Complaints by the Title IX Coordinator
If a Title IX Coordinator, after considering the factors below, determines that a reported behavior constitutes a threat to the campus community and interferes with the University's obligation to provide a safe, non-discriminating environment, a Title IX Coordinator may file a Formal Complaint triggering the University's investigative and adjudicative procedures, despite the Complainant's request to the contrary. In such an instance, once the Title IX Coordinator files a Formal Complaint, written notice of the Formal Complaint shall be provided to the Complainant and the Respondent and the Complainant retains their autonomy to choose whether and to what extent they want to engage in the investigative and adjudicative process.

In determining whether to file a Formal Complaint, a Title IX Coordinator will consider the following factors:

- The increased risk that the alleged perpetrator will commit additional acts of Sexual Misconduct,
- such as:
    - Whether there have been other complaints about the same Respondent;
    - Whether Respondent has a history of arrests or records from a prior school indicating a history of violence;
    - Whether Respondent threatened future sexual violence or other violence against the Covered Person or others; or
    - Whether the alleged violation was committed by multiple perpetrators.
- Whether the alleged violation was perpetrated with a weapon;
- Whether the Covered Person is a minor;
- Whether the University possesses other means by which to obtain relevant evidence of the alleged violation; and/or
- Whether the Covered Person's report reveals a pattern of Sexual Misconduct at a given location or by a particular group.

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The presence of one or more of these factors could lead the University to initiate the applicable grievance procedure (investigation and adjudication) despite a Complainant's request to the contrary.

B. **Filing a Formal Complaint of Sex- or Gender- Based Discrimination or Retaliation**
Students wishing to file a complaint of Sex or Gender Based Discrimination or Retaliation should contact the Dean of Students Office. Faculty wishing to file a complaint of Sex or Gender Base Discrimination should consult the Policy on Non-Title IX Sexual Harassment and Non- Discrimination Policy set forth in the Faculty Manual. Employees wishing to file a complaint of Sex- or Gender- Based Discrimination or Retaliation should consult the University's Equal Employment Opportunity Policy (for non-TIX Sexual Misconduct, Sex- or Gender- Based Discrimination, or Retaliation). In addition to the specific offices and policies listed immediately above, all Covered Persons wishing to file a Formal Complaint of Sex- or Gender- Based Discrimination or Retaliation as defined in this Policy may also contact the Title IX Office.

C. **Presumption of Innocence and Standard of Proof**
The University applies the "preponderance of the evidence" standard when determining whether this Policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation occurred.

A Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

D. **Investigative Areas and Grievance Procedures**

The applicable University procedure (the "Grievance Process") for investigating and resolving Formal Complaints under this Policy is determined by the status of Respondent, as set forth in the chart below. The Grievance Process must be followed before the imposition of any disciplinary sanctions for Prohibited Conduct, or other actions that are not Supportive Measures, against a Respondent.

Respondent:	Applicable Grievance Process:	University Department Responsible for Investigation:	Department Contact Information:
UM Student	Student Conduct Procedures for Reported Sexual Misconduct in the Student Rights and Responsibilities Handbook (for alleged violations of Sexual Misconduct under this Policy) OR the Major Level Student Conduct Procedures in the Student Rights and Responsibilities Handbook (for Gender Discrimination or Retaliation)	Dean of Students Office	Area Deputy Title IX Coordinator (students) 305-284-5353
Employee (including UM Residents and other non-Faculty)	Employee Grievance Procedures for Reported TIX Sexual Misconduct OR Administrative Review pursuant to University's Equal Employment Opportunity Policy (Sex- or Gender- Based Discrimination or Retaliation)	Office of Workplace Equity and Inclusion	Area Deputy Title IX Coordinator (staff) 305-284-3064
Faculty	Procedures of the Committee on Professional Conduct in the Faculty Manual	Office of Vice Provost for Faculty Affairs	Area Deputy Title IX Coordinator (faculty) 305-284-2002

In the event of a conflict of interest between the parties and an Investigator, the Title IX Coordinator will work with the appropriate offices within the University to have an alternate Investigator assigned within five (5) business days to conduct the investigation.

Complaints Against a Respondent Who Has Multiple Roles Within the University. Where the Respondent has multiple roles within the University, the University's Title IX Coordinator will determine which of the procedures will apply based on the facts and circumstances of a particular incident, such as which role predominates and/or the role most applicable in the incident. For example, if Respondent is a full-time employee and a

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part-time student at the University, Respondent's predominant role as employee may require that the incident be reviewed under the procedures applicable to employees.

Complaints Involving Affiliates.

a. The University's Affiliates will be informed of the University's commitment to provide UM Students, Employees and Faculty with a workplace and learning environment free of Sexual Misconduct and Sex- or Gender- Based Discrimination and the expectation that they abide by this Policy.
b. The University cannot discipline employees of its Affiliates, but the University will take reasonable steps to prevent Sexual Misconduct, Sex- or Gender-Based Discrimination and Retaliation involving Affiliates and will, to the extent possible, cooperate with an Affiliate's investigation under the Affiliate's process. The University will attempt to resolve the issue, as soon as practicable, and may reassign an Affiliate to another area or supervisor, if a resolution is not feasible.
c. Affiliates and Affiliates' employees are encouraged to report complaints of Sexual Misconduct and Sex- or Gender- Based Discrimination involving UM Students, Employees and Faculty to the Title IX Coordinator.
d. UM Students, Employees and Faculty are subject to discipline for Sexual Misconduct and Sex- or Gender- Based Discrimination directed toward employees and others in the Affiliate's location.
e. Affiliates will be asked to work with the University in confidence (i) to investigate complaints involving an Affiliate's employee, or where the incident occurred at the Affiliate's location; and (ii) to eliminate Sexual Misconduct and Sex- or Gender- Based Discrimination through education and, if need be, employee sanctions.

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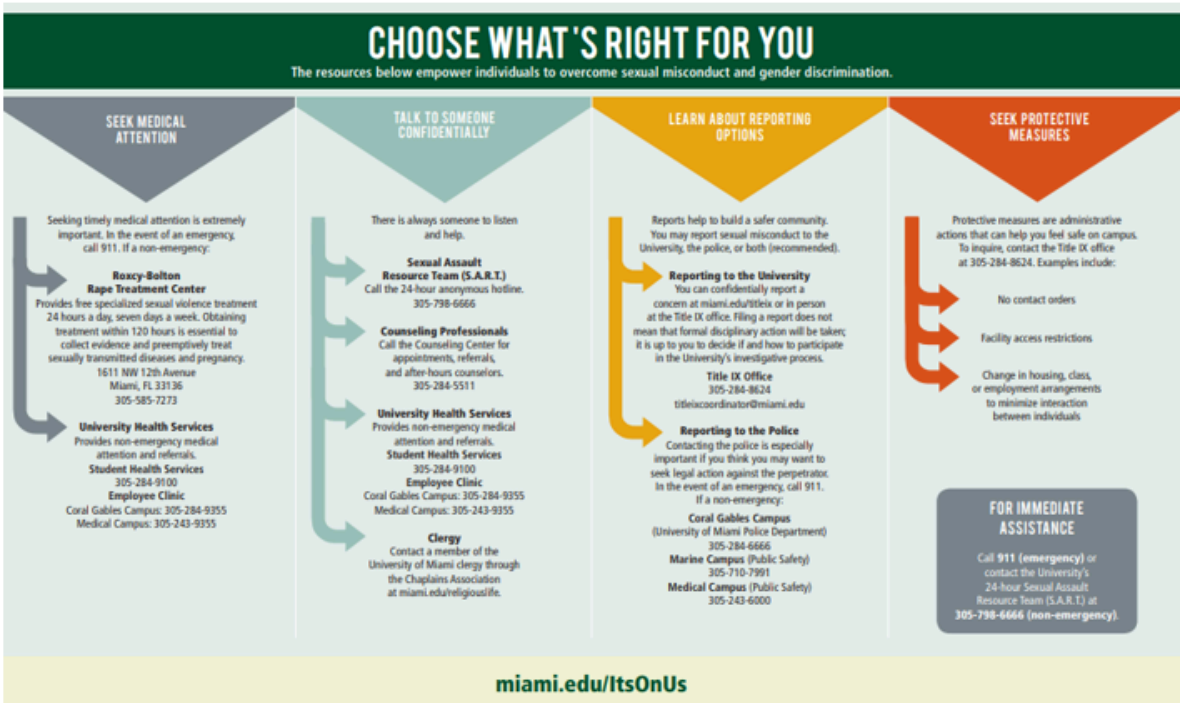
Complaints Involving Guests. Complaints of Sexual Misconduct and Sex- or Gender-Based Discrimination by Guests should be reported to the Title IX Coordinator. After discussion with the Covered Person and a review of the circumstances, the University will take reasonable steps to prevent Sexual Misconduct and Sex- or Gender- Based Discrimination that may be directed toward Complainant and others.

V. **Resources**



For additional resources, including non-university resources, please contact the Title IX Office by emailing Titleixcoordinator@miami.edu or calling 305-284-8624.

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UNIVERSITY POLICIES AND PROCEDURES

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

ALCOHOLIC BEVERAGES

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

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

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

SECTION I: GENERAL PROVISIONS

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

A. Possession of beverage/s containing alcohol is prohibited by any person under the age of 21 (this includes the presence of alcohol within a student's room or contained within their possessions)

B. Consumption/use of, or intoxication caused by beverage/s containing alcohol is prohibited by any person under the age of 21

C. Intoxication requiring evaluation by emergency personnel and/or transport to a hospital for treatment (Medical Amnesty may apply in certain situations. See Medical Amnesty Policy.)

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, punch bowls or any other container created or used to serve a similar purpose is prohibited. Hard liquor is prohibited at approved on campus social events including fraternity house parties. 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). 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).

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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**
Any organization desiring to conduct an on campus social event at which alcoholic beverages will be consumed/served must have the approval of the University official responsible for that area **and** the permission of the Dean of Students or their designee. Students should contact the Dean of Students Office to determine the University official responsible for a particular area or facility.

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 with the exception of the Rathskeller. Alcohol may not be served to undergraduate students at events that are planned, promoted, or hosted on the Coral Gables campus that are intended for undergraduate students or are hosted by undergraduate student organizations. Exceptions to this policy may only be made by the Dean of Students or their designee. Alcohol may be served to graduate students at events that are planned, promoted, or hosted on the Coral Gables campus that are intended for graduate students or graduate student organizations with prior written permission from the Dean of Students or their designee.

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

outlined in this handbook.

1. **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.
2. **Use of Third Party Vendors**
   For all events where alcohol will be served on campus, a University approved third party vendor must be utilized check identification cards and to control the alcohol that is served.
3. **Promotional Activities**
   All promotional activities involving alcoholic beverages must adhere to the following guidelines:
   a. Uncontrolled sampling of alcoholic beverages is not permitted and no sampling or other promotional activities may include "drinking contests."
   b. Materials that show the consumption/serving of alcoholic beverages for promotional purposes are not permitted.
   c. Alcoholic beverages may not be provided as free awards/rewards to students, individuals or campus organizations.
4. **Advertising and Marketing**
   The advertising and or marketing of an event where alcohol will be present must adhere to the following guidelines:
   a. Advertising programs that market alcoholic beverages specifically targeted to students and/or held on campus should comply with all policies outlined in this handbook and should avoid demeaning sexual or discriminatory portrayal of individuals.
   b. A promotion of alcoholic beverages should not encourage any form of alcohol abuse by placing an emphasis on quantity or frequency of use.
   c. Marketing programs should have educational value and subscribe to the philosophy of responsible and legal use of the products represented.
   d. On campus alcoholic beverage advertising, which targets students, including advertising and marketing in the University's media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic status.
   e. Advertising and other promotional campus activities may not associate alcoholic beverage consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.
   f. On campus advertising of local off-campus activities shall be advertised only with the prior approval of the Dean of Students. (Posters, leaflets, etc. are included.)

B. **General Provisions for Social Functions involving Alcoholic Beverages**

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1. **Food and Non-Alcoholic Beverages**
   Food and non-alcoholic beverages, other than the usual "mixers" for alcoholic drinks, must be provided for guests.
2. **Time Limit**
   Events may not last longer than four hours. The consumption/serving of alcoholic beverages must stop at least 30 minutes prior to the scheduled end of an event. Alcoholic beverages are not permitted outside the area in which a social event takes place. No persons are permitted to enter or leave the premises during the event with alcoholic beverages or alcohol containers in their possession.
3. **Sponsoring Organization**
   All organizations are subject to all applicable city, local, state and federal laws governing alcohol consumption, possession, and distribution, as well as the regulations and policies of the University of Miami. Hosting organizations assume responsibility for maintaining compliance with these laws and policies. The organization sponsoring a social event, its officers, individual members, and guests will be held accountable for knowing and observing these policies.
4. **Police Officers**
   All social events at which alcoholic beverages are consumed/served, and where there are 10 or more students who are under the legal drinking age, must have a police officer present for the duration of the event. This provision includes fraternity houses where there are 10 or more non-resident guests present. UMPD reserves the right to determine 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.
5. **Purchase of Alcoholic Beverages**
   University funds and university student organization monies cannot be used to purchase or pay for alcoholic beverages. Students cannot be reimbursed for their purchases of alcoholic beverages. Approved on campus social events should utilize cash bars operated by third party vendors as outlined in this policy.
6. **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.
7. **Co-Sponsorship**
   No organization may co-sponsor an event with a distributor of alcoholic beverages, charitable organization, bar or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) where alcohol is to be given away, sold or otherwise provided to those present.

C. **Additional provisions for Functions at Recognized Fraternity Houses**
   In addition to the provisions above, Greek Organizations are also expected to follow the provision of this policy documented below when planning events at their recognized fraternity houses.

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

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

3. **Conduct**
   Greek Organizations are responsible for the conduct of their members and guests.
4. **Publicity**
   Fraternities/Sororities may not advertise that alcoholic beverages will be consumed/served at an event. A Student Affairs Dean must approve all publicity for any Greek Organization function.
5. **Rental or Use**
   The use of fraternity houses by non-member groups for the purpose of having social activities where Alcoholic beverages are consumed/served is strictly prohibited.
6. **Guest Policy**
   All guests at an event where alcohol is consumed/served must be invited by personal invitation; this includes all individuals who are either initiated or new members of the hosting organization. A guest list must be submitted to the Dean of Students Office by the Monday immediately before the event. The number of invited guests must be less than the maximum allowable capacity of the useable common areas as determined by the Fire Marshall, two times the total number of members of the sponsoring organization, or 125 total persons, whichever is lesser. The Dean of Students or their designee may make exceptions to this policy.

   An additional Greek Organization guest list, equal to but not to exceed 10% of the allowable number of guests for the function, is permitted to be added on site at the entrance to the function. However, the maximum allowable capacity for the useable common areas is the maximum number of persons permitted to be inside those spaces at any given time.
   A copy of the complete guest list must be kept at the entrance of the function. Events, to which persons other than University students and/or staff are invited must have special approval from the Dean of Students Office. Any exceptions to the guest policy must have the approval of the Dean of Students Office
7. **Food and Non-Alcoholic Beverages**
   Food and Non-Alcoholic beverages must be provided by the sponsoring organization(s) throughout the entire event.
8. **Event Management**
   Members and guests in attendance at social functions involving alcohol must bring their own alcoholic beverages to the event. Alcoholic beverages may not be purchased through the chapter treasury nor may the purchase of alcoholic beverages for members or guests be undertaken or coordinated by any member or guest at the event. All functions must adhere to the guidelines listed in this section and must comply with all regulations in the Alcoholic Beverage Policy. Additionally, the Dean of Students Office reserves the right to conduct inspections of any event to monitor compliance with the policies contained herein.

   a. **Limits:** The limit on the amount of alcohol shall be equivalent to one 12 ounce drink per hour the guests can be present at the event. This means that for events lasting three (3) hours, three (3) drinks will be allowed per guest; for events lasting four (4) hours, four (4) drinks per person will be allowed, etc.. This includes beer and/or malted beverages only; no distilled spirits (i.e., "hard

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liquor") are permitted.

b. **Entrance:** There shall be only one designated entrance to the event. The entrance shall serve three purposes: (1) to make sure each person entering the event is either a member in the sponsoring organization or is on the guest list; (2) to check identification of individuals entering the event; and (3) to ensure that no one is permitted to leave the event with an opened alcoholic beverage. There shall be at least one member of the Executive Board at the entrance at all times. All individuals who work the entrance during an event must remain alcohol free for the duration of the event.

c. **Identification:** Only those persons who are appropriately identified as being 21 years old or older are permitted to bring alcohol to the event, or consume it at the event. Each person's photo identification must be checked at the entrance to the event. Valid forms of identification are a valid driver's license, State of Florida identification card, or a valid passport.

d. **Wristbands:** Wristbands must be issued to persons of legal drinking age at the entrance to the event. No one will be permitted to possess or obtain any alcoholic beverages without wearing a wristband and being of legal drinking age. Wristbands will be provided by the Dean of Students Office, based on the provided guest list, prior to the event.

e. **Serving Area:** There is to be a single serving area with servers who have attended a Risk management Workshop and who are of legal drinking age. Students who are not of legal drinking age or who have not attended the Risk management Workshop are not eligible to be servers. Servers may not consume alcoholic beverages before or during an event. No alcohol may be distributed from any other area of the Greek Organization house (including individual living rooms). Servers may not serve any persons who are visibly intoxicated.

f. **Collection and Distribution:** Once a person of legal drinking age who has brought alcohol to the event enters the event and obtains a wristband, he/she must immediately take the alcohol to the serving area and exchange it for the proper amount and type of tickets (i.e. four canned beers for four tickets designated for that brand of beer). A person may only receive a beverage in exchange for a ticket and may only receive one beverage at a time.

g. **The sponsoring organization** will be responsible for monitoring the event to make sure no one is drinking without a wristband, and that no person is in possession of more than one alcoholic beverage at a time.

h. **Alcohol Checkout:** 30 minutes prior to the designated ending time, an announcement must be made to the effect that the bar will be closing. Individuals who leave the event at or before the designated ending time may cash in their remaining tickets for the rest of their alcohol, and must leave immediately. All alcohol remaining after the designated ending time of the event shall be disposed of by the sponsoring organization.

