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FOREWORD

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

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

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

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

Students who engage in conduct that endangers their personal health or safety or the personal health or safety of others, may be required to participate and make satisfactory progress in a program of medical evaluation and/or treatment if they are to remain at the University. The determination as to the student's participation and progress is to be made by the Dean of Students with the assistance of the Director of the Student Health Center, the Director of the Student Counseling Center, and the University Ombudsperson. 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 Office of the Dean of Students before seeking readmission to the University. Decisions made under this policy are final.

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

These policies apply to both graduate and undergraduate students, however other University rules and regulations may apply. The rights and responsibilities that follow take effect immediately upon publication of this document.

STATEMENT ON STUDENT RIGHTS

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

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

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

- The right to be treated equally in academic and social settings
- The right to live and/or attend classes in a physically safe environment
- The right to express diverse opinions in an intellectually safe environment
- The right to privacy
- The expectation of a positive living/learning environment
- The right to hold other students accountable to the Honor Code

- **The right to be educated and nurtured**
- The right to learn without disruption
- Access to academic and support services that enhance student learning
- The right to pursue academic interests
- The right to engage in mutual collaboration
- The right to receive student learning outcomes via the university disciplinary system
- The right to explore personal spiritual growth and development

- **The right to participate in the creation of knowledge**
- The right to know academic requirements and to be evaluated fairly
- The right to be informed of, and share opinions on, matters affecting the University community
- Equal access to available research facilities and appropriate resources

- **The right to provide service to our community and beyond**
- The right to have access to leadership development opportunities
- The right to engage in service opportunities that enhance learning outcomes, both within and outside of the campus community
- 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
(BUCKLEY AMENDMENT)**

I. PURPOSE

The purpose of the following policies and procedures is to assure University of Miami students access to their education records maintained by the University of Miami, and to ensure the privacy of students by restricting the disclosure of information contained in educational records only to those persons authorized under the FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (BUCKLEY AMENDMENT).

II. NOTIFICATION TO STUDENTS

Students will be notified annually of their rights to access all of their education records kept by the University of Miami, by publication of a summary of these Policies and Procedures and under the *Consumer Information for Students and Parents*, located on the Office of the Registrar's web site. Students may obtain a copy of this summary at the Office of the Registrar, W121 University Center.

III. DEFINITIONS

A. **"Attendance"** at the University of Miami includes, but is not limited to:

1. The period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester or a first quarter.
2. The term does not include specific daily records of a student's attendance at an educational agency or institution.

B. **"Directory information"** means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, address, telephone number, electronic mail address, photograph, date and place of birth, major field of study, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and the most recent previous educational agency or institution attended by the student.

C. **"Disclosure"** is defined as permitting access to or the release, transfer, or other communication of education records including class schedule and roster of the student or the personally identifiable information contained therein, orally, in writing, by electronic means, or by any other means to any party.

D. **"Education Records"** means those records, which are directly related to the student, and maintained by the University of Miami or by a party acting for the University of Miami. The term "education records" does not include:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of the University of Miami Department of Public Safety which are created and maintained by it solely for law enforcement purposes; PROVIDED that records of the University of Miami Department of Public Safety created and maintained by it for non-UM law enforcement purposes such as a disciplinary action or proceeding of the University are deemed education records;
3. Records relating to an individual who is employed by the University of Miami which are (A) made and maintained in the normal course of business, which (B) relate exclusively to the individual in his or her capacity as an employee, and (C) are not

available for use for any other purpose. This exclusion does not apply to an individual in attendance at the University of Miami who is employed as a result of his or her status as a student;

- (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.

4. Records on a student who is 18 years of age or older, or is attending an institution of post-secondary education, that are:

- (i) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional person acting in his/her professional or paraprofessional capacity or assisting in a paraprofessional capacity;
- (ii) made, maintained or used solely in connection with the provision of treatment to the student, and
- (iii) not disclosed to anyone other than individuals providing such treatment, PROVIDED that the record can be personally reviewed by a physician or other appropriate professional person of the student's choice. "Treatment" in this context does not include remedial education activities, which are a part of the program of instruction at the University of Miami.

5. Records of the University of Miami that contain information relating only to a person after that person is no longer a student at the University of Miami, e.g., information gathered on the accomplishment of alumni.

E. **"Parent"** includes a parent, a guardian, or an individual acting as a student's parent in the absence of a parent or guardian. The University of Miami may presume the parent has the authority to exercise the rights inherent in this act unless the University has been provided with evidence that there is a court order or a legally binding instrument, which provides to the contrary.

F. **"Personally identifiable"** means that data or information may include, but is not limited to:

- a. The student's name;
- b. The name of the student's parent, or other family member;
- c. The address of the student or student's family;
- d. The student's telephone number;
- e. A personal identifier, such as a student's Social Security Number, or student number; or
- f. other information or a list of personal characteristics, which would make the student's identity easily traceable.

The University of Miami will give public notice as to the information designated as directory information. The student has the right to prohibit the designation of any or all of the categories of personally identifiable information with respect to that student, provided that said student notifies the Office of the Registrar that such personally identifiable information is not to be designated as directory information with respect to that student. Notification may be given in writing or through their myUM account.

The University of Miami may disclose directory information from the education records of an individual who is no longer in attendance at the University of Miami without following the procedures set forth above.

G. **"Record"** means any information or data recorded in any medium, e.g. handwriting, computer media, print, tapes, film, microfilm, and microfiche.

H. **“Student”** includes any individual with respect to whom the University of Miami maintains education records or personally identifiable information. The term does not include an individual who has not been in attendance at the University of Miami. An individual who has applied for admission to, but has never been in attendance at a particular component unit of the University of Miami, even if that individual is or has been in attendance at another component unit of the University of Miami, is not considered to be a student with respect to the component to which an admissions application has been made e.g., an undergraduate student at the University of Miami who has made application for Graduate School, Law School, or the School of Medicine, but who has been denied admission to any of those component units, does not have access to his or her admissions documents submitted to that component unit which has denied his or her admission.

IV. **STUDENT RIGHTS**

A. **Access:** Students in attendance at the University of Miami, and parents of such a student with prior written consent of the student, or without prior written consent if the student is a “dependent” (as defined under Section 152 of the Internal Revenue Code, meaning that the student is listed and qualified as a dependent on the parent’s most recent tax return filed with the Internal Revenue Service), may have access to, including the right of obtaining copies by paying copy fees as indicated in Section IX, any and all “educational records” maintained by the University of Miami, by following the procedures indicated under Section VII. Access may also be granted in compliance with a lawfully issued subpoena or in connection with some health or safety issue.

B. **Request to Amend Education Records:** A dependent student’s parent or a student may request that the University of Miami amend education records if either believes that information contained therein is inaccurate, misleading, or in violation of the privacy or other rights of the student, by following procedures under Section VIII. Following such a request for amendment, the University of Miami will determine whether or not records will be amended within a reasonable period of time. Should the University decide to refuse to amend the record in accordance with the request, it shall inform the student or the dependent student’s parent of such refusal and inform the student or parent of the right to a hearing.

C. **Right to a Hearing.** A student or dependent student’s parent, may petition for a hearing to challenge the contents of an “education record” listed in Appendix A under the procedures established in Section VIII.

V. **DISCLOSURE POLICIES**

A. The University may not disclose personally identifiable information from the education record of a student without the prior written consent of the student except:

1. To other school officials at the University, including faculty, who have been determined to have legitimate educational interests in seeking access to those records.
 - a. “School officials” are defined as officers, employees and agents of the University of Miami. “Agents” may include University Counsel and certain University students assigned to exercise a specific University function.
 - b. “Legitimate educational interests” are defined as those interests related to the academic, personal and social development of the student while enrolled at the University of Miami or as those interests related to legal, health or safety concerns of the University of Miami.
2. To officials of other schools in which a student seeks or intends to enroll. The University may also release information contained in the education record to another school if the student is simultaneously enrolled in that school and the University. However, the University will make a reasonable attempt to notify the student of the transfer of those education records and will provide a copy, upon request and the payment of a copying fee, of the records, which were transferred.

3. To authorized representatives listed below, PROVIDED that such access is necessary in connection with the audit and evaluation of federally supported educational programs or in connection with the enforcement of or compliance with federal legal requirements which relate to these programs, or when such information is specifically authorized by federal law:
 - (i) The Comptroller General of the United States
 - (ii) The Attorney General of the United States
 - (iii) The Secretary; or
 - (iv) State and local educational authorities

4. (i) In connection with financial aid for which a student has applied or which a student has received, PROVIDED that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:
 - (i) To determine the eligibility of the student for financial aid;
 - (ii) To determine the amount of financial aid;
 - (iii) To determine the conditions which will be imposed regarding financial aid;and
 - (iv) To enforce the terms or conditions of the financial aid

5. To state and local authorities to which information is required to be reported pursuant to any state statute.

6. (i) To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction PROVIDED that such studies do not disclose the personal identification of students and their parents by individuals other than representatives of the organization, and that the information will be destroyed when no longer needed for the purpose of the study.

7. To accrediting organizations in order to carry out their functions.

8. To parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1986. For purposes of making a determination as to the dependency of the student, the University will request that each student declare his or her dependency at the time of registration. The Office of the Registrar will maintain this information. In the absence of this information, and when circumstances may warrant disclosure or access to a parent, the University may first solicit from the student a declaration of dependency; failing this, the University will require a written affidavit from the student's parent certifying that the student has been claimed as a dependent on the requesting parent's most recent income tax return filed with the Internal Revenue Service.

9. To comply with a judicial order or subpoena PROVIDED that the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance therewith. There are instances in which the University will not be able to notify the student or student's parent of the existence of a federal grand jury subpoena or a subpoena issued for a law enforcement purpose wherein the subpoena indicates that the University is not to disclose to any person the existence or contents of the subpoena or any information furnished to a grand jury or law enforcement agency in response to the subpoena and in this case, notice will not be provided. If the University initiates legal action against a student or parent, the University may disclose to the court, without court order or subpoena, the education records of the student that are relevant for the University to proceed with the legal action as plaintiff.
If a parent or student initiates legal action against the University, the University may disclose to the court, without court order or subpoena, the student's educational records that are relevant for the University to defend itself.

10. To appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals, taking the following factors into account:

The seriousness of the threat to the health or safety of the student or other individuals;

The need for the information to meet the emergency;

Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and The extent to which time is of the essence in dealing with the emergency.

11. The disclosure is information the University has designated as directory information under the conditions of Section 99.37 of FERPA.

12. To a parent/legal guardian of a student, information regarding any violation of any federal, state, or local law, or any rule or policy of the University of Miami governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records if:

The student is under the age of 21 at the time of the disclosure to the parent and the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

13. The disclosure, subject to the requirements of Section 99.39 of FERPA, is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of post-secondary education with respect to that alleged crime or offense. The University may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.

14. The disclosure, subject to the requirements of Section 99.39 of FERPA, is in connection with a disciplinary proceeding at an institution of post-secondary education. The institution must not disclose the final results of the disciplinary proceeding unless it determines that:

- (i) The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
- (ii) With respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies.
- (iii) The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
- (iv) This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

15. The disclosure is to a parent of a student at an institution of post-secondary education regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if –

(A)The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and

(B)The student is under the age of 21 at the time of the disclosure to the parent.

- i. Paragraph (a)(15) of this section does not supersede any provision of State law that prohibits an institution of post-secondary education from disclosing information.
- ii. Paragraph (a) of this section does not forbid an educational agency or institution from disclosing, nor does it require an educational agency or institution to disclose, personally identifiable information from the education records of a student to

any parties under paragraphs (a)(1) through (11), (13), (14) and (15) of this section.

Personally identifiable information from the student's education record may be disclosed in accordance with FERPA upon the condition that the party to whom the information is disclosed will not disclose information to any other party without the prior written consent of the student and the releasing office except that the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employers, and agents, but only for the purposes for which the disclosure was made.

VI. RECORD OF DISCLOSURE

A. Maintenance of Record

1. The University shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record of such requests and disclosures. All requests must be kept with the education records of the student.
2. A record of disclosure is not required for disclosures of:
 - a. Directory information,
 - b. Disclosures of personally identifiable information to which the student or parent of a dependent student has granted written consent of access when the consent is specific with respect to the party or parties to whom the disclosure is to be made, and
 - c. Disclosures made to other University of Miami school officials pursuant to FERPA.

B. The record of disclosure shall include the following information:

- a. The names of the parties requesting or obtaining personally identifiable information from the student's education records;
- b. The titles of said parties seeking this information and the organization or agency they represent, if appropriate;
- c. The legitimate interests (reasons) these parties had in requesting or obtaining the information;
- d. The date of disclosure; and
- e. The signature of the person making the disclosure.

C. The record of disclosures shall be maintained in the education record of the student and shall be considered to be a part of the education records; therefore, the record of disclosures must be retained as long as the University retains the education records of the student.

D. The record of disclosures may be inspected:

1. By the student or the parent of a dependent student;
2. By the school official and his or her assistants who are responsible for the custody of records; and
3. For the purpose of auditing the record-keeping procedures of the University by the following:
 - a. Other school officials within the University, including teachers, who have been determined by the University to have legitimate educational interests; and
 - b. The Comptroller General of the United States
 - c. The Attorney General of the United States
 - d. The Secretary; or
 - e. State and local educational authorities

Subject to the conditions that any data collected by the aforementioned officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials named, and that personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of or compliance with federal legal requirements.

VII. REVIEW AND INSPECTION

A. A student who is or has been in attendance at the University may inspect and review his or her education records by making either an oral or written request at the Office of the Registrar. Whether the request is oral or written rests upon the discretion of the appropriate University official in each case. The University shall respond to the request within 45 days of such request.

B. The student making a reasonable request for an explanation or interpretation of his or her records is entitled to the same from the appropriate University official.

C. If the student is unable to inspect personally his or her education records, the University is obligated to provide a copy of the record requested. The University may charge the student a fee for copies of records pursuant to the fee schedule set forth in Section IX below.

D. A University official or designated representative may be present during a student's review and inspection of any education records.

E. Parents of students who are currently claimed as "dependents" as defined under Section 152 of the Internal Revenue Code of 1954, may be entitled to inspect and review the education records of the student without the written consent of the student. For the purposes of making a determination as to the dependency of the student, the University will request that each student declare his or her dependency at the time of registration. The Office of the Registrar will maintain this information. In the absence of this information, and when circumstances may warrant disclosure or access to a parent, the University will first solicit from the student a declaration of dependency; failing this, the University will require a written affidavit from the student's parent certifying that the student has been claimed as a dependent of the parent's most recent income tax return filed with the Internal Revenue Service. The University presumes that either parent has the right of access to the records of their dependent or minor child unless the University is provided with evidence that there exists a legally binding instrument governing such matters as divorce, separation, or custody, which provides to the contrary.

F. Limitations on the right to inspect and review education records.

1. Education records are records related directly to a student and maintained by the University. The following records may not be inspected or reviewed by students, former students or their parents:

- a. Records which are not educational records as defined under FERPA;
- b. Financial records and statements of the parents of students or any information contained in such records or statements;
- c. Confidential letters and confidential statements of recommendation, which were placed in the education records of a student prior to January 1, 1975; PROVIDED that:
 - (i) The letters and statements were solicited with a written assurance of confidentiality, or sent and retained with a documented understanding of confidentiality; and
 - (ii) The letters and statements are used only for the purposes for which they were specifically intended;
- d. Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975, and to which the student has, in writing, waived his/her right of access:
 - (i) Respecting admission to an educational institution;
 - (ii) Respecting an application for employment; or
 - (iii) Respecting the receipt of an honor or honorary recognition; PROVIDED that the student has waived his or her right to inspect and review those letters and statements of recommendation.

2. If the education records of a student contain information on more than one student, the parent of a dependent student or the student may inspect and review or be informed of only the specific information, which pertains to that one student.

G. No records may be destroyed, regardless of age, when there is a pending request to review and inspect those records.

H. An individual who has not been in attendance at the University is not a student, and therefore does not have a right to inspect or review his or her records. A person who has applied for admission to, but has never been in attendance at another component unit of the University (such as the various colleges or schools which comprise the University), even if that individual is or has been in attendance at another component unit of the University, is not considered to be a student with respect to the component to which an application for admission has been made and therefore does not have a right to inspect or review his or her records with respect to that component unit of the University to which an application for admissions has been made.

VIII. PROCEDURES FOR SEEKING AN AMENDMENT TO RECORDS AND FOR STUDENT HEARING TO CHALLENGE THE CONTENTS OF EDUCATIONAL RECORDS

A. Amendment of Records

1. A student who believes that information contained in his or her records is inaccurate, misleading, or in violation of the privacy or other rights of the student, may request that the University official who maintains the records amend them.
2. The University will decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request. The official who maintains the records has a responsibility to consult with appropriate officials of the University for further determination or confirmation.
3. If the University decides not to amend the education records of the student in accordance with the request, it will so inform the student of the refusal, and advise the student of the right to a hearing as provided under FERPA.

A hearing under Section (B.) below may not be used to challenge the assignment of a grade; however, a hearing may be requested by a student to contest whether or not the assigned grade was recorded accurately in the education records of the student.