D. **Residence Halls**

The consumption, sale, and distribution of alcoholic beverages is prohibited in hallways, stairwells, elevators, balconies, meeting rooms, lobbies, and all other public areas inside and outside immediately adjacent to the residence halls or apartments. Students of legal drinking age are

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permitted to possess and/or consume alcoholic beverages within the confines of their rooms or apartments as long as they comply with all public laws, the University's Alcoholic Beverage Policy, and Housing and Residential Life rules and regulations.

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

BIAS RELATED INCIDENTS

The University of Miami is committed to a community where all members have a sense of connection to their University, feel valued, and have opportunities to make valuable contributions. To that end, the University is committed to encouraging everyone to report bias incidents that occur in our campus community so that inappropriate and unwelcome behavior may be properly addressed and the community at large can be educated.

At the University of Miami a bias incident is defined as an action, behavior or expression against an individual's or group's actual or perceived identity. A bias incident may take the form of a verbal interaction, cyber-interaction, physical interaction, or interaction with property. Bias incidents may be based on, but not limited to: age, race, color, ethnicity, sex, sexual identity, sexual orientation, religion, antisemitism, Islamophobia, disability, gender identity and expression, national origin, actual or perceived shared ancestry or shared ethnic characteristics, genetic information, citizenship status, political affiliation or veteran status. Bias often contributes to or creates an unsafe/unwelcoming environment.

Bias incident reports are forwarded to the Dean of Students Office and may be forwarded to other offices for review when appropriate. All bias incident reports are investigated by the Dean of Students Office. Where it is determined the bias incident may involve a violation of the Harassment or Online/Internet Social Network Usage or other conduct policy, the alleged student(s) involved will be charged in the Student Conduct process. Students found Responsible for violating conduct policies related to bias incidents may be suspended or expelled. Privacy laws prevent the University from disclosing the outcomes of conduct related investigations. Bias incidents that are not determined to be possible conduct violations will result in educational conversation and intervention with the parties involved.

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

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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. Instructors can implement policies that prohibit recording any part of their course without permission.

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

Introduction

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

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

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

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Article 1. Prohibited Relationships with Undergraduate Students

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

Article 2. Prohibited Relationships with Graduate Students

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

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

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

Article 4. Consequences of Violating this Policy

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

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DANGEROUS ITEMS: FIREARMS, FIREWORKS, and WEAPONS

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.

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

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

Demonstration Policy. All students and student organizations must comply with the requirements and policies governing demonstrations including all campus space reservation policies. Failure to abide by the policies and directives will result in disciplinary action for the organizations and/or individuals involved.

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

The University of Miami supports the rights of individual students and student organizations to demonstrate,

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

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

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

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On campus demonstrations can only take place after the approval of the Dean of Students Office on the respective campus, on a first-come, first-served basis and based on availability of the proposed oncampus location. Such approval may be granted only after an assessment that the proposed demonstration will not otherwise interfere with scheduled University use or fail to comply with all policies applicable to demonstrations. The appropriate security required for the event will be determined by the University of Miami Police Department (UMPD), the Public Safety office at UHealth, or the Security Office at RSMAS. The costs of security measures are the responsibility of the sponsoring organization. Students and student organizations are not allowed to act as security for a demonstration or event or provide their own security for a demonstration or event. A demonstration will not be permitted to last longer than 2 hours.

Accordingly, once the required form is completed and submitted in a timely manner, it will be reviewed by the Dean of Students Office and appropriate representatives of the proposed venue, UMPD, and the Senior Vice President for Student Affairs office. No demonstration can take place without final approval from the Dean of Students Office. No planned demonstration or event should be advertised by any means without the event being fully approved following these policies prior to the demonstration or event.

Though formal registration is not required to host an off-campus event, student organizations and students attending, hosting, sponsoring, and/or organizing a demonstration and/or an outside speaker at an off-campus venue must abide by all other requirements and expectations of the Student Rights and Responsibilities Handbook.

Demonstration Guidelines and Responsibilities
Persons must not:

- display, threaten to use, or attempt to use firearms, flammable liquids, torches or other open flames, explosives, or other weapons or dangerous items on University property.
- engage in threatening or physically abusive behavior, or cause or threaten to cause physical injury

to another person.

- have signs or flags exceeding the size restriction of 24” by 36”. Only signs constructed of foam, cardboard, or paper shall be permitted to be carried. Signs may be mounted on sticks or posts provided that the sticks or posts are constructed of wood, foam, or plastic and their dimensions do not exceed one-half inch in diameter (if round in shape) or one-fourth inch thick by two inches wide(if rectangular in shape).
- set fire to, or damage by any other means (e.g., including by use of any hazardous or noxious substance), any University building, or any property (e.g., books, papers, records, electronic medium) of the University, or of others.
- block or otherwise interfere with the free flow of vehicular, bicycle, or pedestrian traffic. The right of way on streets and sidewalks must be maintained, unless the closure is authorized in writing by the Dean of Students Office of the respective campus involved.
- block or otherwise interfere with ingress or egress of campus buildings, exterior patios, plazas or gathering places, or adversely occupy or take over any building or part thereof.
- obstruct, disrupt, or attempt to obstruct or disrupt any event including classes or any other activity sponsored by the University or by any users authorized to use University facilities. Use of indoor or outdoor public address systems and amplified sound, or the use of signage within buildings requires prior approval from the Dean of Students Office on the respective campus involved.
- harass or otherwise engage in conduct that constitutes a violation of the University’s harassment or bias policies.
- set up or utilize encampment like materials including but not limited to tents, cooking devices, sleeping bags, blankets, and pillows.
- utilize structural materials such as timber, wood, pallets, fences, gates, racks, or any other materials that could be used for structural purposes.
- carry, possess, or use face shields or masks or other masks or disguises that are worn with the intent of threatening the safety of others or evading or escaping discovery, recognition, or identification in the commission of University regulations or policies, or other applicable laws or ordinances.
- carry, possess, or use wagons, carts, ladders, or other items that could be used to barricade or to push or manipulate crowds.

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

Permitted Demonstrations and Sanctions

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

Demonstrations cannot disrupt the normal operations of the University, infringe on the rights of other members of the University community, or fail to adhere with all applicable University policies and procedures. No demonstrations, including signage or anything else used for demonstration purposes, are permitted inside University buildings. All demonstrations must comply with the applicable rules and policies for the use of the particular location, including reservations requirements.

Members of the University community must recognize that the University of Miami Health System provides

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care for individuals needing uninterrupted medical services in tranquil surroundings. Accordingly, demonstrations are strictly prohibited in or around any building or property that is owned, leased, operated, or administered by the University of Miami Health System and/or the Miller School of Medicine.

In the event of a demonstration that violates this policy or any other applicable University policy, University employees and students involved in the demonstration may be asked to identify themselves by presenting their CaneID when requested to do so by a University representative and such a representative will identify him/herself when making this request. Demonstrators not officially related to the University of Miami may be directed to leave the campus immediately or be subject to arrest.

Students and student organizations participating in any demonstration, whether sponsored or not, are accountable for compliance with this policy. Sponsoring organizations and other related entities are also responsible for compliance with this policy. Upon a violation of these guidelines, University officials may direct demonstrators (a) to comply with these guidelines, (b) to cease and desist their activities, and/or (c) to leave the premises or campus. In the event of continued non-compliance, UMPD, the Coral Gables Police Department (CGPD) or any other law enforcement agency may be enlisted to assist.

UMPD, CGPD and other law enforcement agencies that are enlisted to assist, are fully authorized to protect persons and property and may disperse persons at any event that is in violation of this policy or any other University policy and/or if they determine is violent or has the potential to escalate to violence of persons or property.

Students who knowingly violate this policy governing Demonstrations on campus are subject to conduct action, arrest, and/or other action by appropriate authorities. Student organizations charged with violating this policy will be referred to the appropriate Dean of Students Office. Sanctions for failing to abide with policy guidelines may include termination of the demonstration and prohibition of future demonstration activities, and may include University conduct action for groups and/or individuals.

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Outside Speakers Policy

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

Procedure for Gaining Approval to Host an Outside Speaker

Registered student organizations, after consultation with their advisor(s), may invite speakers of their choice to University campuses. Student organizations seeking to sponsor programs and events involving outside speakers must indicate the presence of the speaker via their event reservation form at least 10 business days prior to the program or event. If a group would like to bring an outside speaker to an event that already has a confirmed reservation (including regular weekly meetings), it is the responsibility of the student organization to update the reservation to include the presence of the outside speaker by notifying the venue in writing. Student organizations are encouraged to complete the reservation form early in the planning stages as the University must approve the time, place, and manner of each outside speaker. The form will be reviewed for approval by the appropriate University administration. As a condition of final approval, the

University may require that the sponsoring organization make certain changes involving the event, including, but not limited to a change in venue, scheduled time, or security arrangements, as deemed necessary by the University. The Department of Student Activities & Student Organizations or the responsible office for each campus – in consultation with the Dean of Students Office and UMPD, the Public Safety Office at UHealth, and/or the Security Office at RSMAS, – may require that additional security be present to ensure the safety of the speaker and program participants. The costs of security measures are the responsibility of the sponsoring organization.

Outside Speaker Guidelines and Responsibilities

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

Failure to Comply with Outside Speakers Policy

Students who knowingly violate this policy governing outside speakers, or fail to cease and desist after being warned to do so, are subject to conduct action and/or other action by appropriate authorities. Student

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organizations charged with violating this policy will be referred to the appropriate Dean of Students Office. Sanctions for failing to abide with policy guidelines may include termination of the event, and prohibition of future outside speaker activities, and may include University conduct action for groups and/or individuals.

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

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

Voter registration of University of Miami undergraduate students may only be conducted by officially registered University political organizations and the "Get Out the Vote" initiative coordinated by the Butler Center for Service & Leadership. Groups registering students to vote must follow specific guidelines related to the distribution and collection of voter registration forms. Undergraduate students and undergraduate student organizations must meet with a representative from the Butler Center for Service & Leadership to review and accept these policies prior to beginning any voter registration efforts.

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EMERGENCY EQUIPMENT AND PROCEDURES

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

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

HAZING

The University of Miami has an absolute prohibition on hazing. Hazing is defined any intentional, knowing, or reckless act or situation committed on or off campus by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

A. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
B. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:
    1. whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

2. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
3. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
4. causing, coercing, or otherwise inducing another person to perform sexual acts;
5. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
6. forced/encouraged exclusion from social contact;
7. forced/encouraged conduct that could result in extreme embarrassment;
8. forced/encouraged activity that could adversely affect the mental health or dignity of the student
9. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
10. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

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.

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The University of Miami provides a comprehensive campus-wide education program to prevent hazing on campus. This program includes mandatory training for all incoming students and communication to all university community members including faculty and staff. The university requires all students and all incoming students to complete the Vector Solutions Hazing Awareness and Prevention for Students online educational module. In addition, research informed semesterly in person education and training is provided to all student organizations including all members of Greek organizations and student athletes. Annual programming and awareness events also occur during National Hazing Prevention Week. All Campus Security Authorities are advised on a yearly basis of their duty to report any possible violations of the hazing policy to campus police. Faculty and staff identified as Campus Security Authorities are required to complete annual Hazing prevention training as a part of their responsibilities.

Alleged violations of the hazing policy can be reported by calling the University of Miami Police Department at 305-284-6666, the Dean of Students Office at 305-284-5353, or reported online using instructions at doso.miami.edu

Alleged violations of the hazing policy will be investigated following the University Level Conduct Procedures, Major Level Conduct Procedures and/or the Conduct Procedures for Student Organizations as described in the Student Rights and Responsibilities Handbook.

HEALTH AND SAFETY

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

Upon request by the student, the decision to withdraw may be initially reviewed by the Dean of Students (the "Initial Review"). Requests for an Initial Review must be made, in writing and delivered to the Dean of Students Office, within 7 calendar days of receipt, by the student, of the withdrawal notice. The Dean of Students may uphold the withdrawal or share any new or relevant information with the Student Assessment Committee, which may then uphold, amend, rescind, or revise the withdrawal. The Senior 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 7 calendar days after receipt, by the student, of the outcome of the Initial Review. In conjunction with the request for review by the VPSA, the student may submit to the VPSA any information which they believe is relevant and supportive of the request to review the University's withdrawal request. The VPSA may uphold, amend, rescind, or revise the withdrawal. Decisions made by the VPSA are final.

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

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

IDENTIFICATION CARDS

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

A. **University Identification Cards**: University identification cards may only be used by the student whose name appears on the card. Any alteration or illegal use of University identification cards is prohibited. 'Cane cards that are misused are subject to confiscation by University personnel. The University reserves the right to confiscate any duplicate Cane cards if discovered, and to confiscate a Cane Card at any time a policy violation is perceived
B. **Other Identification Cards**: Possession of an identification card that bears another person's

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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 conduct action or referral to appropriate external authorities.

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

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

1. **Responsible and Lawful Conduct.** By using the University of Miami's computing systems

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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

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all matters pertaining to the proper use of personal accounts; this includes choosing safe passwords and ensuring that file protections are set correctly.

8. **Respect for the Ownership of Proprietary Software.** Users must not make or use unauthorized copies of proprietary software, even when that software is not physically protected against copying.
9. **Responsible Care of Computer Systems.**
   Users should exercise care in adequately protecting their systems against computer viruses and worms by installing the latest available security patches in a timely and appropriate manner. In the event a system becomes infected, the user shall isolate their infected systems from the University network so as not to affect other users or systems.

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

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

Users are given access to the University of Miami's computing systems and network because they are tools to help them meet their academic goals. This access, however, is a privilege, not a right. Preventing others from fulfilling their academic or business-related goals by using the system irresponsibly is not permitted. Misuse of the University's computing systems and network could lead to disciplinary, civil, criminal, or other actions. Users who are granted approved access to software or network systems that may contain Health Insurance Portability and Accountability Act of 1996 (HIPAA) protected information are expected to complete appropriate ULearn HIPAA training and abide by all University policies.

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C. **Examples of usage that could lead to disciplinary, civil, criminal, or other action include, but are not limited to:**
   1. Using computing or network resources for the purpose of harassing another individual or group
   2. Using computing or network resources for a commercial purpose
   3. Sending electronic chain mail or mass unsolicited mail
   4. Maintaining a server that contains files for which you do not have proper permission to store or redistribute
   5. Altering e-mail or Usenet headers to hide the identity of the sender/poster or to attribute the e-mail or posting to someone other than the sender/poster
   6. Using talk, write or IRC (inter-relay chat) resources in an abusive or frivolous manner
   7. Accessing or transmitting obscene material in violation of federal, state or local law.
   8. Posting inappropriate material to Usenet or a Web site
   9. Using large amounts of disk space to store files not related to your academic pursuits
   10. Excessive use of programs for non-academic purposes in a manner that taxes the

system's resources.

11. Attempting to gain access to any computing, network, academic or business resources that you are not authorized to use, including those of third parties.
12. Using server resources to engage in activities in violation of federal, state or local law or other University policies. The University of Miami will hold responsible the owner of any account through which security violations or irresponsible use occurs or individuals who inappropriately obtain and/or make use of another User's account or password. The University of Miami also reserves the right to withhold computing privileges from those who do not abide by the letter or intent of this policy document. Violations of this policy by the students referenced below shall be referred to the following offices for appropriate disciplinary action:

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

MESSAGE DELIVERY

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

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

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

PARKING AND MOTOR VEHICLES

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

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

may be available subject to when the permit is returned. Towing at the owners/operator's expense and risk, fines, and/or disciplinary action may result if transfer occurs.

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

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

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

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

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

PRINTED MEDIA DISTRIBUTION AND ADVERTISING

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

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

A. **Acceptable Conditions for Seeking Approval**

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

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

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

C. **Requirements for Approval**

1. The posters, handbills, leaflets or other advertising are neat, legible, typeset, and in acceptable taste as determined by the Office of Financial Operations in its sole discretion;
2. The applicant agrees not to advertise until one week prior to the event, and to remove all posters and clean up any leaflets or handbills littering campus within 48 hours after the event has taken place.
3. All approved advertisements are subject to the policies of the particular facility or building where the advertising is to, or does, take place.

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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 Alcoholic Beverages and Tobacco. For use of and rules governing the Rathskeller, persons should contact the Rathskeller Manager.

A. **Membership**
Use of the Rathskeller facility is restricted to University Rathskeller members and their guests. Membership is open to all students who pay an activity fee, administrators, faculty, and employees of the University. University Alumni and Trustees are welcome. Upon request, all members are required to show proof of membership. (see Identification Cards Policy, page 73)

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

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

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

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

C. **Intoxication**
The Director of the Rathskeller or their designees shall have the sole authority to determine, in their judgment, whether persons are intoxicated or are becoming intoxicated, and to take disciplinary action against such persons in accordance with these Rathskeller policies and procedures.
If in the judgment of the Manager or their designees a patron becomes intoxicated, the Manager or their designees shall take such action as may be proper under the circumstances with regard for the safety and well-being of the intoxicated individual, and other persons and property. Such action may include the referral of this individual for arrest and prosecution by legal authorities.