B. Hearing to Challenge Contents of Records

1. The University's Buckley Amendment Steering Committee will, upon request, provide an opportunity for a hearing in order to challenge the content of a student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or the rights of a student.
2. The hearing will be held within a reasonable period of time after the University has received the request, and the student shall be given notice of the date, place, and time reasonably in advance of the hearing.
3. The hearing will be conducted by an appropriate official of the University who does not have a direct interest in the outcome of the hearing.
4. The student will be afforded a full and fair opportunity to present evidence relevant to the issues, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
5. The University shall make its decision in writing within a reasonable period of time after the conclusion of the hearing.
6. The decision of the University shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decisions.
7. If, as a result of the hearing, the University decides that the information in the education records is inaccurate, misleading, or otherwise in violation of the privacy or other rights of a student, it will amend the education records of the student accordingly, and so inform the student in writing.
8. If, as a result of the hearing, the University decides that the information in the education records is not inaccurate, misleading, or otherwise in violation of the privacy or the rights of a student, it will inform the student of the right to place in his or her education records a statement commenting upon the information therein setting

forth any reason(s) for disagreeing with the hearing decision of the University.

9. Any explanation placed in the education records of the student under paragraph (8) of this section shall:
 - a. Be maintained by the University as part of the education records of the student as long as the record or contested portion thereof is maintained by the University; and,
 - b. If the education records of the student or the contested portion thereof is disclosed by the University to any party, the explanation will also be disclosed to that party.

IX. SCHEDULE OF FEES AND PROCEDURES FOR OBTAINING COPIES OF EDUCATIONAL RECORDS

A. Procedures

The right of access in some cases includes the right to obtain copies of the education records, when physical distance would prevent the actual viewing of the record. In those cases where distance would prevent actually viewing and inspecting the record copies may be requested by the dependent student's parent, or by the student, in writing, to the records. The university may authorize copies to be made only in those cases where failure to provide copies would effectively prevent a dependent student's parents, or the student, from exercising the right to inspect and review the education records.

B. Schedule of Fees for Obtaining Copies of Education Records

1. The copying fee for each side of a page, or of each page if a record is maintained on only one side of the page, is \$.50 per side. This fee is subject to change upon appropriate notice.

Copies are to be provided by the "responsible official" who is the custodian of record, upon receipt of a written request from the parent of a dependent student, or a student, and upon the payment of \$.50 per side of the document reproduced. Any and all moneys received for the copied education records furnished by responsible officials will be deposited to the account number which is charged by this official for copying done by his or her school, department, or office.

COMPLAINTS

Parents and/or students may file written complaints regarding violations of the rights under this policy. Complaints may be directed to the University's Steering Committee on the Buckley Amendment, c/o Office of the Registrar, University of Miami, P.O. Box 248026, Coral Gables, Florida, 33124 or with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.

STATEMENT ON STUDENT RESPONSIBILITIES

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

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

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

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

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

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

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

THE HONOR CODE - UNDERGRADUATE HONOR CODE

SECTION I GENERAL PROVISIONS

A. Purpose

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

This Code is established for the undergraduate student body to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, the student will never engage in 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. 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
Integrity

C. Responsibility of the University Community

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

D. Jurisdiction

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

E. Faculty Cooperation

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

SECTION II DEFINITIONS

1. "Day(s)" refers to University working days only.
2. "The Secretary" means the Honor Council Secretary or designee.
3. "President, Vice President, etc.," refers to Honor Council officers unless otherwise indicated by a full title, e.g., Vice President for Student Affairs.
4. "Accused student" refers to a student or students charged with a violation of this Code.
5. "Student" means any University of Miami undergraduate (on a full-time or part-time basis).
6. "The Committee" refers to the Selection and Appeals Committee.

SECTION III VIOLATIONS

A. Policy Statement

All forms of academic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, and mode of creative expression, computer-based work, or other academic undertaking. Academic dishonesty includes, but is not limited to, attempting or agreeing to commit any of the following violations: 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 faculty member.

B. Violations

1. **Cheating** - This term implies an intent to deceive. It includes all actions, devices and deceptions used in the attempt to cheat. 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** - Plagiarism is representing the words or ideas of someone else as your own. Examples include, but are not limited to, failing to properly cite direct quotes and failing to give credit for someone else's ideas.
3. **Collusion** - This 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. **Disruption of Honor Council Procedures** - This includes any other act not specifically covered that compromises the integrity of a student. Examples include, but are not limited to, failing to appear 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.

SECTION IV THE HONOR COUNCIL AND THE SELECTION AND APPEALS COMMITTEE

A. The Honor Council

1. General

- a. The Council's purpose is to investigate complaints, determine the facts in a given case and, upon finding a violation of this Code, assess appropriate penalties as provided in Section V(M).
- b. The University of Miami Undergraduate Honor Council derives its authority from the University.
- c. The Council shall consist of twenty-nine (29) representatives from the undergraduate schools or colleges selected each year for a one-year term by the Selection and Appeals Committee.

2. Appointment of the Council

- a. Full time undergraduate students in good standing (as defined in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council. (High school grade point average will be used for first semester freshmen).

- b. Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college or to the Office of the Dean of Students at a time designated by the Selection and Appeals Committee. Each Dean shall recommend to the Executive Secretary at least five nominees in addition to the number of members currently serving from that school or college.
 - c. The Selection and Appeals Committee shall interview the students and shall appoint 29 to serve on the Honor Council.
 - d. The Committee shall attempt to include at least one representative from each undergraduate school or college on the council.
- 3. Officers of the Honor Council**
- a. The Honor Council shall elect from its members a President and a Vice President.
 - b. The President must have served at least one year as a member of the Council.
 - c. The Vice President shall assume the responsibilities of the President when the President is unavailable.
 - d. The President shall preside over meetings of the Council.
 - e. The President and Vice President shall serve as members of hearing panels when appointed.
- 4. Meetings**
- a. The President shall call meetings.
 - b. A quorum of the Council for the purpose of transacting affairs is a majority of the active members.
- 5. Vacancies and Removal of Members**
- a. The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. If necessary, it may then seek additional nominations from the Dean of the school or college.
 - b. Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

B. The Selection and Appeals Committee

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

C. The Secretary

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

SECTION V PROCEDURES

A. Policy Statement

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

B. Complaint

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

1. the name of the accused student, if known;
2. the facts giving rise to the alleged violation;

3. the names of any witnesses; and
4. such other factual information or documentation as may be useful in determining the truth of the charge made.

Complainants should refrain from including their opinions or information not relevant to the alleged violation.

C. *Hearing Panel Selection and Regulations*

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

D. *Charge*

1. Following receipt of the Complaint and designation of the hearing panel, the Secretary shall serve the accused student with a charge document, the names of the hearing panel members, and the hearing date, time, and location.
2. The accused student shall not be given names of a student witness or that of a student complainant prior to the hearing.
3. Service shall be by hand delivery or certified mail to the last local address the student provided the University.
4. The Secretary shall provide a copy of the charge to the complainant.
5. Within one day of the receipt of the names of hearing panel members, the accused student 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 student of new panel members. The accused student then has the right to object to any new panel member following the procedures in this section.
6. Within one day of the receipt of the charge, the accused student may challenge the hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the hearing and shall notify the accused student, witnesses, and panel members 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*

The Investigators shall investigate the complaint and present the results to the hearing panel. They should interview the accused student, the complainant, the faculty member, if any, responsible for the course or other activity to which the complaint relates, and any other possible witnesses. They should also review all documentary evidence available, including any statement from the faculty member, and make such inquiries as appropriate.

F. Hearing Procedures

1. The hearing shall be held in private and the proceedings are confidential.
2. The accused student, the Secretary, the complainant and all witnesses must attend the hearing. In addition to those required by the Council to attend, the accused student may choose a University of Miami undergraduate student to attend and assist the accused. This Advisor may not speak on behalf of the accused student.
3. It is not the function of the panel to act as prosecutor of the case against the accused student, but to examine all evidence in order to ascertain the truth of the matter.
4. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the panel shall resolve the matter by majority vote of the members present.
5. The Speaker of the panel shall commence the hearing by reading the charge and any statements received from the complainant.
6. The Investigators shall give a report of their findings. The panel and the accused student may then question the Investigators. The Investigators shall remain at the hearing as resources for the panel, but shall not participate in deliberations or vote with the panel.
7. The hearing panel may, at any time, conform the charge to the evidence received, provided the accused student is given an opportunity to respond. If the modification occurs during the panel deliberations following a hearing, the hearing shall be reopened.

G. Plea

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

1. If the accused student 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 student shall have the opportunity to present evidence of mitigating circumstances before the hearing panel retires to deliberate on a sanction.
2. If the accused student denies the charge, the student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove innocence.
3. If the accused student refuses to enter a plea or speak on his/her own behalf, the panel shall enter a plea of “not responsible” for the accused and proceed with the hearing. No inference of responsibility may be drawn from the silence of the accused student.

H. Witnesses

1. The hearing panel shall hear from any witnesses involved in the case. The accused student will have the opportunity to question any witness.
 - a. Witnesses may refuse to answer a question if they believe the answer, if truthful, might incriminate them.
 - b. 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 reasons constitute good cause.
2. The hearing panel may consider an affidavit or written statement against the accused student 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 accused student 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, which might be drawn therefrom.

I. Deliberation

1. When the panel is satisfied it has heard all evidence in a case, the accused student and complainant will be allowed to make summary statements before the panel retires to deliberate. It shall find the accused student responsible only if it finds clear and convincing evidence of responsibility. A majority vote (4 out of 5) is required to find the accused student responsible.
2. The panel shall not consider prior violations under this Code in deciding responsibility.

J. Finding of Responsible - Mitigation Hearing

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.

K. Finding of Not Responsible

1. If the complaint is dismissed or the student is found not responsible, no record of any complaint against a student shall appear in the student's file, or other official University record.
2. If substantial time has elapsed between the occurrence of the alleged violation and the filing 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.

L. Affirmative Rights of the Accused Student

1. The accused student has the right to question any witnesses and the complainant.
2. The accused student has the right to call witnesses and present evidence. A student may offer a written request to the panel that the panel call specific witnesses 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 witness materiality based on the statement presented by the accused student.
3. The accused student has the right to remain silent and no inference may be drawn from this silence.
4. The accused student, if found responsible, has the right to review a written summary of the evidence upon which the finding of responsibility and sanction were based. The Speaker of the hearing panel shall prepare this summary.

M. Sanctions

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

N. Panel's Decision

1. The panel's decision shall be made promptly after the hearing. However, when considering complaints involving more than one accused student, the panel may postpone judgment until the completion of the hearings for all students under the given complaint.
2. Notice of the decision shall be given to the accused student and the complainant. The accused student 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.

SECTION VI APPEALS

A. *Procedures*

1. Appeals by the student may only be taken from a hearing panel's decision finding responsibility or from sanctions arising from the violation.
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:
failure to follow the procedures of this Code constituted an error,
new evidence has been discovered, or
sanctions are not commensurate with the offense.
4. The appeal must be submitted within three (3) days of receipt of the hearing summary.

B. *Hearing the Appeal*

1. The Selection and Appeals Committee shall have three days from the receipt of an appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing an appeal if the student makes a written request specifying the reasons for the extension.
3. A written summary of the evidence shall be provided to the Committee by the Secretary.
4. The Committee shall question the accused student and the Speaker of the hearing panel.
5. The Committee shall review the case and may:
 - a. affirm the hearing panel's decision,
 - b. reduce the sanction, or
 - c. refer the case back to the hearing panel for appropriate action.
6. The decision of the Committee shall be final.

SECTION VII PUBLICATION OF DECISION AND SANCTIONS AND AMENDMENT PROCEDURES

A. *Publication*

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

B. *Amendment of this Code*

The Code may be amended solely by formal action of the President of the University following approval of the Faculty Senate and Student Government.

C. *Effective Date*

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the fall 2009 Semester.

THE HONOR CODE - GRADUATE HONOR CODE

SECTION I GENERAL PROVISIONS

A. 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.

B. Honor Creed

As a student of the University of Miami, I commit myself to upholding the Honor Code and promoting the values of:

Honor
Responsibility
Integrity

C. 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.

D. 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 apply to graduate students to the extent they are subject to codes and procedures adopted by a particular school or department.

E. 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.

F. Faculty Role

1. 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.
2. 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.

- G. *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.*

SECTION II DEFINITIONS

1. "Accused" refers to a student or students charged with a violation of this Code.
2. "Chair" refers to the Hearing Panel Chair.
3. "Code" refers to the Graduate Student Honor Code.
4. "Council" refers to the Graduate Student Honor Council.
5. "Day(s)" refers to University working days only.
6. "GSA" refers to the Graduate Student Association.
7. "Panel" refers to the Panel selected to hear a complaint.
8. "Secretary" refers to the Honor Council Secretary or designee.
9. "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.

SECTION 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.

SECTION IV GRADUATE HONOR COUNCIL

A. General

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

B. Members

1. The Council shall be comprised of twelve members consisting of six students and six faculty. The faculty members shall be selected by the Dean of the Graduate School in consultation with the Graduate Council. The student members shall be selected by the Vice President for Student Affairs in consultation with the President of GSA. The President of the GSA will be responsible for the recruitment of the pool of student applicants to serve on the Council.
2. Of the twelve members, two faculty members and two student representatives will be selected from each of the Coral Gables Campus, the Marine Campus, and the Medical Campus. Each of these twelve members will serve a one-year term. The Council derives its authority from the University.

C. Business Meetings

1. The Secretary shall call business meetings of the Council.
2. A quorum of the Council for the purpose of transacting affairs is seven of the active members, including at least two faculty members and at least two student members.

D. Vacancies and Removal of Members

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

E. Secretary

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

SECTION V PROCEDURES

A. Policy Statement

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

B. Complaint

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

C. Hearing 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 or certified mail to the last local address the student provided the University.
4. The Secretary shall provide a copy of the charge to the complainant.
5. Within one day of the receipt of the names of 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 Office of the Dean of Students 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 possible witnesses. 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 must attend the hearing. The accused may choose a University of Miami student, faculty, or staff to attend and assist him/her. This advisor may not speak on behalf of the accused during the proceeding.
3. It is not the function of the Panel to act as prosecutor of the case against the accused, but to examine all evidence in order to ascertain the truth of the matter.
4. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall resolve the matter by majority vote of the members present.
5. The Chair of the Panel shall commence the hearing by reading the charge and any statements received from the complainant.
6. The investigator shall give a report of his/her findings. The Panel and the accused may then question the investigator. The investigator shall remain at the hearing as a resource for the Panel but shall not participate in deliberations or vote with the Panel.
7. At any time, the Panel may modify a charge to reflect the evidence, however, the student charged must be given an opportunity to respond. If a modification occurs following a hearing during Panel deliberations, the hearing shall be reopened to allow a response by the student charged.

G. Plea

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

H. Witnesses

1. The Panel shall hear from any witnesses involved in the case. The accused will have the opportunity to question any witness. 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 guilty and to assess a sanction.

2. The burden of proof in a hearing shall be on the Dean of Students Office. In reaching its decision on responsibility or innocence, the Panel shall consider only the evidence or information presented at the time of the hearing.

J. Finding of Responsible - -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 Student

1. The accused has the right to question any complainant and the witnesses.
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 sanction are based. The Chair of the Panel shall prepare the summary.

M. Sanctions

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

1. Expulsion from the University:

Permanent dismissal from the University without a right to future readmission under any circumstances. A student who has been expelled is also barred from campus visiting privileges.

2. Suspension from the University:

Mandatory separation from the University for a period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the University. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students or the Dean of the Graduate School grants specific permission.

3. Disciplinary Probation:

A disciplinary sanction serving notice to a student that his/her behavior is in serious violation of University standards. For the time period indicated in the sanction any further violation of University policies and regulations may result in Suspension or Expulsion from the University even if the second violation, standing alone, might result in a lesser penalty.

4. Disciplinary Warning:

A disciplinary sanction serving notice to a student that his/her behavior has not met University standards. This sanction remains in effect until the conclusion of a designated number of semesters of attendance after which it is removed from the student's file.

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

N. *Maintenance and Retention of Disciplinary Records*

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

SECTION VI ADMINISTRATIVE HEARING

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

SECTION VII APPEALS

A. Selection and Appeals Committee

The Selection and Appeals Committee consists of the Vice President for Student Affairs, a representative of the Graduate School administration, 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 decision finding responsibility or from sanctions 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 sanction;
 - 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.

SECTION VIII
PUBLICATION OF DECISION AND SANCTIONS AND AMENDMENT PROCEDURES

A. *Publication*

1. 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.
2. The Secretary of the Council shall be responsible for preparing and releasing such reports.

B. *Amendment of this Code*

1. The Code may be amended solely by formal action of the President of the University following 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 fall 2009 semester.

STUDENT CODE OF CONDUCT

University of Miami Students have the right to exercise freedom of conduct that is consistent with the mission and purpose of the University. The basic responsibilities outlined in the Student Code of Conduct set are intended to ensure the well being of the University community. Any violation of University policies or procedures may result in disciplinary sanctions. The Dean of Students, or his/her designee, has the authority and responsibility for the administration of the disciplinary system and the establishment of procedures, which apply to all students alleged to be in violation of this Code of Conduct, whether an incident occurs on campus or elsewhere.

The discipline system is divided into two types, **University** and **Major University** offenses. **Major** offenses are those which may result in suspension or expulsion from the University; **University** offenses are those that result in sanctions up to, but not including these outcomes.