D. **Guest Policy**
All guests (min. age 18) must have a valid state issued photo ID, military ID, or passport with photo

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

E. **Admission Charge**
An admission charge may be imposed upon all guests for programmed events.

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

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

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.

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SMOKING

The Coral Gables Campus and the Miller School of Medicine are smoke free environments; smoking is prohibited. "Smoking" includes inhaling, exhaling, burning, or use of any cigarette, vaping device, or electronic cigarette, cigar, pipe or other such device. The legal possession of smoking devices is allowed but their use on campus is not allowed. The possession of tobacco products and any nicotine products or devices including vaping devices under the age of 21 is illegal in the State of Florida and will be considered a violation of this policy.

- 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.

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 Associate 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.

https://goabroad.miami.edu/index.cfm?FuseAction=Abroad.ViewLink&Link_ID=A1ED101D-26B9-58D3-F55D89FB58947E32

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

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

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

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

TRESPASS

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

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

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

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

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

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

UNIVERSITY LEVEL STUDENT CONDUCT PROCEDURES

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

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

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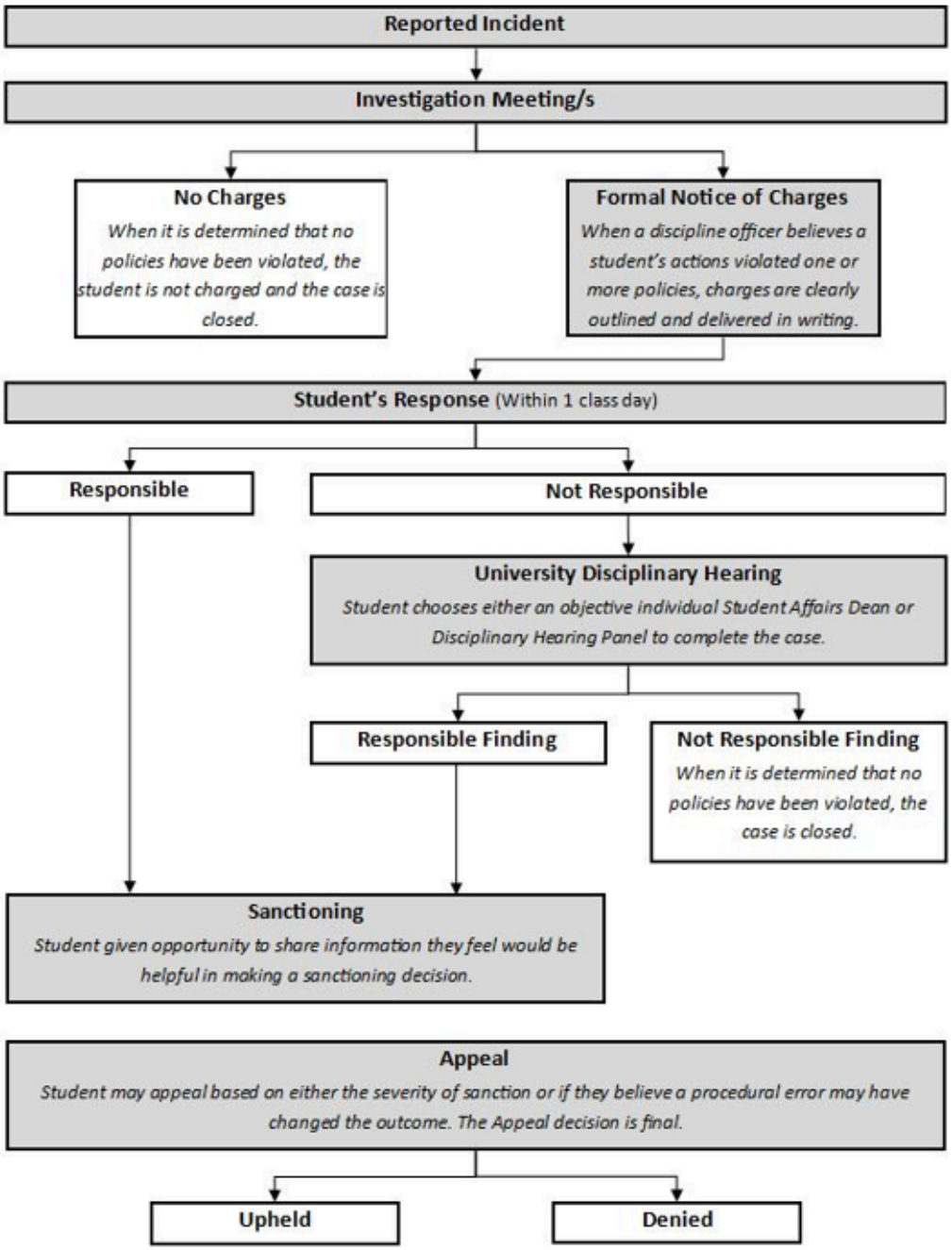
FIGURE 1: UNIVERSITY CONDUCT PROCEDURES (UNDERGRADUATE OR GRADUATE)



INTRODUCTION

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

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

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

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

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

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

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

D. **The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing**
In cases where there was more than one student involved in an incident, when there were

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

- Character witnesses
- results of polygraph tests
- expert testimony

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

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

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

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

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

considered at any point in the student conduct process.

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

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

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

1. **Responsible**
If the student believes they are Responsible, the investigating Student Conduct Officer shall determine a sanction to be imposed by the University after considering all of the factors contributing to how and why the violation(s) occurred.
2. **Not Responsible**
If the student believes they are Not Responsible or fails to enter a response in the time allotted, they shall have the right to a formal disciplinary hearing before a Hearing Officer, or before a University Level Disciplinary Hearing Panel.
    a. **Scheduling**. The Dean of Students Office shall set the date, time, and place of the hearing based on the student's class schedule and any academic or work related obligations they may have. Extra-curricular activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.
    b. **Timing**. Formal hearings will normally be held within 15 class days of receiving the response from the student. The Dean of Students Office may, at their discretion, extend the date of the hearing.
    c. **Cases spanning more than one academic term**. If a student has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may withhold the student's transcript or deny the future enrollment or graduation until such time as the case is adjudicated.
    d. **Responsible findings**. If the student is found Responsible at a formal hearing, the hearing officer or disciplinary hearing panel shall determine the sanction to be imposed by the University.

E. **Disciplinary Hearing Panels for University-Level Cases**
There are two kinds of disciplinary hearing panels for University-level cases; a University Disciplinary Hearing Panel (UDHP) and a Graduate Disciplinary Hearing Panel (GDHP). Each panel shall be composed of three students from a larger pool of prospective panelists who are each trained to hear and decide student conduct cases. Undergraduate students will be used when the charged student is an undergraduate student, and graduate students will be used when the

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charged student is a graduate student. One of the student panel members will serve as the Panel Chairperson and a Student Affairs Dean will serve as the Advisor to the Panel. A UDHP/GDHP Panel member may not serve as an Advisor to a Charged Student or to the Board.

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

2. **Waiver of a Hearing Panel**
    A student charged with a violation/s of the Code of Conduct automatically has the right to have their student conduct case heard by a hearing panel; however, there are circumstances where this right can be waived.
    a. **A student may waive their right** to a hearing before a UDHP/GDHP and have their case heard by an individual, objective Student Affairs Dean at any time by submitting written notice to the Dean of Students Office.
    b. **For incidents that occur or hearings that are requested within 15 class days of the end of an academic term or during a time period other than normal University operation** (i.e., summer or exam periods), a conduct case will be heard by a Student Affairs Dean.

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

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The following are procedural assurances for all formal disciplinary hearings.

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

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

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

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

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

4. **Hearings in Absentia**
   In instances where either the charged student, or complainant where applicable, does not

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attend the hearing, the hearing panel/chairperson shall have the discretion to hear and decide upon the facts of the case without the input from or in their absence.

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

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

7. **Sharing of Information Prior to a Hearing**
   Charged students must submit to the Investigator all information that they want the investigator to consider in anticipation of the hearing (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing. At least five class days before the disciplinary hearing, the Investigator will share with the student all the information that the Investigator plans to present at the hearing.
   If, upon review of the information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.
   The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing. The Dean of Students or their designee may make exceptions to this policy.

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

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

10. **Decorum**
    The hearing officer or chairperson, in conjunction with the panel advisor, where applicable, is charged with the responsibility for maintaining proper decorum and order during the hearing. They may use any reasonable means necessary to maintain decorum and may exclude any person whom, in their opinion, has no legitimate interest in the hearing, or whose conduct impedes or threatens to impede a fair and orderly hearing.

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Disruptive behavior may constitute a Major offense of the Code of Conduct, policy number B.30, Interference with University Investigations, Student Conduct Proceedings, or Records.

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

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

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

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

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 their request, and for the purpose of appeal only, the respondent and the complainant shall have access to review and/or listen to the record of the hearing in the Dean of Student Office, by appointment only. The recording of the hearing itself shall be available until the period for filing an appeal has expired, or where an appeal has been filed, until the decision on appeal has been made. After the aforementioned times have elapsed, recordings may be destroyed.

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

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

I. **Disciplinary Decisions/Sanctions**
After the mitigating and aggravating circumstances surrounding an incident for which it has been determined that a student is responsible have been heard, a sanction will be imposed by the

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University. Sanctions may be *nominal* (carrying a set level and duration for a particular warning or type of probation), *educational* (a required opportunity for that student to develop a knowledge base designed to help him/her make more informed choices in the future), or *financial* (through the levy of restitution, administrative charges, or fines).

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

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

J. **Appeals**

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

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

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Board and its Members," and must contain:

a. The name and student identification number (C-Number),

b. The date the appeal was written, and

c. A detailed explanation of the nature of the appeal.

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

6. **Hearing Appeals**. The University Appellate Board shall hear all appeals of University-level cases.

K. **The University Appellate Board**

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

1. **Appellate Board Responsibilities**

The University Appellate Board shall be responsible for the following:

a. The Appellate Board must inform the Charged Student of their personal rights as contained in these policies and procedures.

b. The Board will allow the Charged Student an appropriate presentation of their appeal and the Investigator an appropriate response to allow the Board to determine whether to overturn the previous decision.

c. Whenever the Appellate Board is not in operation (summers, exam periods) and a student presents an appeal, the case will be referred to the Dean of Students, or their designee, to be heard.

2. **Appeal Hearing Procedures**

a. **Confidentiality**. Appeal Hearings are closed to outside participation except where observations and input from others is requested by the Appellate Board. 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 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

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Student may engage in private conversations while the proceedings are conducted.

g. **Deliberation**. At the conclusion of the Hearing, the Appellate Board shall excuse the hearing participants and render a decision whether to affirm or overturn the previous decision by a majority vote. The Deliberations are closed to everyone except the Appellate Board Members.

h. **Findings**. Appeal decisions are final and will be delivered in writing to the charged student and the investigating student conduct officer. These decisions may include:

    i. If the Appellate Board finds no merit to the appeal, it shall affirm the action of the adjudicating body.

    ii. If the Appellate Board finds that the student's appeal on procedure is valid, it shall defer to the Dean of Students to determine the most appropriate manner in which the case should be reconsidered.

    iii. If the Appellate Board finds that the penalty assessed by the adjudicating body is too severe, it shall then assess what it deems to be an appropriate penalty.

    iv. If the Appellate Board finds that the penalty assessed by the adjudicating body was too lenient, it shall then assess what it deems to be an appropriate penalty.

    v. Determinations of the Appellate Board may not be further appealed.

3. **Interpretation of University Level Student Conduct Procedures**. Whenever necessary, the Dean of Students shall interpret and/or provide specific clarification on University Level student conduct procedures.

4. **Procedures Not Specifically Provided Herein**. The Appellate Board may implement procedures that are not specifically prescribed in these policies or procedures, if such implementation would serve to arrive at a full and true disclosure of the facts, and are instituted with the knowledge and consent of the Dean of Students.

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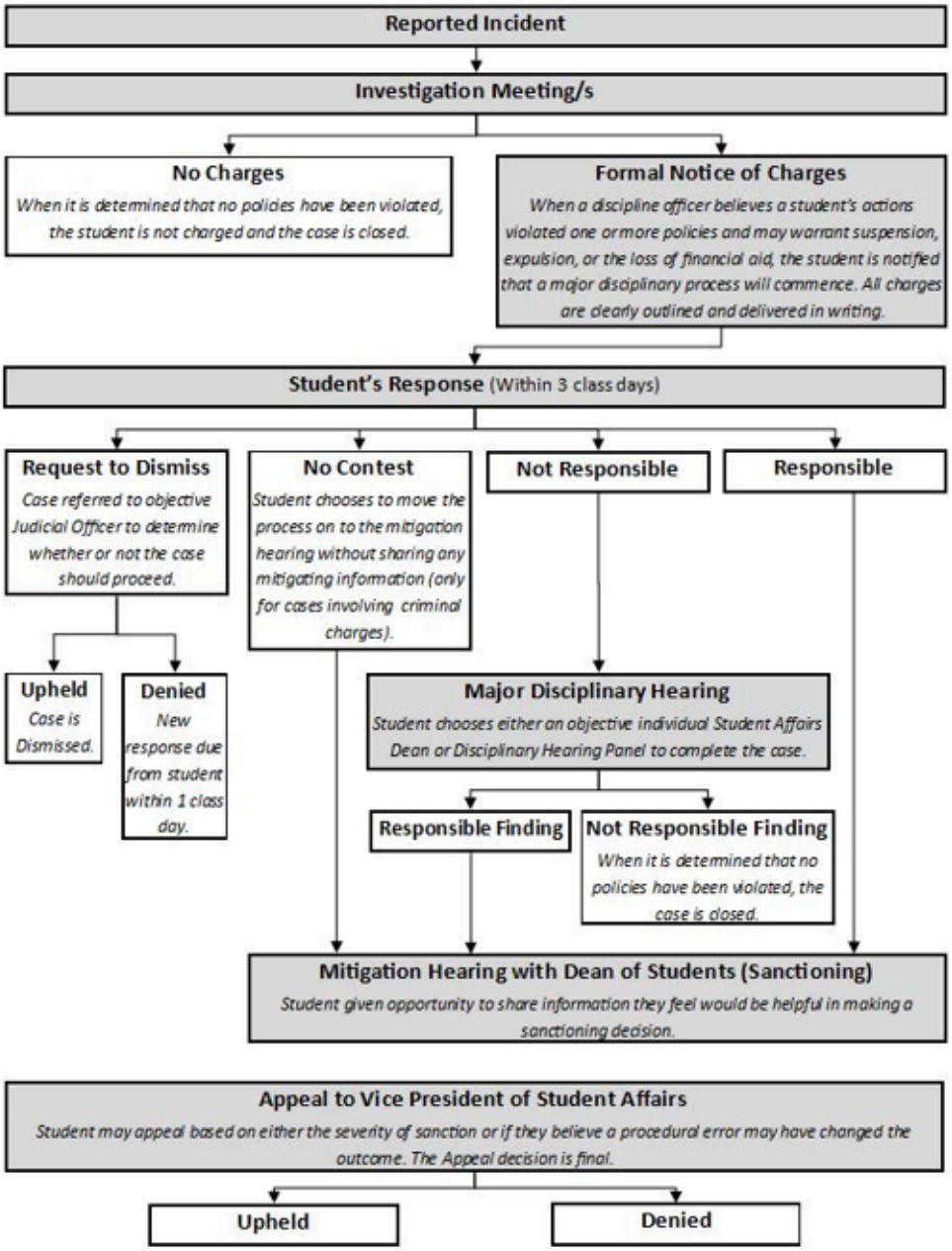
MAJOR LEVEL STUDENT CONDUCT PROCEDURES

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

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

FIGURE 2: MAJOR CONDUCT PROCEDURES (UNDERGRADUATE OR GRADUATE)



INTRODUCTION

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

The following section more fully explains the Major Level Student Conduct Process that commences

following the report of an alleged violation of the student Code of Conduct.

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

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

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

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

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

D. **The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing**
In cases where there was more than one student involved in an incident, when there were witnesses to an incident, or when there are secondary witnesses that can either corroborate or

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

- character witnesses
- results of polygraph tests
- expert testimony

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

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

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

B. **Incidents also being adjudicated in a Court of Law**
Should a student find themselves involved in a situation where an incident has precipitated both disciplinary actions and an arrest with subsequent public proceedings in a court of law, that student may ask for a "Stay of Student Conduct Proceedings." A Stay effectively pauses the student conduct proceedings until such time that the student's legal case has concluded.

1. When a Stay is used by a student, a "Hold" is placed on that student's ability to change courses or to register for or attend future semesters' coursework at the University.
2. Once requested, a Stay may be lifted by the student at any time.
3. Student Conduct cases involving a Stay must be adjudicated prior to the start of the next academic semester. This means that when a Stay spans the period between semesters of normal University operation (winter or summer break), the University may "drop," or administratively withdraw a student from registered courses if that student chooses not to have their case completed within a reasonable amount of time before the beginning of the next semester.

C. **Investigation**
An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during

meeting/s with the reporting parties and the students involved in an incident, as well as any potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation; however, decisions about charging a particular student with a violation or violations of the Code of Conduct will only be done after meeting with that student and taking into account information presented by that individual.

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

D. **Charge and Notice**

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

1. Inform the student that the charges constitute a "Major Offense" and the full range of sanctions will be available if they are determined to be responsible for violating University policy or policies.
2. Inform the student of their personal rights as outlined in this handbook,
3. Inform the student of the specific Code of Conduct violations they are charged with, and
4. Afford the charged student with the opportunity to enter a response addressing the charge(s).

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E. **Possible Responses to Charges**

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

1. **Request to Dismiss**

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

   a. The name, address and telephone number of the person submitting the Request to Dismiss;
   b. List and describe the charges brought against the student by the Student

Conduct Officer;

c. Specifically outline the basis of the Request to Dismiss; and,
d. Be signed by the person submitting the Request to Dismiss.

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

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

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

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

   a. **Scheduling**. The Dean of Students Office shall set the date, time, and place of the hearing based on the student's class schedule and any academic or work related obligations they may have. Extra-curricular activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.

   b. **Timing**. Formal hearings will normally be held within 15 class days of receiving the response from the student. The Dean of Students Office may extend the date of the hearing for exceptional circumstances.

   c. **Cases spanning more than one academic term**. If a student has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may enact a "Hold" on the student's transcript or deny the future enrollment or graduation until such time as the case is adjudicated.

   d. **Responsible findings**. If the student is found Responsible at a formal hearing, the hearing officer or disciplinary hearing panel shall determine the sanction to be imposed by the University.

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

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When this response is given, the respondent will move directly to a mitigation hearing with the Associate Vice President and Dean of Students, or their designee, for sanctioning.

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

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

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

3. **Panel Responsibilities:**
    a. To inform the student of their rights as contained in these policies and procedures;
    b. To explain University policy B.22 (prohibiting the False Information from being shared during a hearing) and
    B.30 and (prohibiting interfering with a hearing in any way) as well as the possible consequences for each;
    c. To allow a Panel member to excuse himself in a particular case in the event that they feel that their presence may be prejudicial to the case;
    d. To allow the panel members, the student conduct officer, and/or the charged student to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the Advisor may dismiss the Panel member if they fail to dismiss themselves);
    e. To briefly explain to the student the manner by which the hearing will be conducted at the beginning of a disciplinary proceeding;
    f. To ensure, to the extent possible, that all questions asked and information

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offered are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the student is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;

g. To compile for the Dean of Students Office a complete file of any cases heard. The files must include any recordings of the hearing, a list of any witnesses presenting information during the hearing, and all evidence utilized in the proceedings and the Panel's decision. Only the charged student and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

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

a. **A student may waive their right** to a hearing before an MDHP and have their case heard by an individual, objective Student Affairs Dean at any time by submitting written notice to the Dean of Students Office.

b. **For incidents that occur or hearings that are requested within 20 class days of the end of an academic term or during a time period other than normal University operation** (i.e., summer or exam periods) the student conduct case will be heard by a Student Affairs Dean.

G. **Procedures for a Formal Student Conduct Hearing by the MDHP or a Student Affairs Dean**
The following are procedural assurances for all formal disciplinary hearings.

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

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

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

a. **Advisors**
Advisors are permitted to attend Disciplinary Hearings as described in Section

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

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

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

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

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

7. **Sharing of Information Prior to a Hearing**
Charged students must submit to the Investigator all information that they want the investigator to consider in anticipation of the hearing (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing. At least five class days before the disciplinary hearing, the Investigator will share with the student all the information that the Investigator plans to present at the hearing.

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If, upon review of the information disclosed by the Investigator, the charged student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.
The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing..

8. **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.

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

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

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

12. **Decision**
    Following the presentation of all related information and the closing statements by the parties involved, the hearing will conclude and all parties will be dismissed. The Disciplinary Hearing Panel is afforded three business days to make a decision on responsibility and deliver their decision to the Dean of Students Office.

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

14. **Record of Hearings**
    A digital audio recording of the formal disciplinary hearing shall be made and this record, together with all formal documents and other evidence presented during the hearing, shall constitute the "official record" of the hearing. No other audio recording of the hearing will be permitted. Upon their request, and for the purpose of appeal only, the respondent and the complainant shall have access to review and/or listen to the record

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of the hearing in the Dean of Student Office, by appointment only. The recording of the hearing itself shall be available until the period for filing an appeal has expired, or where an appeal has been filed, until the decision on appeal has been made. After the aforementioned times have elapsed, recordings may be destroyed.

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

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

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

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

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

1. **Educational Sanctions** (ED)
2. **Disciplinary Warning** (DW) lasting for a period of 1-2 semesters
3. **Strict Disciplinary Probation** (SDP) lasting for a period of 1-3 semesters
4. **Final Disciplinary Probation** (FDP) lasting until a student graduates or otherwise separates from the University permanently
5. **Suspension** (Susp) a complete separation from the University for a predefined period of time.
6. **Expulsion** (Exp) permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances.

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A student who has been expelled shall be barred from campus visiting privileges.

7. **Termination of Residency** (TR): the forced cancellation of a housing contract; this can be applied to on-campus residences only
8. **Change of Residency** (CR): the forced change of a room and/or building assignment for a housing contract; this can be applied to on-campus residences only
9. **Restitution** (Rest): the monetary repayment of the cost of an item that was taken or damaged by the student found responsible from another individual.
10. **Administrative Charge** (AC) paid to the University in order to offset any costs accrued by the University in the investigation and adjudication of a student conduct case
11. **Fine** (Fine) paid to the University and serving as a deterrent to similar future violations

K. **Appeals**

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

1. **Grounds for an Appeal.** Appeals will be considered for two reasons:
    a. Procedural error in the investigation or hearing of a particular case;
    b. The sanction received is inadequate for the nature of the violation.
2. **Timing for the delivery of an appeal letter**. Appeals must be turned in to the Office of the Senior 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 Senior Vice President for Student Affairs. Inability to schedule an appeal within 20 class days due to scheduling conflicts, (un)availability of student conduct officer or panel representative, or scheduled/ unscheduled interruption of classes (fall break, inclement weather, spring break, etc.) will not be grounds for dismissal or adjustment of the original hearing decision or sanction.
4. **Directions for writing an appeal**. Appeals must be written as a formal letter, which may be delivered on paper or in the form of an e-mail, and directed to the "Senior 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 Senior Vice President for Student Affairs, or their designee shall hear undergraduate student appeals and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Graduate School shall hear graduate student appeals based on severity of sanction and may consult with the University General Counsel to hear

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appeals based on procedures.

L. **Appeal Hearing Procedures**

1. **Confidentiality**. Appeal Hearings are closed to outside participation except where observations and input from others is requested by the Appellate Officer. Therefore, no participants, advisors, attorneys, or other observers are to be present during these proceedings. In addition, no record shall be made of the discussion or vote in these deliberations, other than the Appellate Officer's final decision.
2. **Related Information**. Information related to the incident that was not presented during the formal hearing may be presented, only if it was previously unavailable and only if it addresses the severity of sanction or procedures used during the Hearing.
3. **Exchange of Information**. Upon a reasonable request, the Charged Student or Investigator should produce for examination by the other party evidentiary material to be used at the Hearings.
4. **Observations**. The opportunity to observe appellate hearings shall be confined to adjudicating Student Affairs Deans at the discretion of the Appellate Officer. Advisors, attorneys, and parents are not be permitted to attend or observe the appeal hearing. The number of persons eligible to observe a particular hearing shall be determined by the Appellate Officer.
5. **Failure to Appear**. Failure to appear at the Appellate Hearing, without proper notice to the Appellate Officer, will result in a voiding of the appeal.
6. **Decorum**. No person/s involved in an appellate hearing may engage in private conversations while the proceedings are conducted.
7. **Deliberation**. At the conclusion of the Hearing, the Senior Vice President for Student Affairs shall excuse the hearing participants and render a decision.
8. **Findings**. Appeal decisions are final and will be delivered in writing to the charged student and the investigating student conduct officer. These decisions may include:
    a. If the Appellate Officer finds no merit to the appeal, they shall affirm the action of the adjudicating body.
    b. If the Appellate Officer finds that the student's appeal on procedure is valid, they may confer with the University General Counsel to determine the most appropriate manner in which the case should be reconsidered.
    c. If the Appellate Officer finds that the penalty assessed by the adjudicating body is too severe, it shall then assess what it deems to be an appropriate penalty.
    d. If the Appellate Officer finds that the penalty assessed by the adjudicating body was too lenient, it shall then assess what it deems to be an appropriate penalty.
    e. Determinations of the appellate officer are final and may not be further appealed.
9. **Interpretation of Major Level Student Conduct Procedures.** Whenever necessary, the University General Counsel shall interpret and/or provide specific clarification on Major Level Student Conduct procedures.
10. **Procedures Not Specifically Provided Herein.** The Senior Vice President for Student Affairs or the Dean of the Graduate School may implement procedures that are not

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

SECTION III. TEMPORARY SUSPENSION

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

A. A Temporary Suspension shall be indefinite and the student may, upon the decision of the Provost, be barred from being present anywhere on any of the University campuses, including attending classes and/or taking examinations during the suspension period.

B. Within three class days of a receipt of the notice of Temporary Suspension, a student may request that a Major Disciplinary Hearing take place before a Hearing Officer to answer the alleged violation(s) following a thorough investigation into the incident. Said request shall be made in writing to the Dean of Students. Either the Provost, or their designee, shall determine if and when a student matter will be heard.

C. If the student does not request a hearing in writing to the Provost, the student will be deemed to have waived their right to a hearing and shall be suspended from the University indefinitely. In such instances, the University reserves the right to investigate and adjudicate the pending case without the respondent's participation. As part of such an investigation and adjudication, a finding of responsible may be reached and a resulting sanction imposed. The sanction would supersede the indefinite suspension and could include dismissal or expulsion from the University. The Provost shall decide whether the student will be allowed to make up, without prejudice, any class work or examinations missed because of temporary suspension.

D. In the event a student is unable to request a hearing due to incarceration or a physical or mental incapacity within the 72 hours, a student may appeal to the Provost in writing and the Provost may grant an extension for the request. Students will be required to provide documentation of their incarceration and/or incapacity.

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STUDENT CONDUCT PROCEDURES FOR REPORTED TITLE IX SEXUAL MISCONDUCT

INTRODUCTION

The following procedures will be used to address alleged violations of the Sexual Misconduct Policy outlined in this handbook (page 47). For University purposes, Sexual Misconduct includes, as defined in the Sexual Misconduct Policy: Dating Violence, Domestic Violence, Sexual Assault (including Sexual Battery), Sexual Harassment, and Stalking. Additionally, this process will be used to adjudicate issues of retaliation related to Sexual Misconduct and to adjudicate violations of supportive measures issued within the Sexual Misconduct investigative process.

The procedures for reported Sexual Misconduct will be utilized for all cases where the accused person (the "Respondent") is a student at the University of Miami.

Any person may report Sexual Misconduct, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed below for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. The Title IX Coordinator is available to assist all students with any questions about the application of Title IX:

University's Title IX Office
Maria Sevilla, Title IX Coordinator
6200 San Amaro Drive, Ste. 230 Coral Gables, FL 33146 Telephone: 305-284-8624
Email: titleixcoordinator@miami.edu Website: www.miami.edu/titleix

To report a violation of any policy to the University you may also contact the Dean of Students Office at 305-284-5353. A violation of policy that does not qualify to be adjudicated within the procedures for reported Sexual Misconduct may still be investigated and adjudicated under the University level or major level conduct procedures.

Upon receipt of a report of alleged Sexual Misconduct from the individual making the complaint (the "Complainant"), the University's Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures as defined below, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the complainant the process for filing a Formal Complaint. The University will work closely with all students involved to provide support services and explain available options for addressing the issues involved in the Complainant's report. These options include the right to choose any or all of the following:

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

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

If the Complainant indicates that they would like to engage the formal student conduct process (as defined below) for cases of Sexual Misconduct, the Complainant will be required to make a formal written complaint (the "Formal Complaint") and the University will launch an investigation into the allegations contained in the Formal Complaint. A Formal Complaint is a written, signed document in which the Complainant outlines the alleged Sexual Misconduct and requests that the University investigate this alleged misconduct.

If the Complainant wishes to pursue a formal resolution, unless there is information proving it is impossible the alleged behavior could have occurred, the University will charge the Respondent so that a formal disciplinary hearing can be held to determine whether or not the Respondent is responsible for violating University policy.

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If a Complainant does not want to engage the formal student conduct process, a Complainant may still request supportive measures. In addition, in those cases where a Complainant does not engage the formal student conduct process, University staff may still meet with an accused individual to alert them of reported concerns and remind them of university policies and expectations, without making any findings or imposing any punitive action. Whether such action is deemed appropriate will be determined on a case by case basis.

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

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

When formal resolution is chosen and a formal hearing is necessary, the University will make every reasonable effort to have the case heard by a panel (the "Disciplinary Hearing Panel" or "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 set forth below. The student and faculty representatives on the Panel that will hear the case will be selected based on the following guidelines:

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

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

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

In cases where a Panel has determined that the Respondent is responsible for violating one or more

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University policy/policies, the Respondent will then be referred to a mitigation hearing where sanctions appropriate to the severity of the violation will be determined. Appeals based on the grounds set forth in Section II(K) below can be filed by the Complainant or the Respondent.

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

The University will work to ensure that any legally binding orders that restrict the proximity or contact between of a respondent and the complainant are enforced. Additionally, in cases involving alleged violations of the Sexual Misconduct Policy, 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.

SUPPORTIVE MEASURES

Upon receipt of a report of alleged Prohibited Conduct, the University may take and/or make available Supportive Measures to either the Complainant or the Respondent.

Such Supportive Measures, which may be temporary or permanent, may include, but are not limited to, mutual "no contact" orders, residence modifications, academic accommodations, work schedule modifications, and other reasonable and appropriate measures. Reasonable and appropriate Supportive Measures are available for Complainants or Respondents, regardless of whether a formal disciplinary proceeding under the applicable Grievance Process is pursued. Notwithstanding the above, requests for Supportive Measures that hinder a Respondent's rights, including first amendment rights (if applicable), before a finding of responsibility, are unlawful and shall not be granted.

All Employees and Faculty are expected to comply with a Title IX Coordinator's or Investigator's request for, or implementation of Supportive Measures and accommodations under this Policy and may be subject to discipline for failing to do so. Such discipline may include, if circumstances warrant, separation from the University.

The University may withdraw Supportive Measures if the University concludes that the Supportive Measures are no longer necessary or appropriate. The University will maintain as confidential any Supportive Measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The University actively works to ensure that its policies and procedures are in compliance with all federal guidelines, regulations, and laws related to violence against women and relationship violence. As a result, both the Complainant and the Respondent shall have equal rights 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 this policy that have Title IX implications will be investigated by the University to the fullest extent possible.
- Both the Complainant and the Respondent will receive written notice of each step of the investigation and adjudication of the case, including notice to appear with information included about the allegations, name of the Complainant and charges presented, notice of hearing, notice of

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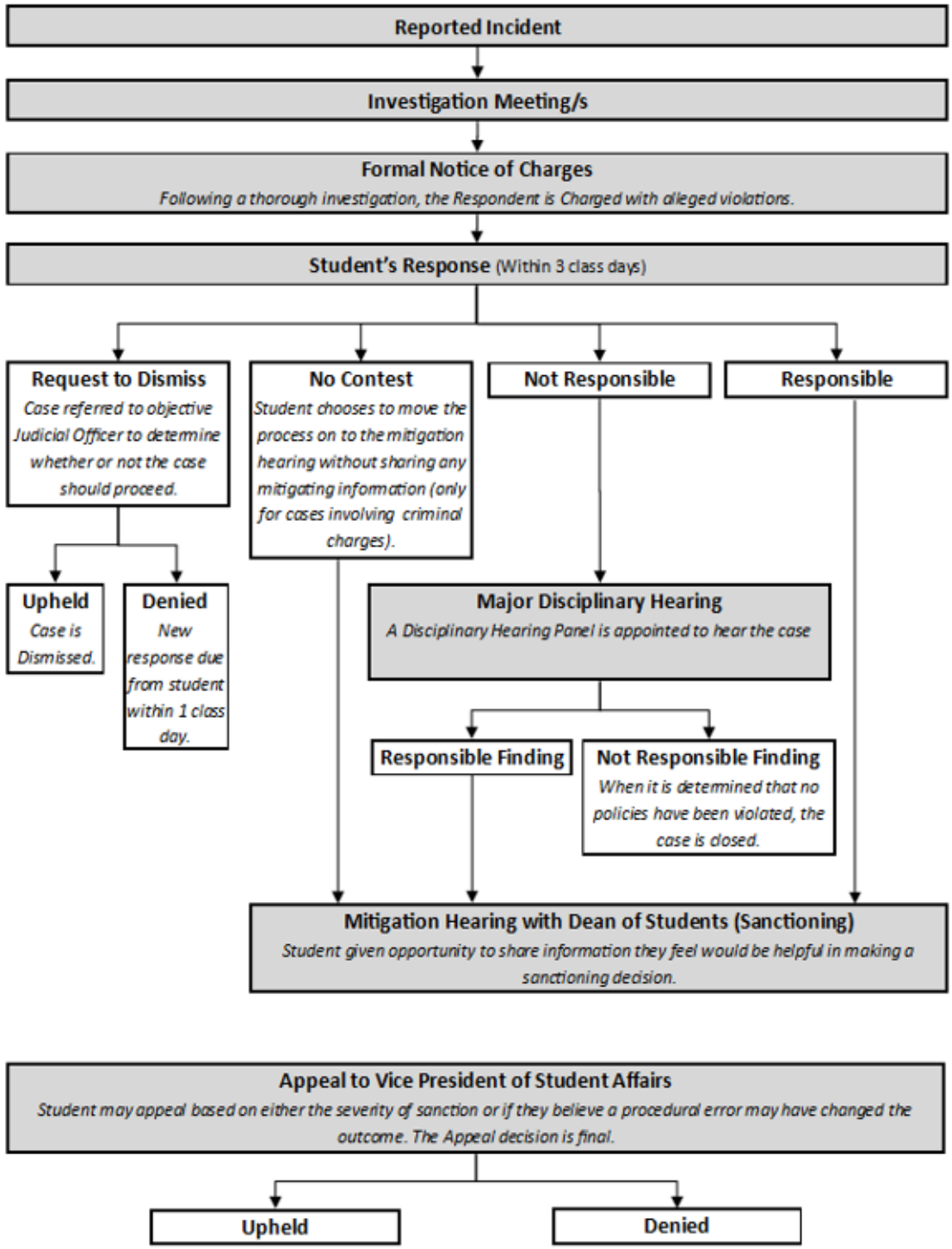
the outcome of the hearing, notice of sanction, notice of appeal (where applicable), and notice of the outcome of the appeal (where applicable). Written notices of this type will be sent simultaneously to both the Complainant and Respondent.