All student organizations, including fraternities and sororities, are subject to University rules and regulations concerning conduct as set forth in this handbook.

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

A. STUDENT RIGHTS, RESPONSIBILITIES, AND GUIDELINES

A.1 Age of Majority

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

A.2 Employment

The rights and responsibilities of student employees of the University are detailed in the Employment Policy and Procedure Manual available from the Office of Student Employment or in any department which hires students. This manual includes rates, payroll information, rest periods, illness, injuries, worker's compensation, personal appearance and conduct, performance evaluation, personnel grievance procedures, and discipline and termination procedures for student employees.

A.3 Equal Opportunity/Non-Discrimination

The University of Miami does not discriminate against any individual on the basis of race, religion, color, sex, age, disability, sexual orientation, veteran's status, or national origin.

The University does not intend by this commitment to require compliance with this policy by governmental or external organizations that associate with but are not controlled by the University, or to extend insurance or similar benefits beyond those now provided by other policies of the University, except as required by law.

A.4 Incarceration

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

A.5 Indebtedness to the University

All charges are due when assessed, unless the Office of Student Accounts has approved, in writing, deferred payment arrangements setting forth minimum periodic payment amounts and

due dates. Release of transcripts or diplomas is prohibited when students have an outstanding balance owed the University.

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

A.6 Off-Campus Residency

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

In the event of a change of residence from University Residence Halls to an off-campus location, a student should notify the Office of the Registrar of his/her new address.

A.7 Restriction/Revocation of Facilities Use

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

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

A.8 Student Organization Rights and Responsibilities

All University of Miami students who pay the student activities fee are eligible to join University organizations. Student Organizations must be sponsored by a University Department on campus or register with the Committee on Student Organizations (COSO) each year in order to be considered a student organization with rights and privileges on campus, including the reservation and/or use of University facilities. A complete list of all the rights and responsibilities of registered organizations can be found in *The Student Organization Handbook*, published each year by the Smith-Tucker Involvement Center.

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

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

Information on establishing any other type of student organization or maintaining a current one can be obtained by contacting the Smith-Tucker Involvement Center, Whitten University Center, Room 209 or online at www.miami.edu/coso. With the exception of fraternities and sororities, the Committee on Student Organizations grants final approval for student organizations to exist on campus.

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

Sororities and Fraternities may also be governed by a governing council - the Panhellenic Association (PH), the Interfraternity Council (IFC), the National Pan-Hellenic Council (NPHC), and

the National Association of Latino Fraternal Organizations (NALFO), each of which is a member of the Association of Greek Letter Organizations (AGLO). The policies, governing constitutions, bylaws, rules and regulations of these councils shall not conflict with the rules and policies of the University of Miami. The University of Miami rules and regulations supersede any conflicting rules or regulations.

The Office of the Dean of Students 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. If charges are made, a determination shall then be made by the Office of the Dean of Students as to whether the case will be adjudicated administratively by a Student Affairs Dean, by a panel appointed by the Vice President for Student Affairs, by the Committee On Student Organizations, or by the appropriate fraternity or sorority disciplinary panel. Cases that are managed by a fraternity or sorority disciplinary panel shall be conducted in accordance with the constitution of the appropriate governing council..

Any organization that pleads or is found responsible as the result of a hearing will be sanctioned in accordance with the violation. Sanctions imposed as a result of fraternity or sorority disciplinary panel must be consistent with the purpose of the applicable governing constitution and by laws of the organization.

Student organizations may appeal any disciplinary sanction imposed upon them. Cases handled administratively and cases handled by COSO may be appealed to the Vice President for Student Affairs. Cases handled by a fraternity or sorority disciplinary panel may be appealed to the Dean of Students. (See Disciplinary Hearing Procedures for Student Organizations.)

A.9 Fraternity House Inspections

In an attempt to assist the fraternities in providing appropriate living environments which maintain acceptable living conditions, health requirements and safety standards for students residing in fraternity houses, the Fraternities and Sororities must comply with the following inspections:

a. General Physical Inspection

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

b. Electrical Inspection

Each House Corporation is required to have an annual electrical inspection conducted by a licensed and certified electrician. The inspection is to be completed during the summer months and a copy of the inspection report must be submitted to the Office of the Dean of Students no later than September 15.

c. Fire Safety Inspection

Each House Corporation is required to have an annual fire safety inspection conducted by a licensed and certified fire safety inspector. The inspection is to be completed during the summer months and a copy of the inspection report must be submitted to the Office of the Dean of Students no later than September 15.

Each organization is responsible for the costs of the inspections.

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

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

A.10 Rental or Use of Fraternity Houses and Fraternity and Sorority Suites

Rental or use of fraternity houses and fraternity and sorority suites to groups other than the owners is prohibited.

A.11 Indebtedness to a Fraternity

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

A.12 Fraternity/Sorority Membership and Participation

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

To be eligible to initially begin the process of joining a fraternity or sorority a student must:

- a. Have completed a minimum of 12 credit hours of college-level coursework, excluding coursework in advance placement or dual status programs involving a high school;
- b. Have earned a minimum cumulative grade point average of 2.50 in previous college-level coursework; and
- c. Be enrolled in a minimum of 12 credit hours as an undergraduate student at the University of Miami.

To be eligible for initiation into a fraternity or sorority, a student must:

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

B. CODE OF CONDUCT

- B.1 Alcohol Beverages** (See Alcohol Beverages Policy on page 40)
Failure to comply with the Alcohol Beverages Policy is prohibited.
- B.2 Animals**
The inhumane or cruel treatment of animals or other creatures is prohibited.
- B.3 Assault**
To threaten bodily harm or discomfort to another person or commit or aid in the commission of an act that causes bodily harm or discomfort to another person is prohibited. (For University purposes, self-defense or defense of another is limited only to the use of force sufficient to protect a person from injury by another.)
- B.4 Bicycles**
Parking/securing bicycles in areas other than designated bicycle racks is prohibited. Any bicycles parked/secured in unapproved locations are subject to impound by the University Police, Crime Prevention Office.
- B.5 Bribery**
To give, offer, promise, request, solicit, accept or agree to accept for oneself or another any financial or other benefit with an intent or purpose to influence the performance of any act or omission is prohibited.
- B.6 Business Operations**
Any operation of a private or individual business or businesses that is not consistent with the purpose of, and registered with, the Launch Pad at the Toppel Career Center within University of Miami properties or facilities including, but not limited to, Residence Hall facilities, fraternity and sorority houses, the University Center and the Student Wellness Center is prohibited.
- B.7 Campus Visiting Privileges** (See Campus Visitation Policy on page 59)
Failure to comply with the Campus Visitation Policy is prohibited.
- B.8 Classroom Decorum** (See Classroom Decorum policy on page 52)
Failure to comply with the Classroom Decorum Policy is prohibited.
- B.9 Closing Hours**
To enter or remain in any University building or facility, including the swimming pool, or in the academic areas of the University, after closing hours, without advance written permission from authorized University personnel is prohibited.
- B.10 Complicity**
To be associated with or present during the commission of any act by another that constitutes a violation of University policy and/or if the behavior is considered to constitute permission, is judged to contribute to, or condone a violation is prohibited.
- B.11 Computer and Telecommunications Use** (See Information Technology Resources Policy on page 49)
Failure to comply with the Information Technology Resources Policy is prohibited.
- B.12 Consensual Relationships** (See Policy Statement On Consensual Amorous, Romantic Or Sexual Relationships For Students In Supervisory Roles on page 52)
Failure to comply with this policy is prohibited.

B.13 Contracting on Behalf of the University

Any attempt to enter into a contract on behalf of the University without proper authorization from the Vice President of Business Operations or her/his designee is prohibited. Any contract entered into on behalf of the University by a student without proper authorization is void.

B.14 Damage or Vandalism to Property

Damage or vandalism of property belonging to the University or others is prohibited.

B.15 Dangerous Items Policy (Explosives, Firearms, Fireworks, Weapons) (See Dangerous Items Policy on page 45) Failure to comply with the Dangerous Items Policy is prohibited.

B.16 Demonstration (See Demonstration Policy on page 46)

Failure to comply with the requirements and policies governing Demonstrations is prohibited.

B.17 Disorderly Conduct

- a. Loud, threatening or aggressive behavior or any other behavior which disrupts the orderly functioning of the University or disturbs the peace and/or comfort of person(s) on the campus of the University or at University-sponsored events is prohibited;
- b. Lewd, indecent or obscene conduct or expression made by any means, on University owned or controlled property, or at University sponsored or supervised functions is prohibited;
- c. Disruptive behavior which substantially interferes with, obstructs, or in any way negatively impacts the safety, viewing, or enjoyment of other attendees in the context of a University of Miami intercollegiate athletic event is prohibited.