Figure 3, below, illustrates the disciplinary student conduct process for cases of reported Sexual Misconduct:

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



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

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

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

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

1. An advisor should be someone who:
    a. understands the policies and procedures used in the student conduct process,
    b. can help the student understand those policies and procedures to make more informed decisions throughout the student conduct process, and
    c. is available during the same days and times as the student (meetings and hearings will be scheduled based upon the student's class and schedule).
2. An advisor may not "represent" a student, serve as "proxy," or speak for them at any point except for the purpose of conducting relevant cross-examination of the parties at the formal disciplinary hearing (see below). An advisor may be present to answer questions the involved student poses directly to the advisor during the meeting/s and offer guidance directly to that student. Student conduct proceedings will not move forward with only the participation of an advisor; the student must also participate.
3. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the student conduct officer adjudicating the case to answer any questions a student may have before and during a formal disciplinary hearing in order to prepare that student for their formal hearing and the decisions that they will make on their own behalf.
4. If a party does not have an advisor for the disciplinary hearing, one will be provided by the University to such a party for purposes of the disciplinary hearing. The advisor will attend and participate in the disciplinary hearing as allowed by these procedures. The party without an advisor must request one no later than at least 10 class days prior to a scheduled hearing. Should a party reject the University-provided advisor, the party will have to secure their own advisor.

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

1. A support person must be a current full-time faculty or staff member, or another full-time enrolled student, at the University of Miami.
2. A support person should be someone who knows of the incident in question and the student for whom they are providing support.

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3. A support person may not "represent" a student or speak for them at any point; rather, a support person may be present to provide emotional support for a particular individual.
4. Students who are under 18 years of age may choose to have a parent present to serve as their support person throughout the student conduct investigation and hearing.

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

E. **The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing**
Both the Complainant, and the Respondent in question will have the opportunity to ask questions of witnesses, as such individuals are defined below in Section II(G)(3)(c). This opportunity will be afforded during a formal disciplinary hearing. Where there is either incriminating or exonerating information/evidence, it will be shared with the Complainant, the Respondent, and the Student Conduct Officer. This information may be explained to a student prior to a formal disciplinary hearing. The procedure for questioning witnesses will be determined by the hearing chairperson or the student affairs dean serving as the hearing officer. The use of the following is not permitted for consideration during the investigation or hearing process:

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

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

The following are the procedural requirements of a student conduct case involving charges of Sexual Misconduct. Note that it is possible for SECTION II, parts A through D – with all of the sub-parts for each – to be accomplished during a single meeting between a Student Conduct Officer and a student who has been charged with a violation of the Sexual Misconduct Policy. The time frames in this section may be subject to a temporary delay and/or limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

A. **Notice of Allegations**
Upon receipt of a Formal Complaint by the University, the Student Conduct Officer will send a written Notice of Allegations to the Complainant and the Respondent clearly outlining the allegation(s) being made, the name of the Complainant and the relevant applicable policies before meeting with the Respondent to discuss the allegations and investigation. The Notice of Allegations will include sufficient details known at the time regarding the alleged misconduct and will be provided to the Respondent with sufficient time to prepare a response before any initial

interview. The Notice of Allegations will also include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the student conduct process. The Notice of Allegations will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. The Notice of Allegations will inform the parties that the University prohibits knowingly making false statements or knowingly submitting false information during the student conduct process. To the extent the University decides to investigate allegations about the Complainant or the Respondent that are not included in the Notice of Allegations, the University will provide notice of the additional allegations to the parties whose identities are known.

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

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.

1. Investigating Student Conduct Officers shall be specially trained and serve the Institution as a Title IX Investigator, Student Affairs Dean, and/or professional staff member from the Division of Student Affairs.
2. Investigating Student Conduct Officers shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
3. 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.
4. Reports from law enforcement agencies may be used throughout the student conduct process in order to gain further perspective on an incident. Information regarding prosecutorial or procedural decisions or information related to court decisions will not be considered at any point in the student conduct process.

D. **Notice of Dismissal/Notice of Charge**
If the conduct alleged in the Formal Complaint would not constitute Sexual Misconduct even if proved, did not occur in a University educational program or activity, or did not occur against a person in the United States, then the University will dismiss the Formal Complaint with regard to such conduct for purposes of an alleged violation of the Sexual Misconduct Policy under Title IX. The University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. A dismissal under Title IX does not preclude the University from proceeding to investigate and adjudicate the allegation as a non-Title IX violation of the University's

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Sexual Misconduct Policy or any other applicable University policy.

In the absence of a dismissal under Title IX, the investigating Student Conduct Officer will present the accused student with a document that specifically explains which policies are involved and how they may have been violated. In conjunction with this document, the investigating Student Conduct Officer shall:

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

E. **Possible Responses to Charges**

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

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

1. **Request to Dismiss**

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

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

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

   If a Request to Dismiss is properly made, the matter shall immediately be referred to the Director of Student Conduct or their designee for determination. The Judicial Officer has

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

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

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

   a. **Scheduling**. The Dean of Students Office shall set the date, time, and place of the hearing based on the involved students' class schedules and any academic or work-related obligations they may have. Extra- curricular activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.

   b. **Timing**. Formal hearings will normally be held within thirty (30) class days of receiving the response from the student. The Dean of Students Office may extend the date of the hearing for good reason including, but not limited to, the availability of hearing panel members and witnesses.

   c. **Cases spanning more than one academic term**. If a student has been charged and the case has not been fully adjudicated at the conclusion of an academic term, the University may enact a "Hold" on the student's transcript or deny the future enrollment or graduation until such time as the case is adjudicated. Likewise, where necessary the University may also choose to hear the case during these time periods if the parties involve so desire. Students may not be permitted to participate in University organized summer or intersession programs such as study abroad or alternative breaks when a case of this nature has not yet been fully investigated or adjudicated.

   d. **Responsible findings**. If the student is found Responsible at a formal hearing, the case will be forwarded to the Dean of Students, or their designee, for a Mitigation Hearing.

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

F. **Student Conduct Hearing Panels**

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In most cases, a Disciplinary Hearing Panel will be used to decide responsibility in cases utilizing these student conduct Procedures. Each Panel shall be composed of one student and one faculty member, each from a larger pool of prospective panelists who are trained to hear and decide upon cases of Sexual Misconduct. The student panelist will be selected from the same student population as the charged students (undergraduate, graduate, law, or medical) and the faculty panel member will be selected from the faculty for that same population. In addition to faculty and student body representatives, an objective Student Affairs Dean from the Coral Gables Campus will serve as Chairperson for the hearing. A Disciplinary Hearing Panel member may not serve as an advisor or support person to a Complainant or a Respondent. A Disciplinary Hearing Panel member shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

1. **Selection of Faculty Member**
   The Provost, or their designee, will appoint faculty members from each academic college or school for undergraduate and graduate students to become trained panel members to hear cases where the Respondent is an undergraduate or graduate student. The Dean of the Law School, or their designee, will select faculty members from the law faculty to become trained panel members to hear cases where the Respondent is a law student. The Dean of the Medical School, or their designee, will select faculty members from the medical faculty to become trained panel members to hear cases where the Respondent is a medical student. Each of these faculty panel members will be specially trained to interpret the facts presented for a particular case of this nature and make determinations on whether or not the Respondent will be found responsible for violating University policy.
2. **Selection of Student Member**
   Undergraduate student panel members will be selected by the Dean of Students Office and approved by the Provost or their designee. Each must be a full-time student with at least 60 earned credit hours (junior or senior standing) who maintain a minimum 2.5 cumulative GPA; graduate, law, and medical students will be selected by their respective Deans and must have a cumulative GPA of 3.0. In all cases, students must not be currently on disciplinary probation, must have been students at the University for at least one full academic year, and have expressed their willingness to serve in this capacity. All panelists will be trained at the beginning of each academic year and provided with supplemental training where necessary.
3. **Panel Responsibilities:**
   a. To explain University policy B.22 (prohibiting False Information from being shared during a hearing) and
      B.30 (prohibiting interfering with a hearing in any way), as well as the possible consequences for violating each;
   b. To allow a panel member to excuse themselves in a particular case in the event that they feel that their presence may be prejudicial to the case;
   c. To allow the panel members, the Student Conduct Officer, the Respondent and/or the Complainant to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the hearing Chairperson may dismiss the panel member if they fail to self-dismiss);
   d. To briefly explain to the student the manner by which the hearing will be conducted at the beginning of a disciplinary proceeding;

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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 not related to mitigating circumstances.

f. To compile for the Dean of Students Office a complete file of the case heard. The file must include all procedural steps taken in the case, findings of fact supporting the determination, and conclusions regarding the application of the code to the facts. The file must also 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 the Respondent and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

4. **Waiver of a Hearing Panel**
Alleged violation/s of Sexual Misconduct will normally be heard by a 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 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 responsibility.

G. **Procedures for the Formal Student Conduct/Disciplinary Hearing**
The following are procedural assurances for all formal student conduct hearings.

1. **University Oversight**
All formal disciplinary hearings will be presided over by an objective Student Affairs Dean (not the same individual who served as Investigator). The hearing Chairperson will be part of a three-person Panel and will ensure that proper protocols are followed or, as allowed by these procedures, will be the University's representative for deciding the outcome of the hearing. The hearing Chairperson reserves the right to excuse any participant, at any time, for causing a disruption of the formal disciplinary hearing process following a warning to describe the disruptive behavior and prohibit the behavior from occurring further.

2. **Nature of the Hearing**
All hearings are intended to be non-adversarial and conducted in the interest of gathering honest and truthful information regarding a particular incident or incidents. Students are reminded that they are expected to uphold the Honor Code and its values of Honesty, Responsibility, and Integrity during all disciplinary hearings. At the request of either party, the University will provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

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.

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a. **Advisors**
Advisors for both the Complainant and the Respondent are required to attend Disciplinary Hearings. Students must inform the Dean of Students Office in writing no less than three (3) class days prior to a formal disciplinary hearing of the advisor they will be bringing to the formal hearing. This notice must include the name, telephone number, and e-mail address of the advisor. Advisors may not also serve as a witness. If a party does not have an advisor present at the hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

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

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

4. **Hearings in Absentia**
In instances where either the Respondent or the Complainant does not attend the hearing, the Panel/Chairperson shall have the discretion to hear and decide upon the facts of the case without the input from or in their absence.

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

6. **Related Information/Cross-examination**
Both the Complainant and the Respondent—only through their advisors—will be afforded the opportunity, during a hearing, to ask questions of each other, of any related information, and question any witnesses offering information that may be used to

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determine responsibility in that a particular case. The procedure for cross-examination will be determined by the hearing Chairperson or the Student Affairs Dean serving as the hearing officer. At the hearing, each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the formal hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. The introduction or use of polygraph evidence or other similar evidence prepared by experts or like persons is prohibited. Witnesses must have factual knowledge relating to the allegation; character witnesses are not permissible. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) has(have) the discretion to decide whether to rely on that party's or witness' statement in reaching a determination regarding responsibility.

7. **Sharing of Information Prior to a Hearing/Investigative Report**
   Complainants and Respondents must submit to the Investigator all information that they want the Investigator to consider in creating the University's Investigative Report (such as personal statements, text messages, photos, etc.) at least thirty (30) class days prior to the formal disciplinary hearing. The Investigative Report is the formal document that the Investigator submits to the Panel for the Panel to review and consider as part of the hearing and prior to issuing a finding of responsible or not responsible. Prior to completion of the Investigative Report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) class days after receipt of any such evidence, to submit a written response, which the Investigator will consider prior to completion of the Investigative Report.

   At least ten (10) class days before the disciplinary hearing, the Investigative Report and all the information that the Investigator plans to present at the hearing will be shared with the Complainant and the Respondent.

   If, upon review of the Investigative Report or any other information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least five (5) class days before the disciplinary hearing and provide a copy of such additional information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the Panel during the formal hearing - the Investigator need not modify Investigative Report to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.

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

8. **Pre-Hearing Conference**
   The hearing Chairperson may schedule a mandatory pre-Hearing Conference upon their

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initiative or upon the self-initiated written request from the Complainant or Respondent.

9. **Requests**
   The hearing chairperson may entertain any requests that are deemed appropriate prior to and/or during the formal disciplinary hearing. However, during the formal 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.

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

11. **Standard of Proof**
    In the University's Student Conduct Proceedings, decisions are made based on the "preponderance of evidence" rule. This means that the adjudicating Panel/Dean determines which facts are more likely than not to be true. Further, credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The Respondent is presumed not responsible for the alleged Sexual Misconduct until a determination regarding responsibility is made at the conclusion of the formal hearing.

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

13. **Decision**
    Following the presentation of all related information and the closing statements by the parties involved, the hearing will conclude, and all parties will be dismissed. Panel deliberations will follow; these will not be recorded. The Conduct Hearing Panel is afforded ten class (10) days to render a written determination to the University's Title IX Coordinator or the case Investigator. The Title IX Coordinator will share written determination with the complainant and the respondent within three class (3) days of receiving it from the Panel.
    The written determination shall include:
    - identification of the section of the code violated
    - description of procedural steps
    - Findings of fact supporting determination
    - Conclusions regarding the policy and facts
    - Rationale for each allegation, including determination regarding responsibility
    - Information about the sanctioning process

14. **Appeal Instructions / Improper Procedure**
    Improper procedure may be declared at any stage of the hearing by the hearing Chairperson upon a finding that the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a fair decision. Declaration of improper procedure shall result in the scheduling of a new hearing within fifteen (15) class days

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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 their request, and for the purpose of appeal only, the Respondent and the Complainant shall have access to review and/or listen to the record of the hearing in the Dean of Student Office, by appointment only.

H. **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.

I. **Mitigation Hearing**
When a student claims they are responsible for violating a particular aspect of the Code of Conduct, or if they are found responsible of such a violation during a formal hearing, the *subjective* reasons for *why and how* the Code of Conduct was violated shall be taken into consideration for determining the sanctions that will be assessed. If a student enters a response of No Contest, a Mitigation Hearing will also be scheduled to set a proper sanction without a finding of responsibility.
The Dean of Students or their designee shall hear all mitigating/aggravating circumstances during a Mitigation Hearing and decide upon sanctions for all student conduct cases involving alleged violations of Sexual Misconduct. Additionally, both the Complainant and the Respondent have the opportunity to present an "impact statement" to the Dean of Students or their designee describing the impact of the alleged violation on their wellbeing. This may be done verbally and/or in writing. The Dean of Students will consider these statements during mitigation and prior to sanctioning. In instances where either the student fails to attend a mitigation hearing after proper notice, the Dean of Students or their designee shall have the discretion to decide upon the sanctions for the case without input from the student or in their absence.

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

1. **Educational Sanctions** (ED) a required opportunity for the student to develop a knowledge base designed to help him/her make more informed choices in the future.
2. **Disciplinary Warning** (DW) lasting for a period of 1-2 semesters.
3. **Strict Disciplinary Probation** (SDP) lasting for a period of 1-3 semesters.
4. **Final Disciplinary Probation** (FDP) lasting until a student graduates or otherwise separates from the University permanently.
5. **Suspension** (Susp) a complete separation from the University for a predefined period of time.
6. **Expulsion** (Exp) permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances.

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A student who has been expelled shall be barred from campus visiting privileges.

7. **Termination of Residency** (TR): the forced cancellation of a housing contract; this can be applied to on-campus residences only.
8. **Change of Residency** (CR): the forced change of a room and/or building assignment for a housing contract; this can be applied to on-campus residences only.
9. **Restitution** (Rest): the monetary repayment of the cost of an item that was taken or damaged by the student found responsible from another individual.
10. **Administrative Charge** (AC) paid to the University in order to offset any costs accrued by the University in the investigation and adjudication of a student conduct case.
11. **Fine** (Fine) paid to the University and serving as a deterrent to similar future violations.
12. **Academic Transcript Conduct Notations.** Students who are expelled or suspended will also have a conduct notation made on their official and unofficial academic transcripts. If the suspension or expulsion is the result of Sexual Misconduct or physical violence that detail will also be notated. In suspension cases, once the suspension has been completed, students can request that the notation be removed

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

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K. **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. Both the Complainant and the Respondent may submit a written statement in support of, or challenging, the outcome reached as a result of the student conduct process. Only one appeal per student (per case) can be submitted and will be considered.

1. **Grounds for an Appeal.** Appeals will be considered for the following reasons:
    a. Procedural error or irregularity in the investigation or hearing of a particular case that affected the outcome of the case;
    b. New evidence now available that could affect the outcome of the case;
    c. Allegations of bias or conflict of interest against the Complainant or the Respondent that could affect the outcome of the case; and/or
    d. The sanction received is not appropriate for the nature of the violation.

    The entry of a response of no contest is not subject to review on appeal.
2. **Timing for the delivery of an appeal letter**. Appeals must be turned in to the Office of the Senior Vice President for Student Affairs (244 Ashe Administration Building) by the appealing party and be received within three (3) class days of the student receiving the sanctioning decision. All requests for an appeal must be made in writing. The University will notify the other party in writing when an appeal is filed.
3. **Timing for the hearing of an appeal**. An appellate hearing shall be conducted within twenty (20) class days of the appeal being received by the Senior Vice President for

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

4. **Directions for writing an appeal**. Appeals must be written as a formal letter, which may be delivered on paper or in the form of an e-mail, and directed to the "Senior Vice President for Student Affairs," and must contain:
    a. The name and student identification number (C-Number),
    b. The date the appeal was written, and
    c. A detailed explanation of the nature of the appeal.
5. **Consideration of an Appeal**. Appeals received after the three class-day time frame, or those that do not adhere to the directions listed above, may not be considered.
6. **Appellate Officers.** The Appellate Officers of the University will decide appeals. The Senior Vice President for Student Affairs, or their designee, shall hear undergraduate student appeals and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Graduate School, or their designee, shall hear graduate student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Law School, or their designee, shall hear law student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures. The Dean of the Medical School, or their designee, shall hear medical student appeals based on severity of sanction and may consult with the University General Counsel to hear appeals based on procedures.
7. **Appeal Hearings**. Both the Complainant and the Respondent will be afforded the right to initiate the appeal process following a decision in a formal hearing and/or Mitigation Hearing based on the grounds for appeal listed above.
    a. If either the Complainant or the Respondent initiates an appeal that is based on the severity of the sanction that was given to the Respondent, both the Complainant and the Respondent (separately) will be afforded the opportunity to meet with the appellate officer separately to discuss the merits of an appeal.
    b. If either the Complainant or the Respondent initiates an appeal that is based on the perception of a procedural error, the appellate officer may choose to meet with both the Complainant and the Respondent, or neither the Complainant or the Respondent, depending on the information that is needed to make the proper determination.

L. **Appeal Hearing Procedures**

1. **Confidentiality**. Appeal Hearings are closed to outside participation except where observations and input from others is requested by the Appellate Officer. Therefore, no witnesses, attorneys (not serving in the role of an advisor), 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. Notwithstanding the above, advisors shall be allowed to be present in any applicable Appeal Hearing.

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

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SECTION III. TEMPORARY SUSPENSION

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

A. A Temporary Suspension shall be indefinite, and the respondent may, upon the decision of the Provost, be barred being present anywhere on any of the University campuses, including from

attending classes and/or taking examinations during the suspension period.

B. During the course of a Temporary Suspension, an investigation into the incident precipitating the Temporary Suspension may occur, especially where required by the guidelines set forth by the US Department of Education for cases involving Sexual Misconduct.

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 Associate Vice President / Dean of Students. The Associate Vice President / Dean of Students, or their designee, shall determine if and when the matter will be heard.

D. If the respondent does not request a hearing in writing to the Associate Vice President / Dean of Students, the respondent will be deemed to have waived their right to participate in a hearing and shall be suspended from the University indefinitely. In such instances, the University reserves the right to investigate and adjudicate the pending case without the respondent's participation. As part of such an investigation and adjudication, a finding of responsible may be reached and a resulting sanction imposed. The sanction would supersede the indefinite suspension and could include dismissal or expulsion from the University. In the event a respondent is unable to request a hearing due to incarceration or a physical or mental incapacity within the 72 hours, the respondent may appeal to the Provost in writing and the Provost may grant an extension for the request. Respondents will be required to provide documentation of their incarceration and/or incapacity.

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

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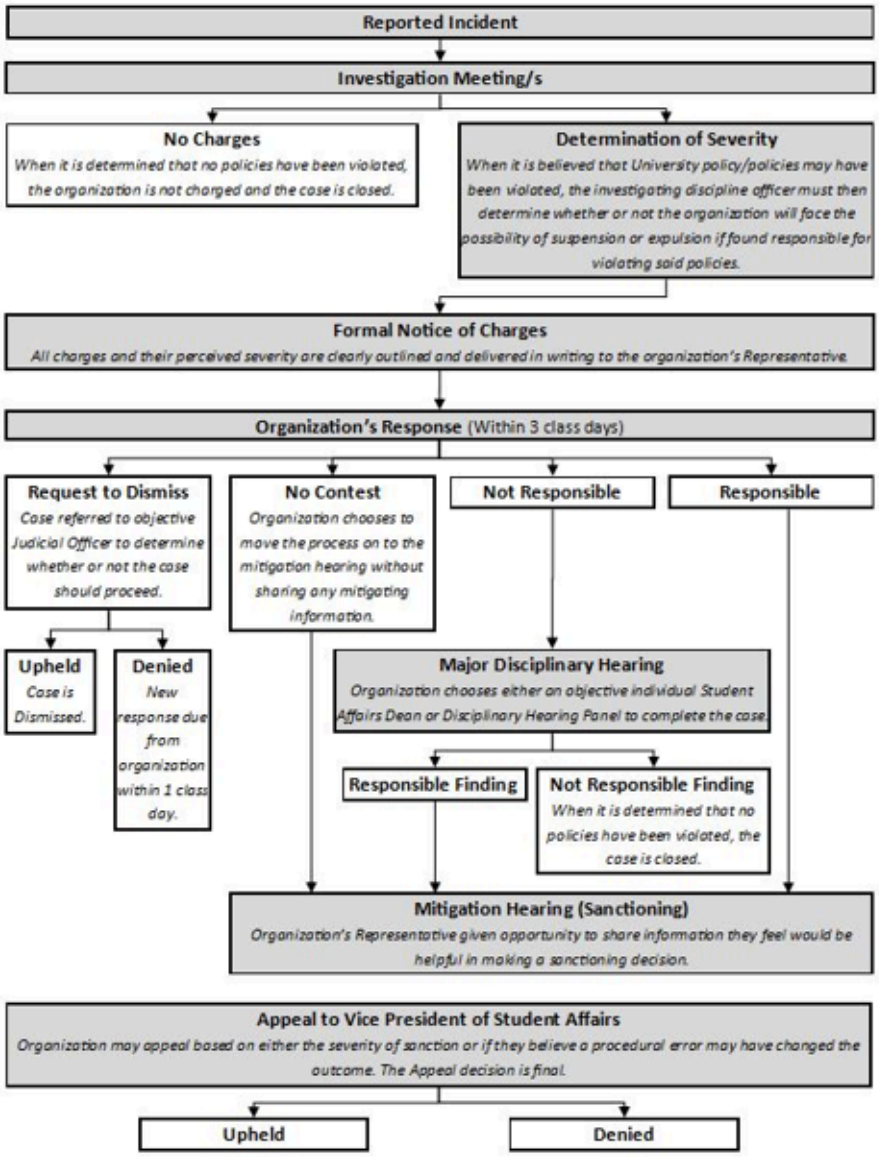
CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS

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

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

FIGURE 4: CONDUCT PROCEDURES FOR STUDENT ORGANIZATIONS



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

INTRODUCTION

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

DEFINITION

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

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

SECTION I. ORGANIZATIONAL REPRESENTATION

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

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

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

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

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

made by the conduct officer adjudicating the case to answer any questions a student may have before and during a formal hearing in order to prepare that student for the organization's formal hearing and the decisions that they will make on the organization's behalf.

C. **The right to a formal hearing**
Meetings with a conduct officer prior to and during the presentation of charges will be formal, yet conversational. If an organization is charged with a violation of the Code of Conduct, the organization's Representative is given the right to respond to that charge. When the Representative does not believe the actions violated the Code of Conduct, the Representative is then given the opportunity to have the decision of the organization's responsibility made by an impartial Hearing Officer (a Student Affairs Dean) or by a Disciplinary Hearing Panel (see below for details). Those decisions are made during formal hearings which are scripted and recorded for the official record of the conduct case.

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

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

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

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

B. **Investigation**
An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during meeting/s with the reporting parties and the students involved in an incident, as well as any

potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation.

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

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

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

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

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

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

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

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

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

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

2. **Responsible**
   If the organization's Representative believes the organization is Responsible, the investigating Conduct Officer shall immediately refer the case to the Dean of Students or their designee for a mitigation hearing.

3. **Not Responsible**
   If the organization's Representative believes the organization is Not Responsible or fails to respond within the allotted time, the organization shall have the right to a formal disciplinary hearing before a Hearing Officer, or before a Disciplinary Hearing Panel.

   a. **Scheduling**. The Dean of Students Office shall set the date, time, and place of the hearing based on the class schedule and any academic or work related obligations organization's Representative may have. Extra-curricular activities will not be a factor in determining the schedule for a formal hearing. Formal hearings will not be held during examination periods unless specifically requested by the student.
   b. **Timing**. Formal hearings will normally be held within 15 class days of receiving the response from the student. The Dean of Students Office may extend the date of the hearing.

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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' activities until the case can be fully adjudicated.

d. **Responsible findings**. If the organization is found Responsible at a formal hearing, the Dean of Students or their designees shall determine the sanction to be imposed by the University.

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

F. **Hearing Policies**
The following applies to all Student Organization Disciplinary Hearings to address Code of Conduct violations. The Administrative Disciplinary Hearing panel will be used for all student organization cases unless specifically addressed in the constitution of the student organization's governing body or umbrella organization (e.g., the Panhellenic Association, Interfraternity Council, National Pan-Hellenic Council, and the Multicultural Greek Council). For any case where there is not a previously selected and trained Judicial Board in place, all Hearings will be directed to the Administrative Disciplinary Hearing Panel. All conduct proceedings for student organization cases will follow the procedures below.

1. **Severity**
Two levels of severity exist for student organization hearings: University Disciplinary Hearings and Major Disciplinary Hearings.

a. **University Disciplinary Hearings for Student Organizations** are used when severity of the incident warrants something less than the suspension, expulsion, or loss of financial support from the University. These cases may be heard by the type of student-comprised judicial board as described above. Where none has been previously selected and trained, an Administrative Disciplinary Hearing Panel will be used.

b. In cases where a response or finding of responsible could yield a suspension or expulsion of the organization from the University, or could result in the loss of financial support from the University, **Major Disciplinary Hearings for Student Organizations** will commence. Where a panel hearing is desired by the organization, these cases may only be heard by an Administrative Disciplinary Hearing Panel.

2. **The Administrative Disciplinary Hearing Panel (ADHP)**
An ADHP hearing panel shall consist of five full-time University staff members selected by the Senior 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;

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b. Explain University policy B.22 (prohibiting the False Information from being shared during a hearing) and B.30 and (prohibiting interfering with a hearing in any way) as well as the possible consequences for each;

c. Allow a Panel member to excuse himself in a particular case in the event that they feel that their presence may be prejudicial to the case;

d. Allow the panel members, the conduct officer, and/or the charged organization's Representative to bring any information to the Panel, regarding possible prejudice of a Panel member (if a student asserts valid grounds for the possible prejudice on the part of a Panel member, the Advisor may dismiss the Panel member if they fail to dismiss themselves);

e. Briefly explain to the organization's Representative the manner by which the hearing will be conducted at the beginning of a conduct proceeding;

f. Limit, to the extent possible, the questions asked and information offered to matters that are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the organization is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;

g. Compile for the Dean of Students Office a complete file of any cases heard. The files must include any recordings of the hearing, a list of any witnesses presenting information during the hearing, and all evidence utilized in the proceedings and the Panel's decision. Only the charged organization' Representative and authorized University officials shall have access to the record of the hearing, which shall be available only for review in the Dean of Students Office, until the period for filing a notice of appeal has expired or until the decision on appeal has been made.

3. **Waiver of a Hearing Panel**
An organization charged with a violation/s of the Code of Conduct automatically has the right to have its conduct case heard by a hearing panel; however, there are circumstances where this right can be waived.

a. **An organization may waive its right** to a hearing before a hearing panel and have its case heard by an individual, objective Student Affairs Dean at any time by submitting a written notice to the Dean of Students Office. When this occurs, the Dean will be assigned to the case by the Dean of Students or their designee.

b. **When hearings that are requested for incidents that occur within 15 days of the end of an academic term or during a time period other than normal University operation** (i.e., summer or exam periods), the case will be heard by a Student Affairs Dean. Procedures for a Formal Disciplinary Hearing by the hearing panel or a Student Affairs Dean.

G. **Procedures for a Formal Conduct Hearing**
The following are procedural assurances for all formal disciplinary hearings.

1. **University Oversight**
All formal disciplinary hearings will be presided over by an objective Student Affairs Dean (not the same individual who served as Investigator). This Hearing Officer will ensure that proper protocols are adhered to while either serving as an advisor to a Hearing Panel, as

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one part of a five-person panel, or as the University's lone representative for deciding the outcome of the hearing and on the sanctions where applicable.

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

3. **Closed Hearings**
   Formal disciplinary hearings are closed to the public. Witnesses will be permitted to participate for a select period of time only. Staff members of the University Division of Student Affairs may observe a hearing for training purposes, but only with the permission of the charged organization.

4. **Hearings in Absentia**
   In instances where the charged organization's Representative fails to attend at the hearing, the Hearing Officer shall have the discretion to hear and decide upon the facts of the case without the input and in the absence of the charged student.

5. **Participation of the charged organization's Representative**
   The charged organization's Representative reserves the right to be present yet abstain from participation in the Hearing and may not be compelled to share information related to the case on the organization's behalf.

6. **Witnesses**
   For the purposes of a formal disciplinary hearing, "witnesses" must be individuals who have first-hand knowledge of the incident in question and be able to speak to the facts of the case at hand. A charged organization's Representative bears the responsibility of notifying the witnesses that will appear on behalf of the organization during the hearing.

   All reasonable efforts will be made to entertain the insights of a charged organization's witness/es. Students must inform the investigator in writing no less than 3 three class days prior to a disciplinary hearing if they are planning to bring one or more witnesses to the hearing and provide a witness list.

7. **Related Information**
   The charged organization's Representative will be afforded the opportunity, during a hearing, to examine any related information and question any witnesses offering information that may be used to determine their responsibility in that particular case. The procedure for questioning witnesses will be determined by the hearing chair person or the student affairs dean serving as the hearing officer. The introduction or use of polygraph evidence is prohibited.

8. **Sharing of Information Prior to a Hearing**
   Charged organizations must submit to the Investigator all information that they want the investigator to consider in anticipation of the hearing (such as personal statements, text messages, photos, etc.) at least eight class days prior to the formal disciplinary hearing. At least five class days before the disciplinary hearing, the Investigator will share with the organization all the information that the Investigator plans to present at the hearing.
   If, upon review of the information disclosed by the Investigator, either student wants to present additional information, the student must notify the Investigator at least three class days before the disciplinary hearing and provide a copy of such additional

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information to the Investigator. Alerting the investigator about the additional information will enable the student to share that information directly with the panel during the hearing - the investigator need not modify their presentation to include the new information. Any information that has not been shared with the Investigator in advance of the hearing will be presumed inadmissible at the formal disciplinary hearing.
The Investigator's notes related to the investigation and charges will not be disclosed unless they are to be read, verbatim, into the record during the hearing. The Dean of Students or their designee may make exceptions to this policy.

9. **Advisement**
   Advisors are permitted to attend Conduct Hearings for Student Organizations as described in Section II, B of these Procedures. The organization's Representative must inform the Dean of Students Office in writing no later than 3 class days prior to a formal disciplinary hearing if they are planning to bring an advisor to the hearing. This notice must include the name, telephone number, and e-mail address, as well as the Advisor's current affiliation with the University or the organization. If the organization's Representative fails to provide such information in wiring in the time prescribed, the Advisor may be excluded from the hearing.
10. **Pre-Hearing Conference**
    The Hearing Officer may schedule a mandatory Pre-Hearing Conference upon their initiative or upon a written request from the charged organization's Representative.
11. **Requests**
    The Hearing Officer may entertain any requests that are deemed appropriate prior to and/or during the formal disciplinary hearing. However, during the hearing no requests to strip the hearing body of its duty to reach a decision on the issue of responsibility and/or sanctioning will be considered.
12. **Decorum**
    The Hearing Officer is charged with the responsibility for maintaining proper decorum and order during the hearing. They may use any reasonable means necessary to maintain decorum and may exclude any person whom, in their opinion, has no legitimate interest in the hearing, or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of the Code of Conduct, policy number B.30, Interference with University Investigations, Student Conduct Proceedings, or Records.
13. **Standard of Proof**
    In the University's disciplinary hearing system, decisions are made based on the "preponderance of evidence" rule. This means that the adjudicating Panel/Dean determines which facts are more likely than not to be true.
14. **Decision**
    Findings and sanctions for all formal disciplinary hearings must be reported to the Dean of Students Office within 1 business day of the decision and a written notice of these decisions must be delivered to the charged organization's Representative within 3 class days of the decision.
15. **Improper Procedure**
    Improper procedure may be declared at any stage of the hearing by the Hearing Officer upon a finding that the Panel has been exposed to some misconduct in the hearing, which may prevent the rendering of a fair decision. Declaration of improper procedure shall result in the scheduling of a new hearing within 20 class days with the same

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Hearing
Officer and new Panel members.