B.18 Distributing or Posting Printed Materials (See the Poster Distribution and Advertising Policy on page 54 and/or Solicitation Policy on page 58)

Unauthorized distribution or posting of printed materials in the University Center, Residence Halls, or other University campus facility is prohibited; failure to comply with the Poster Distribution and Advertising Policy or the Solicitation Policy is prohibited.

B.19 Dress Standards

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

B.20 Drugs, Drug Paraphernalia

The possession, promotion, manufacture, distribution, use, abuse, or sale of the following is prohibited:

- a. Illegal drugs, including marijuana and unauthorized prescription medication.
- b. Inappropriate use of legally obtained over the counter medication and herbs, including salvia.
- c. Drug-related paraphernalia and any other item that could potentially contain or does contain illegal residue.

B.21 Emergency Equipment and Procedures (See Emergency Equipment and Procedures Policy on page 47) Failure to comply with the Emergency Equipment and Procedures Policy is prohibited.

B.22 False Information

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

- a. Giving false testimony during a University investigation or proceeding;
- b. Providing false information on University records or other documents, including but not limited to admission, registration, financial aid, student disciplinary, academic, health records, parking hang tags, and student employment records;
- c. Providing false information for the purposes of defrauding an agency of the University or to any other person or business.

B.23 Fire

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

B.24 Gambling and/or Games of Chance

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

- a. It is prohibited to play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student organization.
- b. Students or student organizations may not sponsor or co-sponsor events at gambling establishments or host gambling themed events on University premises. Such events include, but are not limited to, poker tournaments and casino nights.
- c. It is prohibited to sell, barter, or offer tickets, entries, or any interest in a scheme of chance, such as a raffle, drawing, or similar activities by any other name on University premises or at any affair sponsored by a student organization.
- d. It is also prohibited to wager on any University-affiliated team, club, organization, or other group that is competing in any inter- or intra-institutional contest or event.

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

B.25 Harassment or Harm to Others

Any words or acts, whether intentional or a product of the disregard for the safety, rights, or welfare of others, which cause or result in physical or emotional harm to others, or which intimidate, degrade, demean, threaten, haze or otherwise interfere with another person's rightful actions or comfort is prohibited. (Related policies include the Sexual Harassment Policy on page 58 and the Anti-Hazing Policy on page 45)

B.26 Hazing (See Anti-Hazing Policy on page 45)

Failure to comply with the Anti-Hazing Policy is prohibited.

B.27 Health and Safety Policy (See Health and Safety Policy on page 48)

Failure to comply with Health and Safety Policy is prohibited.

B.28 Herbert Wellness Center

Failure to comply with Wellness Center Policies and Procedures is prohibited. A complete list of all the policies of the Herbert Wellness Center can be found at the Herbert Wellness Center Information Desk or on the Department of Wellness and Recreation website.

B.29 Identification Cards (See Identification Cards Policy on page 48)

Failure to abide by the 'Cane Cards and Identification Cards Policy is prohibited.

B.30 Interference with University Investigations, Disciplinary Proceedings, or Records

Interference with any University investigations, administrative procedures, or disciplinary proceedings is prohibited. Additionally, no person may, without authorization, examine, take possession of, alter or destroy University investigative material, evidence, or records.

B.31 Lake Swimming

Swimming in Lake Osceola or the adjacent waterways is prohibited.

B.32 Littering

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

- B.33 Misuse of Telephones**
To use University telephone lines or University telephone accounts without authorization from University personnel is prohibited.
- B.34 Noise and Nuisance**
Members of the University community and their guests are prohibited from activity creating any form of noise that is believed by others to be in violation of the noise ordinances in the City of Coral Gables (see Appendix A for the text of the applicable ordinances).
- B.35 Online/Internet Social Networking Usage**
All students are responsible for their postings on the internet and/or social networking sites. Prohibited usage of internet/social networking sites may include:
- a. Stalking, harassing, or threatening another person or group;
 - b. Creating language on a social network that is hateful, threatening, vulgar, or derogatory;
 - c. Displaying or being displayed in an activity that violates federal, state, or local law and/or any regulation outlined in the University of Miami Student Rights and Responsibilities.
- B.36 Parking and Motor Vehicle Policy** (See Parking/Motor Vehicle Policy on page 51)
Failure to comply with the Parking and Motor Vehicle Policies is prohibited.
- B.37 Pets**
Possession of pets or animals, other than fish, in restricted areas is prohibited.
- B.38 Projection of Objects or Materials**
To project or drop any objects or materials that litter University property or that could cause injury or damage to persons or property is prohibited.
- B.39 Public Laws**
Any act that could constitute a violation of public laws may establish cause for legal and/or disciplinary action by the University.
- B.40 Rathskeller Policies and Procedures** (See Rathskeller Policies and Procedures on page 55)
Failure to comply with Rathskeller Policies and Procedures is prohibited.
- B.41 Residence Halls Policies and Procedures**
All residents of and guests in the residential colleges, apartment area, or University Village are required to comply with Residence Halls Policies and Procedures at all times. A complete list of all Residence Halls Policies and Procedures can be found in the Department of Residence Halls main office and on their website.
- B.42 Requests or Orders**
Failure to comply with any reasonable requests or orders by University officials or representatives acting on behalf of the University is prohibited.
- B.43 Sexual Battery** (See Sexual Battery Policy on page 56)
Non-consensual oral, anal, or vaginal penetration by or union with the sexual organ of another or by any other object is prohibited.
- B.44 Sexual Harassment** (See Sexual Harassment Policy on page 58)
Violating the Sexual Harassment Policy is prohibited.
- B.45 Smoking**
In accordance with Florida's Clean Indoor Air Act, smoking is prohibited in all buildings owned or leased by the University. Additionally, smoking is prohibited within 25 feet of all residential colleges and the Herbert Wellness Center.

- B.46 Solicitation** (See Solicitation Policy on page 58)
Failure to follow the Solicitation Policy is prohibited.
- B.47 Speakers / Public Presentations**
Failure to comply with the University's Speaker Policy is prohibited. The full text of this policy can be found in the Office of Student Activities in the Whitten University Center
- B.48 Stalking**
Willfully, maliciously, and/or repeatedly following or harassing another person is prohibited.
- B.49 Student Organization Rights and Responsibilities**
All student organizations, including fraternities and sororities, are subject to University rules and regulations concerning conduct as set forth in this handbook.
- B.50 Theft or Unauthorized Possession**
Taking, selling, or being in possession of property without the consent of its owner or without proper remuneration made to the owner may be subject to University disciplinary action as well as to arrest and prosecution by legal authorities.
- B.51 Trespass** (See Trespass Policy on page 59)
Failure to comply with the University Trespass Policy is prohibited.
- B.52 Unauthorized Entry**
Any student who enters, attempts to enter, or remains in or on top of any room, building, motor vehicle, trailer, machinery or other structure without proper authorization may be subject to University disciplinary action, as well as arrest and prosecution by legal authorities.
- B.53 Unauthorized Possession of University Property**
Unauthorized possession of property owned or controlled by the University of Miami or the University Bookstore is prohibited. Students in violation of this rule may also be referred to legal authorities for prosecution.
- B.54 Whitten University Center (UC) Policies and Procedures**
Failure to comply with University Center policies and procedures is prohibited. The full text of these policies and procedures can be found at the Information Desk of the Whitten University Center or on their website.
- B.55 Video Policy**
Federal copyright law restricts the use of videos of any kind to private showings and prohibits their public performance unless the appropriate licenses have been obtained; therefore public viewing of copyrighted video material is prohibited.
- B.56 Violation of Disciplinary Probation**
Violating University policies or procedures while serving a term of Strict or Final Disciplinary Probation for a previous violation is prohibited and may serve as grounds for Major disciplinary action.
- B.57 Worthless Checks**
To make and/or deliver check(s) to the University of Miami or its agent or designee that are dishonored by a bank or financial institution is prohibited.

UNIVERSITY POLICIES AND PROCEDURES

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

ALCOHOL BEVERAGE POLICY

The University of Miami, in accordance with the laws of the State of Florida, has adopted the following policy which permits the consumption of alcohol beverages by persons of legal age. This policy also provides for the limited use of alcohol beverages at social events sponsored by the University.