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

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

I. **Sanctions**
When an organization's representative responds by indicating the organization is Responsible or the organization is found Responsible, sanctions will be imposed to address the behavior in question. The Dean of Students or their designee is authorized to make a determination on the sanctions taking all of the available information related to the case, and any decisions made regarding previous conduct cases related to the same student organization into account. In addition to the following information, additional information about Conduct Sanctions can be found in below.

1. **Mitigation Pleas**
Prior to the determination of the sanction to be imposed, the student organization's representative and/or its Advisor, as well as the investigating Conduct Officer will have the right to appear before the Dean of Students or their designee to present any mitigating or aggravating circumstances or other factors that may affect the sanction.

2. **Effective Date of Sanction**
Unless the Dean of Students or their designees determines otherwise, all sanctions of Suspension or Expulsion of the organization shall be effective as of the date of the commission of the offense.

3. **Range of Sanctions**
One or more of the following sanctions may be imposed:

a. **Expulsion**

1. The organization must cease and desist all activities.
2. The organization is permanently ineligible to return to / reorganize at the University.
3. In cases where the organization occupies a physical space within the University's property, it will be required to vacate that space.
4. In cases where the organization is a Chapter of a parent organization, the charter is to be returned to the parent organization

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as soon as is possible.

5. The organization is no longer permitted to be recognized as an existing organization by its former governing body/umbrella group or the University of Miami.

b. **Suspension**

1. The organization must cease and desist all activities.
2. Suspension is for a finite period of time that will be defined upon delivery of the sanction.
3. In cases where the organization occupies a physical space within the University's property, it will be required to vacate that space.
4. Following the term of suspension, any one or more of the sanctions set forth below (Probation) may also be required.
5. Following the term of suspension, any of the following sanction may also be assessed.

c. **Probation**

1. Removal of certain members from office
2. Fine of up to $500
3. Restriction of membership recruitment and new member education privileges for a defined period of time
4. Restriction of social privileges for a defined period of time
5. Community service project or special fundraising / philanthropic activity
6. Special restrictions and requirements as deemed appropriate by the Hearing Panel or Hearing Officer

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d. **Warning**
The University will take note and view with concern the situation existing in the organization, a warning will serve written notice to the organization that its behavior has not met University standards. If the organization is directed to correct the situation, and the situation is not corrected as directed by the University, the organization may be subject to further disciplinary action.

J. **Appeals**
Once a decision has been reached on the sanctions related to a particular case, that case can be appealed by the organization or by the University in cases where a hearing panel has decided a case. The determination of responsibility for a conduct violation or a response of no contest is not subject to review on appeal.

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

a. Procedural error in the investigation or hearing of a particular case;

b. The sanction(s) received is/are inappropriate for the nature of the violation;

2. **Timing for the delivery of an appeal letter**

Appeals must be submitted in writing to the Office of the Senior 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 Senior Vice President for Student Affairs. Inability to schedule an appeal within 20 class days due to scheduling conflicts, (un)availability of conduct officer or panel representative, or scheduled/unscheduled interruption of classes (fall break, inclement weather, spring break, etc.) will not be grounds for dismissal or adjustment of the original hearing decision or sanction.
4. **Directions for writing an appeal**
   Appeals must be written as a formal, hard-copy letter and directed to the "Senior 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 Senior Vice President for Students Affairs or their designee will decide appeals and may consult with the University General Counsel to hear appeals based on procedures.

K. **Appeal Hearing Procedures**

1. **Confidentiality**
   Appeal Hearings are closed to outside participation except where observations and input from others is requested by the Appellate Officer. Therefore no observers are to be present during these proceedings. In addition, no record shall be made of the discussion other than the Appellate Officer's final decision.
2. **Evidence**
   Evidence that was not presented during the formal hearing may be presented, only if it was previously unavailable and only if it addresses the severity of sanction or procedures used during the Hearing.
3. **Exchange of Information**
   Upon a reasonable request, the charged organization or Investigator should produce for examination by the other party evidentiary material to be used at the Hearings.
4. **Observations**
   Only those people invited to participate in the appeal hearing by the Appellate Officer will be permitted to be present.
5. **Failure to Appear**
   Failure to appear at the Appellate Hearing, without proper notice to the Appellate Officer, will result in a voiding of the appeal.

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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 Senior Vice President for Student Affairs shall excuse the hearing participants in order to make a decision.
8. **Findings**
   Appeal decisions are final and will be delivered in writing to the charged organization's Representative and the investigating conduct officer. These decisions may include:
   a. If the Appellate Officer finds no merit to the appeal, they shall affirm the action of the adjudicating body.
   b. If the Appellate Officer finds that the student's appeal on procedure is valid, they may confer with the University General Counsel to determine the most appropriate manner in which the case should be reconsidered.
   c. If the Appellate Officer finds that the penalty assessed by the adjudicating body is inappropriate, it shall then assess what it deems to be an appropriate penalty.
   d. Determinations of the appellate officer may not be further appealed.
9. **Interpretation of University Conduct Procedures**
   Whenever necessary, the Dean of Students shall interpret and/or provide specific clarification on conduct procedures for student organizations.
10. **Procedures Not Specifically Provided Herein**
    The Senior 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.

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SECTION IV. TEMPORARY SUSPENSION OF STUDENT ORGANIZATIONS.

The Senior Vice President for Student Affairs or the Dean of Students, or the designee for either, may temporarily suspend any student organization whenever they deem such action appropriate. Such Temporary Suspension shall continue either until a decision is made in the responsibility of an organization in a particular incident, or until after a determination has been made on any appeal or the time for making an appeal has elapsed. The Senior Vice President for Student Affairs or their designee also determines the length of a temporary suspension.

Within three class days following the original order of Temporary Suspension, the student organization shall have the right to appeal by written request for a hearing before the Dean of Students for a determination as to whether or not it should be permitted to participate in University or campus events during the period of the Temporary Suspension. Upon receipt of such request, the Dean of Students may hear the matter as directed by the Senior 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 Senior Vice President for Student Affairs or a designee for either, upon determining an emergency exists, may subsequently revoke the organization's right to participate in University and campus events if the organization's participation in University or campus activities constitutes a clear and present danger, or materially disrupts the work or operations of the University or infringes upon or invades the rights of others within the University community.

ALTERNATIVE INFORMAL RESOLUTION – RESTORATIVE PRACTICES

To further support the mission and vision of the Dean of Students Office at the University of Miami, restorative justice practices will allow students to experience taking personal responsibility for harm that has been caused to an individual and/or community. It will empower harmed parties to confront issues that have occurred and the individuals who acted as the offender. Finally this will be a way for community members to take ownership of problems in their community, further demonstrating a culture of responsibility and accountability. Restorative conferences provide an opportunity for structured and fair interaction between the Respondent and any harmed party, but also may involve the community in the decision making process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone a voice in the process and bring understanding to all parties. Restorative conferences also allow for collaboration in deciding what is to be done about the incident in question and also to address any underlying problems that led to the incident. Restorative justice conferences are available for student conduct violations that are University or Major level but can most often be helpful for complaints, respondents and others in the community when a conduct violation or particular behavior has negatively impacted members of the community in a particular group, on a residential college floor or other community. Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. Annual training for restorative conference facilitators is provided by the Dean of Students Office. Restorative conferences may or may not result in additional restorative actions, depending on the outcome of the conference. If a resolution is not met through the restorative conference, the student conduct process will resume and a formal hearing will be scheduled to determine appropriate sanctions by a member of the Dean of Students Office.

OUTCOMES OF THE STUDENT CONDUCT PROCESS

The judicial system is comprised of two types of cases, Major Level and University Level. Major Level offenses are those which may result in Suspension, Expulsion, or in some cases the loss of financial aid from the University in addition to other penalties and sanctions. University Level offenses are those which typically result in lesser sanctions, such as Disciplinary Probation or Disciplinary Warning or other penalties as appropriate.

The University's conduct system is progressive in sanctioning. This means that once a student has been

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involved in a case that was adjudicated and given a particular sanction, any subsequent violations of the Code of Conduct by that student that result in adjudication and sanctioning will warrant an elevated sanction. If a subsequent violation occurs while a student is currently serving a period of Disciplinary Warning or Disciplinary Probation, the offense may also be treated as a major offense violation and so charged.

Sanctions are determined by student conduct officers using their best judgment after considering the facts of a case as it pertains to each student individually. Only after a determination that a student is responsible for a violation of the Code of Conduct are previous violations considered and/or sanctions decided.

A. **Description of Disciplinary Sanctions**

Expulsion

Permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled shall be barred from campus visiting privileges.

Note: This is applied only following a responsible determination in a Major Conduct Investigation or Sexual Misconduct Investigations and/or Hearings of either type.

Suspension

Mandatory separation from the University for a certain period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed.

Readmission is subject to the approval of the Dean of Students. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students grants specific permission.

Note: This is applied only following a responsible determination in a Major Conduct Investigation or Sexual Misconduct Investigations and/or Hearings of either type.

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Final Disciplinary Probation (FDP)

A disciplinary sanction serving notice to a student that their behavior is in flagrant violation of University standards. The sanction is for the remainder of a student's course of studies and may be reviewed by the Dean of Students no sooner than two regular academic semesters of attendance after the sanction is imposed. After two semesters in attendance, a student may initiate a request in writing for reduction of the sanction to Strict Disciplinary Probation, but must also demonstrate reasons that substantiate the request. Another violation of University policies and regulations may result in a major offense charge as directed by the Dean of Students, and if a finding of Responsible is established, the minimum sanction of Suspension may be imposed. Students on Final Disciplinary Probation may be prohibited from many student leadership opportunities and participating in Study Abroad programs.

Strict Disciplinary Probation (SDP)

A disciplinary sanction serving notice to a student that their behavior is in serious violation of University standards. A time period is indicated during which another violation of University policies and regulations may result in a Major offense charge, which could result in Suspension or Expulsion from the University. If the sanction is assessed prior to the dates midterm grades are due in the academic Dean's office, the current semester will be included as a full semester of the probationary period; after that date the probation will begin immediately, and will extend through the full period as assessed beginning with the succeeding semester of attendance. Some student leadership and student employment opportunities may be affected by being on Strict Disciplinary Probation

Disciplinary Warning (DW)
A University disciplinary sanction serving notice to a student that their behavior has not met University standards. This sanction remains in effect for a designated number of semesters of attendance, after which it is removed from the student's file. If the sanction is assessed prior to the date midterm grades are due in the academic Dean's office, the current semester will be included as a full semester of the warning period; after the above date, the warning will begin immediately and will extend through the full period as assessed, beginning with the succeeding semester of attendance. Campus involvement and student leadership opportunities are not usually affected by being on Disciplinary Warning.

Termination of Residency/Termination or Change in Housing Accommodations
This is a disciplinary sanction that terminates or changes a student's residence hall accommodations, which is typically accompanied by another form of disciplinary action. This sanction is considered permanent until lifted by the Director of Housing and Residential Life or their designee. After the adjudicating body announces a decision to have the student's residence changed or terminated, the Area Director of that residence hall area shall notify the student in writing and make all procedural decisions, including the selection of the residence hall to which the student is to be moved.

Change of Residency (See Termination or Change in Housing Accommodations above)

Restitution
Payment made by a student for damages or losses caused to a third party which are a result of a violation.

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Administrative Charge
Charges required to be paid to a specific department within the University to cover incurred costs from damages caused or monies paid to clean an area dirtied as a result of the documented behavior.

Fine
Penalty fees payable to the University (Dean of Students Office) as directed by the adjudicating body for violation of certain regulations.

B. **Considerations in Cases with Multiple Offenses**

1. In the event a student is charged with failure to comply with more than one rule or regulation, and if one or more of the charges, if proven, could result in the imposition of major penalty, the matter may be adjudicated within the Major Level student conduct procedures.
2. In the event that a student is charged with having violated more than one University rule or regulation from a single incident, none of which could separately result in the imposition of major penalty, and the student is not currently on Disciplinary Warning or Disciplinary Probation, then the matter will be adjudicated within the University conduct procedures. In such cases, any University Level disciplinary sanction may be imposed.

C. **Cases Involving the Possession or Use of Alcohol, Drugs, or Paraphernalia**
Any offense which involves the use or misuse of alcohol and/or drugs/drug paraphernalia may be referred to the William W. Sandler Center for Alcohol and Other Drug Education for education on the topic related to their particular case.

D. **Medical Amnesty for Alcohol and other Drugs**

The University of Miami is committed to the safety and welfare of our students and hopes to facilitate access and remove barriers to students seeking medical assistance for alcohol and/or drug related emergencies. It is expected that students seek immediate medical assistance when they are concerned about their own health or that of another student. This can be done by contacting a staff member in the Department of Housing and Residence Life through the front desk of a residential college or by calling 911 (off campus) or 305-284-6666 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, , may receive Medical Amnesty when it is determined that they sought emergency medical attention for themselves or medical assistance was sought for them by other students related to the consumption of alcohol and/or drugs. Where Medical Amnesty applies, disciplinary violations will automatically become inactive on a student's conduct record, provided that they comply with the following conditions:

1. The student completes an initial intervention with a professional substance abuse counselor,
2. The student complies with all treatment recommendations set by both of the aforementioned by an established deadline. For most first-time incidents a brief substance use/abuse screening interview will be used, and
3. The student completes all educational sanctions and pays the applicable fines.

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The student seeking medical attention on behalf of another person will not receive disciplinary actions for seeking help.

Please note that this policy does not protect those students who repeatedly or flagrantly violate the Student Code of Conduct. If a student received Medical Amnesty for a prior incident or has prior alcohol misuse sanctions, the availability of amnesty is at the discretion of the Office of the Dean of Students.

If other infractions are concurrent to the incident including, but not limited to, destruction of property, possession/distribution of illicit substances, or physical or sexual assault, the accused student may be subject to other conduct action.

If you have any questions about the Medical Amnesty Policy, please contact the Dean of Students Office by calling 305- 284-5353.

Alternative Judicial Process for Medical Situations

The Senior Associate Dean of Students and Director of Student Conduct, or their designee, will

automatically refer all reported incidents of students who sought, or were referred for emergency medical assistance for medical amnesty eligibility.
When the correct conditions are present, the following process will begin:

1. The student will be called upon to meet with an appropriate student conduct officer to discuss the incident as a part of a thorough investigation.
2. The student conduct officer will assign appropriate educational and financial sanctions depending upon the incident.
3. As is the case with all alcohol and other drug policy violations, the student's parents will be contacted with information about the involved incident.
4. The student may forgo this alternative process and request a formal judicial hearing if they dispute the alleged behavior.
5. There will be no campus judicial record for review by external agencies unless the student fails to complete the articulated sanctions.

E. **Other Possible Actions that May Be Taken by the University**
Students should be aware that, depending on the circumstances, the Dean of Students or their designee has the discretion to impose penalties and sanctions that are not in this handbook. These may include attendance at counseling sessions, academic workshops or assignments, or loss of certain University privileges, including representing the University in a particular event or extracurricular activities, (i.e. student government, fraternities, sororities, honor societies, the debate team, intercollegiate athletics, the marching band, club sports, intramurals, and any other approved University activity.)

1. **Counseling Intervention:**
When a student's behavior indicates that some form of counseling may be beneficial, the student may be referred to the Counseling Center. The University reserves the right to administratively withdraw a student from the University or academic class whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others. (See Health and Safety Policy on page 72)
2. **Alcohol/Drug-Related Referral:**
Where the use of alcohol and/or other drugs accompanies a violation of regulations, the student may be referred to the William W. Sandler, Jr. Center for Alcohol and Other Drug Education in addition to other sanctions.
Participation and satisfactory progress in a program to address issues of alcohol or drug abuse may be made a condition for continued enrollment at the University.
3. **Restriction or Revocation of Privileges:**
Temporary or permanent loss of privileges including, but not limited to, the use of a particular University facility, visitation privileges, and parking privileges. All recommendations of restriction or revocation of privileges must be approved by the Dean of Students.
4. **Temporary Suspension:**
Action taken by the Provost of the University, which requires a student's temporary separation from the University until a final determination is made of their responsibility for an incident/s and sanction.
5. **Parental Notification:**
The University will notify the parents/guardians of students in cases where their student

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has been determined to be responsible for any violation of the Alcoholic Beverages or Drugs/Drug Paraphernalia polices and the student is under 21 years of age at the time of the disclosure. Additionally, under certain other circumstances and in accordance with the provisions provided under the Family Educational Rights and Privacy Act (FERPA), parent(s) may be notified of disciplinary charge(s) against a student. The Dean of Students will make the final decision on whether parent(s) are notified. The University reserves the right to notify parents or families without a student's prior consent in health or safety emergencies.

6. **HOLD on Student Records:**
   An official hold may be placed upon a student's University records and a holds may also be placed on a student's future registration at the University for failure to comply with official University requests or orders. This may include, but is not limited to failure to reply to correspondence aimed at scheduling student conduct investigation meetings or hearings, failure to attend meetings or hearings related to a student conduct investigation, or failure to complete sanctions as directed by a student conduct officer following the adjudication of a student conduct case. Holds are considered temporary and can be removed at the discretion of the Dean of Students or their designee, or by a student upon the completion of the action that necessitated the hold.

   Once a hold is placed, the student's ability to change their enrollment in any way, including registering for future classes, is temporarily disabled. This action does not impact those courses the student is currently participating in. The University reserves the right to administratively withdraw the student from future semester courses if the Hold is not lifted prior to the start of the next academic term.

7. **Educational Assignments:**
   In an effort to further the University's educational mission and developmental philosophy, educational assignments may be required. Assignments include but are not limited to reflective papers, research assignments, workshop attendance, assigned readings, program attendance or coordination, and other relevant activities.

F. **Maintenance and Retention of Student Conduct Records**
The Dean of Students Office maintains student conduct records. When these records are considered to be "active records" a summary of the issues involved and/or charged violations, as well as the most recent disposition reached in the case will be reported out to other institutions such as other undergraduate colleges/universities when a student is considering transferring, graduate or professional schools, the Federal or any State or Local Bar Association, or by the Federal Government when requested, in writing, by the student. These records can also be obtained in their entirety by a court order. Inactive records are also kept by the Dean of Student Office but only for internal documentation purposes; the contents of inactive records will not be reported out to any entity unless mandated by court order. Student conduct records will change in status as follows:

Disciplinary Warning:
Maintained as an active records for specified number of academic semesters outlined in the sanction letter during the time in which a student is enrolled. Once expired, these files are considered inactive and will not be reported to other institutions without a court order.

Strict and Final Disciplinary Probation:
Maintained as active records for two years after the student graduates or withdraws from the University unless deemed "inactive" sooner by the Dean of Students. After these files are

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considered inactive they would not be reported to other institutions without a court order. The Volunteer Activities Program (VAP) provides students with the possibility of accelerating the time it takes for these type of records to become inactive. Detailed information about this program is provided below.

Suspension:
These records are maintained indefinitely unless the student returns to the University after their period of suspension and completes their degree. In this case, the record will be maintained as an active record for two years after the student graduates from the University unless deemed "inactive" sooner by the Dean of Students. After these files are considered inactive they would not be reported to other institutions without a court order.

Expulsion:
These records are indefinitely maintained as active files.

After a file is considered inactive, it should not be construed as a reason or justification to not answer truthfully questions that may be posed by other admissions offices or professional boards with respect to whether or not the student was subject to disciplinary action while at the University of Miami.

1. **Recordings of Student Conduct Proceedings**
   All formal Disciplinary Hearings conducted by the Dean of Students Office are recorded. These recordings are maintained as part of the student conduct record for a particular student and may be destroyed:
   a. after the time frame for an appeal on a particular case has elapsed; or
   b. after the conclusion of the appeal process in a particular case
   In cases where the student conduct file is maintained "Indefinitely" as noted above, the digital recording may also be maintained in that record.
2. **The Volunteer Activities Program**
   The Dean of Students may allow a student to shorten the period of time disciplinary action remains active in a student's file by having the student participate in the Volunteer Activities Program coordinated through the Dean of Students Office. The student must make a written request to the Dean of Students who has sole authority to grant such a request. Under normal circumstances, a student must have completed the time frame of the warning/probation and all other aspects of the prescribed sanction prior to being approved to begin the Program. Successful completion of the Program will result in shortening the time period for the external reporting of the student conduct records by the Dean of Students, however these files will be retained as inactive files.
3. **Disclosure of Student Conduct Proceedings**
   Under the provisions of FERPA, the University may disclose the following information:
   a. **Victims of violent acts**. The University may disclose to a victim of violence the results of any student conduct proceedings conducted against the accused student. A crime of violence is defined as an offense where the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. This may include, but may not be limited to incidents involving the use of physical force that may

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constitute violations of University policies prohibiting "Assault", "Harassment or Harm to Others," and /or those related to "Sexual Misconduct."

b. **Alcohol and other drug mis/use**. The University may disclose to the parent/ legal guardian of a student information regarding an alleged or found violation of any policy of the University of Miami governing the use or possession of alcohol or a controlled substance.

c. **Academic Transcript Conduct Notations.** Students who are expelled or suspended will also have a conduct notation made on their official and unofficial academic transcripts. If the suspension or expulsion is the result of sexual misconduct or physical violence that detail will also be notated. In suspension cases, once the suspension has been completed, students can request that the notation be removed.

G. **Consumer Information for Students**
Under the Higher Education Amendments of 1998, institutions of higher learning are required to disclose certain information and make it readily available to current and prospective students. This information includes institutional, financial assistance, athletics, security, and privacy of student records. For details, go to www.miami.edu/hea.

H. **Table of Sanctions**
The table on the following page outlines the range of possible sanctions for a case in which there was a single policy violation and assumes no previous disciplinary violations and sanctions. It can be understood that any policy violation/s beyond the first will receive more serious sanctions, dependent upon the case at hand.

It is important to note when reviewing the information below that this table is intended to provide a general guideline for possible sanctions in a case where a student is found responsible violating only that particular policy and has no prior student conduct record. This table is not intended to suggest that only these sanctions can be considered. In all student conduct cases, the context and severity of the violation will be taken into consideration prior to assigning a sanction, and that sanction may fall outside these suggestions where the case calls for a different resolution.

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Key

M / U	Major or University level offense
ED	Educational Sanctions (this may include Community Service)
DW 1-2	1 or 2 semesters of Disciplinary Warning
SDP 1-3	1, 2, or 3 semesters of Strict Disciplinary Probation
FDP	Final Disciplinary Probation
Susp	Suspension
Exp	Expulsion
CR	Change of Residency
TR	Termination or Residency
Rest	Restitution
AC	Administrative Charge
Fine	Fine

"Case"	Suggests that the monetary values could be assigned dependent upon the case

Code of Conduct Violation		M / U	ED	DW 1-2	SDP 1-3	FDP	Susp	Exp	CR	TR	Rest	AC	Fine
B.1	**Alcoholic Beverages**												
a.	Underage Possession	U	✓	1									$75
b.	Underage Consumption	U	✓	1	2								$75/$150
c.	Intox Req Emerg Transport	U	✓			✓							$250
d.	Paraphernalia	U	✓	1									$75
e.	Distribution	U/M	✓		2								$150
f.	Operating a Motor Vehicle	U/M	✓			✓	✓	✓					$150
g.	Public Intox Regardless of Age	U	✓		2								$150
h.	Social Event Guidelines	U	✓		1-3	✓	✓	✓					Case
B.2	**Animals**	U	✓	1-2	1-3							Case	
B.3	**Assault**	U/M	✓		2-3	✓	✓	✓	✓	✓	Case	Case	
B.4	**Bribery**	U		1-2	1-3	✓			✓				$150
B.5	**Business Operations**	U	✓	1-2	1-3	✓			✓				
B.6	**Classroom Decorum**	U/M		1-2	1-3	✓	✓						
B.7	**Closing Hours**	U		1-2	1-3								$150
B.8	**Complicity**	U/M	✓	1-2	1-3								
B.9	**Computer & Telecommunications Use**	U/M	✓	1-2	1-3	✓	✓	✓				Case	
B.10	**Consensual Relationships**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.11	**Contracting on Behalf of the University**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.12	**Damage or Vandalism**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	$150
B.13	**Dangerous Items**	U/M	✓	1-2	1-3	✓	✓		✓	✓			
B.14	**Demonstration**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.15	**Disorderly Conduct**												
a.	Loud, threatening, or	U/	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	

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	aggressive…	M											
b.	Lewd, indecent, or obscene…	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
c.	Disruptive behavior…	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.16	**Dist or Posting Print Media**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.17	**Dress Standards**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.18	**Drugs, Drug Paraphernalia**												
a.	Poss. Of Cannabis	U/M	✓		2	✓	✓	✓	✓	✓			$150/$250
b.	Poss./Use of other illegal drugs	U/M	✓			✓	✓	✓	✓	✓			$250
c.	Inappropriate use of other substances	U/M	✓			✓	✓	✓	✓	✓			$250
d.	Use Req Emerg Transport	U/M	✓			✓	✓	✓	✓	✓			$250
e.	Un-prescribed meds	U/M	✓			✓	✓	✓	✓	✓			$250
f.	Paraphernalia	U/M	✓		2	✓	✓	✓	✓	✓			$250
g.	Distribution	M	✓			✓	✓	✓	✓	✓			Case
B.19	**Emergency Equip. & Procedures**	U	✓	1-2									
B.20	**False Imprisonment**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.21	**False Information**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
a.	False testimony	U/M	✓	1-2	1-3	✓	✓	✓					
b.	False info on records or documents	U/M	✓	1-2	1-3	✓	✓	✓					
c.	Fraud	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.22	**Fire**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.23	**Gambling/Games of Chance**												
a.	Unlawful games of chance for money	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
b.	Sponsorship of events…	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			

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c.	Lawful games of chance without auth	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
d.	Wagering on University teams…	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.24	**Guests**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.25	**Harassment or Harm to Others**	U/M	✓	1-2	1-3	✓	✓		✓	✓			
B.26	**Hazing**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case		
B.27	**Health and Safety**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.28	**Herbert Wellness Center**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.29	**Identification Cards**	U/M	✓	1-2	1-3	✓	✓		✓	✓			$150
B.30	**Interference…**	M			1-3	✓	✓	✓					
B.31	**Lake Swimming**	U	✓	1-2	1-3								
B.32	**Littering**	U	✓	1-2	1-3							Case	$75
B.33	**Misuse of Telephones**	U		1-2	1-3	✓						Case	Case
B.34	**Noise and Nuisance (Outdoors)**	U	✓	1-2	1-3	✓							
B.35	**Online/Internet Social Network Usage**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.36	**Parking & Motor Vehicles**	U	✓	1-2	1-3								Up to $500
B.37	**Personal Mobility Devices**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	$250
B.38	**Projection of Objects or Materials**	U/M	✓	1-2	1-3	✓	✓	✓		✓	Case	Case	
B.39	**Rathskeller Policies & Procedures**	U	✓	1-2	1-3	✓							
B.40	**Removal or Ejection from Events**	U		1-2	1-3	✓							
B.41	**Requests or Orders**	U/M		1-2	1-3	✓							
B.42	**Housing and Residential Life Policies & Procedures**	U/M		1-2	1-3	✓	✓	✓	✓	✓		Case	
B.43	**Retaliation**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			

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B.44	**Smoking**	U/M	✓	1-2									$250
B.45	**Solicitation**	U	✓	1-2	1-3								$75
B.46	**Speakers/Public Presentations**	U	✓	1-2	1-3	✓							
B.47	**Stu Center Comp Policies and Proc**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.48	**Student Org Rights & Resp**	U/M	✓	1-2	1-3	✓	✓	✓			Case	Case	
B.49	**Theft or Unauthorized Possession**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.50	**Trespass**	U/M	✓	1-2	1-3	✓	✓		✓	✓			
B.51	**Unauthorized Entry**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.52	**Unauthorized Possession of Univ Prop**	U/M	✓	1-2	1-3	✓	✓		✓	✓		Case	$75
B.53	**Video/Audio Copyright Violation**	U/M	✓	1-2	1-3	✓	✓	✓	✓	✓	Case	Case	
B.54	**Violation of Disciplinary Probation**	U/M	✓	1-2	1-3	✓	✓		✓	✓			
B.55	**Visitation of Campus**	U		1-2	1-3				✓				
B.56	**Non-Title IX Relationship Violence**	M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.57	**Non-Title IX Retaliation**	M	✓		1-3	✓	✓	✓	✓	✓			
B.58	**Non-Title IX Sex- or Gender-Based Discrimination**	M	✓	1-2	1-3	✓	✓	✓	✓	✓			
B.59	**Non-Title IX Sexual Assault / Battery**	M	✓		1-3	✓	✓	✓	✓	✓			
B.60	**Non-Title IX Sexual Harassment**	M	✓		1-3	✓	✓	✓	✓	✓			
B.61	**Non-Title IX Stalking**	M	✓		1-3	✓	✓	✓	✓	✓			
B.62	**Sexual Exploitation**	M	✓		1-3	✓	✓	✓	✓	✓			
C.1	**Relationship Violence**	M	✓	1-2	1-3	✓	✓	✓	✓	✓			
C.2	**Retaliation**	M	✓		1-3	✓	✓	✓	✓	✓			
C.	**Sex- or Gender- Based Discrimination**	M	✓	1-2	1-3	✓	✓	✓	✓	✓			
C.4	**Sexual Assault / Battery**	M	✓		1-3	✓	✓	✓	✓	✓			
C.5	**Sexual Harassment**	M	✓		1-3	✓	✓	✓	✓	✓			
C.6	**Stalking**	M	✓		1-3	✓	✓	✓	✓	✓			

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ADDITIONAL STUDENT COMPLAINT PROCEDURES

Students enrolled in University of Miami courses or programs should follow the University's complaint procedures as described in this handbook and/or the Academic Bulletin as appropriate. If you are unable to resolve your complaint, additional institutional complaint procedure information can be found here: https://ua.miami.edu/accreditation/index.html

APPENDIX - GLOSSARY OF TERMS

ADJUDICATION

This term encompasses the entire judicial / student conduct review process from investigation through the rendering of a final decision in a particular student's case.

ALCOHOL/DRUG-RELATED REFERRALS

In cases where the use of alcohol and/or other drugs accompanies a violation of regulations, the student may be referred to the William W. Sandler, Jr. Center for Alcohol and Other Drug Education in addition to other sanctions which are imposed. Participation and satisfactory progress in a program to address issues of alcohol or drug abuse may be made a condition for continued enrollment at the University.

ANTISEMITISM

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

APPELLATE OFFICERS

The conduct body and/or individual that hears appeals.

AREA DIRECTOR/RESIDENCE LIFE COORDINATOR

Designated Residence Hall staff, who may act in the capacity of a Student Affairs Dean in the investigation of University offenses, may file charges, conduct Preliminary and Conduct hearings for said offenses, conduct mitigation hearings and assess sanctions in certain situations.

COUNSELING INTERVENTION

When a student's behavior indicates that some form of counseling may be beneficial, the student may be referred to the Counseling Center. The University reserves the right to administratively withdraw a student whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others. Refer to Health & Safety Policy on page 72.

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DEAN OF STUDENTS

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

STUDENT CONDUCT RECORDS

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

CONDUCT WARNING

A University conduct sanction serving notice to a student that their behavior has not met University standards.

STUDENT CONDUCT OFFICER

Student Affairs Dean, Area Director, Residence Life Coordinator 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.

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EXPULSION

Permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled may also be barred from campus visiting privileges.

FINAL DISCIPLINARY PROBATION

A disciplinary sanction serving notice to a student that their behavior is in flagrant violation of University standards. A violation of Final Disciplinary Probation may result in expulsion or suspension.

FINES

Penalty fees payable to the University as directed by the adjudicating body for violation of certain regulations. This definition does not include administrative charges imposed by the University.

INVESTIGATOR

Student Affairs Dean, Area Director, or Graduate Assistant staff members of the Department of Housing and Residential Life and/or the Dean of Students Office charged with investigating alleged violations of University rules, regulations or policies. The Dean of Students Office has sole discretion whether to investigate offenses.

MAJOR DISCIPLINARY HEARING PANEL

A panel consisting of a hearing officer, a faculty member, and a student (graduate or undergraduate, depending on the enrollment of the charged student) which performs the fact-finding role at Major Conduct

Hearings, unless the student waives their right to a hearing Panel.

MAJOR OFFENSE

A violation of a University regulation, which may result in Expulsion, Suspension and/or loss of financial aid. The Dean of Students decides what violations will be charged as major offenses.

NO CONTEST

A student response in a pending matter in the public courts stemming from the same incident that resulted in major disciplinary charges.

NOT RESPONSIBLE

The belief that one has not committed an offense; the state of one who has not committed an offense; is not liable to or deserving of a penalty.

PANEL ADVISOR

The Student Affairs Dean and/or their designee that provides procedural guidance to a Hearing Panel during a hearing.

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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.

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 it's implementing regulations, 34 C.F.R. part 106.

STAY

A temporary suspension of student conduct proceedings. When a Stay is enacted, the student who allegedly committed an act in violation of University policy/ies also receives a "Hold" on their ability to register for courses. Though this does not have an effect on a student's current enrollment, that student will not be permitted to participate in future semester's coursework until the case has been fully investigated and adjudicated through the University's student conduct system, and the case has concluded. The University reserves the right to remove a student (i.e., drop) from courses that they have already registered for but has not yet started.

STRICT DISCIPLINARY PROBATION

A disciplinary sanction serving notice to a student that their behavior is in serious violation of University standards.

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STUDENT AFFAIRS DEAN

Dean of Students Office staff member who may investigate, file charges, present the University's case at university and major disciplinary hearings, conduct mitigation hearings, assess penalties in certain university actions, and serve as Hearing officer in university and/or major cases.

SUSPENSION

Mandatory separation from the University for a certain period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the Dean of Students. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students grants specific permission.

TEMPORARY SUSPENSION

An action that requires a student's temporary separation from the University until a final determination is made of their innocence, or guilt and sanction for a disciplinary offense.

TITLE IX (see SEXUAL VIOLENCE) UNIVERSITY OFFENSE

A violation of a University regulation, which, at the discretion of the Dean of Students, does not justify the imposition of a Major offense penalty.

UNIVERSITY DISCIPLINARY HEARING PANEL (UDHP)

A Panel of three students who perform the fact-finding role, conducts the mitigation hearing, and assesses penalties in certain University disciplinary hearings. There are graduate and undergraduate Panels.

All Revision Dates

02/2026, 02/2026, 12/2025, 08/2025, 08/2025, 07/2025, 07/2025, 07/2025, 06/2025, 08/2024, 11/2023, 07/2023, 06/2023, 02/2023, 01/2023, 08/2022, 08/2022, 09/2021, 07/2021

Approval Signatures

Step Description	Approver	Date
	Ryan Holmes: Assoc. VP, Student Affairs and Dean of Students	02/2026
	Judd Goldberg: Associate Vice President, Deputy General Counsel	02/2026
	Steven Priepke: Deputy Dean of Students	02/2026

Applicability

University of Miami, University of Miami Public Policies & Procedures

Standards

No standards are associated with this document