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

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

1. General Provisions (Applicable to all persons, organizations, and functions unless otherwise provided herein)

a. Sale

The sale of alcohol beverages is prohibited. This includes sale by a ticket of admission to an event, sale on a per drink basis, or by any other means.

b. Legal Drinking Age

In accordance with the Florida Statute, it is unlawful to sell, give, serve, or permit to be served, alcohol beverages to persons who are under 21 years of age. The decision as to whether a person is of age must be made at the place of service of the alcohol beverage. The server must carefully check one of the following forms of identification: Driver's License; State of Florida identification card issued under the Fla. Statute section 322.051, or a valid passport. It is unlawful for any person under the age of 21 years to have in his/her possession any alcohol beverage whether the student is on or off campus.

c. Campus Areas

Possession of opened containers or consumption/serving of alcohol beverages in University buildings, open areas of campus, or in areas which are publicly visible from main thoroughfares is strictly prohibited, except as provided elsewhere in this Alcohol Beverage Policy.

d. Motor Vehicles

Possession of open containers or consumption/serving of alcohol beverages in a motor vehicle, while parked or operated, is strictly prohibited.

e. Public Intoxication

Public intoxication in any University controlled building, area, or at any University event, is prohibited.

f. Types of Alcohol

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

2. Consumption of Alcohol Beverages at Social Functions

a. On-Campus Social Events

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

Campus Facilities/Responsible University Officials

- Recreational Facilities - Director, Wellness and Recreation
- University Center - Director, University Center
- Residence Areas - Director, Residence Halls and/or designee
- Fraternity Houses - Dean of Students and/or designee
- Panhellenic Suites - Dean of Students and/or designee
- Rathskeller - Manager, Rathskeller
- Gusman Hall - Concert Manager and/or designee
- Law School - Dean of the Law School and/or designee
- Lowe Art Museum - Director, Lowe Art Museum and/or designee Classrooms - Dean, Academic Services and/or designee
- Ring Theatre - Chairman, Drama Department and/or designee
- Facilities administered by the Athletic Department - Director of Athletics and/or designee
- Faculty Club/Manager
- Auxiliary Enterprises and/or designee

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

b. University Facilities

Once a use of a facility has been approved, the petitioning group must register its event no later than eight calendar days prior to the date of the event for weekday events and by Tuesday at 12:00 p.m. for weekend events (Friday and Saturday). Forms are provided for this purpose in the office of the University official responsible for reserving facilities and areas. Exceptions to this policy must be approved by the appropriate University official.

Areas and facilities not specifically designated in this policy are under the purview of the Dean of Students and/or designee and the University official responsible for the area and the determination of whether the area will be suitable for the consumption/serving of alcohol beverages will be made by these individuals. Forms for approval of an event are available in the Office of the Dean of Students.

c. Participants/Guests

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

d. Storage and Removal of Alcohol Beverages

The hosting party assumes responsibility for storing, handling, retaining or protecting from underage use alcohol beverages. Further, the hosting party is responsible for the immediate removal of such alcohol beverages from the premises after an event has ended.

e. Promotional Activities

Uncontrolled sampling of alcohol beverages is not permitted and no sampling or other promotional activities may include “drinking contests.”

- i Materials that show the consumption/serving of alcohol beverages for promotional purposes must be approved by authorized officials.
- ii Display or availability of promotional materials may be determined in consultation with appropriate institutional officials. Alcohol beverages may not be provided as free awards/rewards to students, individuals or campus organizations.
- iii Promotional activities may not be associated with existing campus events or programs, which utilize alcohol beverages without the prior knowledge and consent of the Dean of Students.

f. Advertising/Marketing Policy

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

3. General Provisions for Social Functions Involving Alcohol Beverages

a. Food and Non-Alcohol Beverages

Non-Alcohol beverages must be more than the usual mixers for alcohol drinks.

b. Time Limit

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

c. Sponsoring Organization

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

d. Supervision

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

present the orientation. Classes will be held at the beginning of each semester. For the date, time and location of the classes, call the Office of the Dean of Students.

e. Police Officers

All social events at which alcohol beverages are consumed/served 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 includes fraternities and sororities.

f. Supervisory Agreement

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

g. Purchase of Alcohol Beverages

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

h. 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.

i. Co-Sponsorship

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

4. Provisions for Functions at Fraternity Houses and/or the Panhellenic Building

a. Responsibilities

Fraternities and sororities are responsible for following the each of the previous provisions of this policy. Additionally, the following provisions apply:

Alcohol Beverage Supervisory Agreement forms are available in the Office of the Dean of Students. The forms must be signed by the Chapter President, Chapter Social Chairman, Fraternity Graduate Advisor (where applicable), the Department of Public Safety, a member of the chapter's Housing Corporation, the University Risk Manager, and a Student Affairs Dean.

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

b. Days and Times

Parties at which alcohol beverages are consumed/served shall end no later than 2:00 a.m. on Friday and Saturday nights and no later than 12:00 a.m. on Sunday through Thursday nights. All guests must be gone by the time the party ends. The consumption/serving of alcohol beverages must be concluded 30 minutes prior to the scheduled/registered end of the event.

c. Conduct

Fraternities and sororities are responsible for the conduct of their members and guests.

d. Publicity

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

e. Rental or Use

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

f. Guest Policy

All guests (anyone not an initiated or new member) at an event where alcohol is consumed/served must be invited by personal invitation. A guest list and a copy of the invitations must be submitted to the Dean of Students Office by the Monday immediately before the event. Invited guests cannot exceed two times the total number of members of the sponsoring organization or 125, whichever is lesser. The Dean of Students or his/her designee may make exceptions to this policy.

An additional Fraternity guest list, equal to but not to exceed 10% of the allowable number of guests for the function, is permitted to be added on site at the entrance to the function. A copy of the 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

g. Food and Non-Alcohol Beverages

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

h. BYOB Policy

Members and guests in attendance at social functions involving alcohol must bring their own alcohol beverages to the event (BYOB). Alcohol beverages may not be purchased through the chapter treasury nor may the purchase of alcohol beverages for members or guests be undertaken or coordinated by any member in the name of, or on behalf of the chapter. All BYOB functions must adhere to the guidelines listed in this section and must comply with all regulations in the Alcohol Beverage Policy.

- i. Limits:** The limit on the amount of alcohol shall be one six pack of beer or malted beverage (or their equivalent) per person per event.
- ii. Entrance:** There shall be only one designated entrance to the event. The entrance shall serve three purposes: (1) to make sure each person entering the event is either a member in the sponsoring organization or is on the guest list; (2) to check identification of individuals entering the event; and (3) to ensure that no one is permitted to leave the event with an opened alcohol beverage. There shall be at least one member of the Executive Board at the entrance at all times. Each sponsoring organization shall provide a list of the active membership and their birth dates at the entrance to the event. All individuals who work th entrance during an event must remain alcohol free for the duration of the event.
- iii. Identification:** 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.
- iv. Wristbands:** Wristbands must be issued to persons of legal drinking age at the entrance to the event. No one will be permitted to possess or obtain any alcohol beverages without wearing a wristband and being of legal drinking age. Wristbands will be provided by the Dean of Students Office, base don the provided guest list, prior to the event.
- v. Serving Area:** There is to be a single serving area with servers who have attended a Server's Workshop and who are of legal drinking age. Servers may not consume alcohol beverages before or during an event. No alcohol may be distributed from any other area of the fraternity house or suite (including individual living rooms). Servers may not serve any persons who are visibly intoxicated.
- vi. 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 will immediately take the alcohol to the serving area and exchange it for the proper amount and type of tickets (i.e. a six pack brand of beer for six 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.
- vii. The sponsoring organization** will be responsible for monitoring the event to make sure no one is drinking without a wristband, and that no person is in possession of more than one alcohol beverage at a time.
- viii. Alcohol Checkout:** One half-hour 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.

5. Residence Halls

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

6. Policy Regulations

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

ANTI-HAZING POLICY

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

- pressuring or coercing a student into violating University rules or local, state or federal law,
- any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced/encouraged consumption of any food, liquor, drug, or other substance, or other forced/encouraged physical activity that could adversely affect the physical or mental health or safety of the student,
- any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced/encouraged exclusion from social contact, forced/encouraged conduct that could result in extreme embarrassment, or forced/encouraged activity that could adversely affect the mental health or dignity of the student,
- or any other activity which is inconsistent with the regulations and policies of the University of Miami.

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

- a. The consent of the victim had been obtained;
- b. 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
- c. The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.

DANGEROUS ITEMS POLICY: 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:

- Any item or instrument which is defined as a weapon under city, state, or federal law;
- Any item designed to inflict a wound, cause injury, or incapacitate another person or animal;
- Any item used to harass, threaten, intimidate, physically abuse, or assault;
- Any item the University deems dangerous.

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

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

DEMONSTRATION POLICY (ON CAMPUS)

A demonstration is defined as any public display of support for or in opposition to any person, group, organization, cause, institution, idea, or policy. A demonstration shall not include mere attendance at any scheduled university-sponsored activity, even if badges, armbands, distinctive clothing, or similar symbols or opposition are displayed.

Peaceful and orderly demonstration is considered to be one of the many legitimate avenues for the free expression of ideas. Accordingly, the University will assure the right of students and approved student organizations to demonstrate and publicly proclaim any view, however unpopular. This policy is intended to uphold the right of free speech of both demonstrators and speakers while also safeguarding the right of others to see and to listen.

The University of Miami supports the rights of individual students and student organizations to demonstrate, provided such activities do not disrupt normal activities or infringe upon the rights of others. The right to express ideas freely carries with it certain responsibilities, among which is the obligation to refrain from interfering with the rights of other members of the academic community to pursue legitimate educational objectives.

Persons engaging in activities on University property are subject to and expected to comply with all applicable University policies and procedures and all applicable laws, including any state statutes and relevant county and municipal ordinances.

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

The following guidelines apply to all demonstrations:

1. Persons may not display, threaten to use, or attempt to use firearms, explosives, or other weapons on University property.
2. Persons may not engage in or threaten physically abusive behavior or cause or threaten to cause physical injury to another person.
3. Persons may not set fire to, or damage by any other means (e.g., including by use of any hazardous or noxious substance), any University building or any property (e.g., books, papers, records, electronic medium), of the University or of others.
4. Persons may not block or otherwise interfere with the free flow of vehicular, bicycle, or pedestrian traffic. The right of way on streets and sidewalks must be maintained, unless the closure is authorized in writing by the Office of the Dean of Students.
5. Persons may not block or otherwise interfere with ingress and egress into and out of campus buildings, exterior patios, plazas, or gathering places or adversely occupy or take over any building or part thereof.
6. Persons may not obstruct, disrupt, or attempt to force the cancellation of any event or activity sponsored by the University or by any users authorized to use University facilities, including classes and other scheduled activities.
7. Use of indoor or outdoor public address systems and amplified sound, or of signage within buildings requires prior approval from the Office of the Dean of Students.
8. The Office of the Dean of Students must be notified of any planned demonstration two business days prior to the event.
9. Spontaneous (non-planned) demonstrations are restricted to designated University of Miami free speech zones.

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.

Failure to Comply with Demonstration Guidelines

Each individual participating in any demonstration, as defined by this policy, whether sponsored or not, is accountable for compliance with this policy. Sponsoring organizations, agencies, and other entities are also responsible for compliance with this policy.

In the event of the violation of these guidelines, University official may direct demonstrators (a) to comply with these guidelines, (b) to cease and desist their activities, and/or (c) to leave the premises or campus. Demonstrators or spectators who are alleged to be in violation of these guidelines should, if at all possible, first be warned by University officials and given the opportunity to cease and desist. If they fully comply with such request and no crime or violation of University of Miami policies, procedures, or Students Rights and Responsibilities has been committed, no adverse actions will be taken.

Students who knowingly violate this policy governing demonstrations on campus or fail to cease and desist after being warned to do so are subject to disciplinary action, arrest, and/or other action by appropriate authorities. Student organizations charged with violating this policy will be referred to the Committee on Student Organizations and the Office of the Dean of Students. Sanction for failing to abide with policy guidelines may include termination of the demonstration and prohibition of future demonstration activities.

Procedure for Gaining Approval for a Demonstration

1. Recognized University organizations and full or part-time students who wish to schedule a demonstration, rally, or equivalent activity, may request the space through the Office of the Dean of Students. Any such request must be made no less than two business days in advance of the activity.
2. Demonstrations may be held at locations on campus with the approval of the Dean of Students Office on a first-come, first-serve basis after an assessment that such demonstrations will not otherwise interfere with scheduled University use or fail to comply with the guidelines applicable to all demonstrations.
3. The required registration form can be obtained by calling (305) 284-5353. The following information is required from each individual or organization submitting a form: name of UM sponsoring organization; date, time, length of demonstration; location, issue/topic/reason for demonstration; estimated number of participants; person(s) in charge (names, addresses, phone numbers); and names of known non-University participants (addresses, phone numbers). Any and all co-sponsoring organizations, companies, agencies, or other entities must be identified (contact names, addresses, phone numbers) at the time of submission of the registration form. Co-sponsorship shall be defined as, but not be limited to, providing staff, money, or publicity for the event. The form requires a signature assuring that copies of the University of Miami's Policies and Procedures, Section B.14, governing demonstrations, will be distributed to all participants by the applicant.

EMERGENCY EQUIPMENT AND PROCEDURES POLICY

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, 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.

HEALTH AND SAFETY POLICY

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

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

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

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 Residence Halls, Food Service, Rathskeller, University Center, Bookstore, Library, Office of the Dean of Students, Health Service, Health Center Pharmacy, Department of Public Safety, The Student Wellness Center, the Office of the Registrar, and/or Athletic event staff.

1. 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 has the right to confiscate any duplicate Cane cards if discovered.
2. Other Identification Cards: Possession of an identification card that bears another person's likeness or contains false demographic information is prohibited. This includes all 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.
3. Making or having instruments and materials for counterfeiting of University identification cards, driver's licenses or any other forms of identification are prohibited.

4. 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

1. Background

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

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

2. 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.

3. 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:

a. Responsible and Lawful Conduct. By using the University of Miami's computing systems and network, Users agree that information posted on or distributed through the systems or network contains 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.

b. 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, "freeze" or remove access to any files or data which the University reasonably believes violates User Obligations in accordance with applicable University policies.

c. 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 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.

d. 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.

e. 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.

f. Respect for Copyright. Distribution of copyrighted material is a violation of federal law. In accordance with the Digital Millennium Copyright Act, 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. 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.

g. Respect for System Security. It is the responsibility of every User to protect the integrity and security of the data in personal accounts. Each User must accept responsibility for all matters pertaining to the proper use of personal accounts; this includes choosing safe passwords and ensuring that file protections are set correctly.

h. 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.

i. 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 IT 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.

4. Examples of usage that could lead to disciplinary action include, but are not limited to:

- Using computing or network resources for the purpose of harassing another individual or group
- Using computing or network resources for a commercial purpose

- Sending electronic chain mail or mass unsolicited mail
- Maintaining a server that contains files for which you do not have proper permission to store or redistribute
- 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
- Using talk, write or IRC (inter-relay chat) resources in an abusive or frivolous manner
- Accessing or transmitting obscene material in violation of federal, state or local law.
- Posting inappropriate material to Usenet or a Web site
- Using large amounts of disk space to store files not related to your academic pursuits
- Excessive use of programs for non-academic purposes in a manner that taxes the system's resources.
- Attempting to gain access to any computing, network, academic or business resources that you are not authorized to use, including those of third parties.
- 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 |

LETTER DELIVERY POLICY

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

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

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

PARKING AND MOTOR VEHICLE POLICY

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

Students who use a motor vehicle on campus or purchase a parking permit are understood to have entered into a contract with the University of Miami in which the student agrees to abide by the University's policies concerning motor vehicles.

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

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

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

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

The University of Miami's complete *Moving Vehicle Parking Code* is available online at www.miami.edu/parking, or at Parking & Transportation Services offices in the Flipse Building, adjacent to the Ponce de Leon Garage.

POLICY ON 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 promote respectful interactions.

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

Any activities or behaviors that disrupt the learning environment can be considered as interfering with the learning process.

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

PURPOSE:

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

1. Definitions

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

- a. University of Miami: University of Miami and related entities, including the University of Miami Graduate School, School of Law, and School of Medicine, and all undergraduate Schools and Colleges.
- b. *Employee*: Anyone employed by the University of Miami as faculty or staff, full-time or part-time.
- c. *Supervisor (Senior Party)*: Applies to anyone who has academic, supervisory, administrative or authority over another (junior party), including but not limited to counselors and counselees; coaches and student athletes; teaching assistants and students in their sections; and Residence Masters, Residence Coordinators, Residence Assistants, and students under their supervision.
- d. *Subordinate / (Junior Party)*: Anyone over whom evaluative authority is exercised.
- e. *Faculty*: All those charged with academic instruction, including all ranks recognized as faculty under the University of Miami bylaws and its Graduate, Law, and Medical schools, teaching assistants, academic advisors, coaches and others who have a role in educating, supervising, or advising student students as part of the programs at the University of Miami and its various schools.
- f. *Students*: All those enrolled full-time or part-time in any program at the University of Miami and its various schools.
- g. *Amorous relationships*: Consensual, romantic, or sexual relationships between members of the University of Miami community that are willingly undertaken.

2. Introduction

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

3. Policy

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

4. Procedures

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

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

5. Resources

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

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

POSTER DISTRIBUTION AND ADVERTISING POLICY

This following policy applies to all areas of campus and University facilities and supplements any policy pertaining to specific areas of campus.

1. Prior approval must be obtained from the Vice President for Business Services (VPBS) or his/her designee before any restaurant, bar, lounge, or similar establishment places on campus any advertisements in the form of posters, handbills, and distribution of leaflets or in any other manner. Such advertising is prohibited without prior approval.

Approval may be granted under the following circumstances:

- a. 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 VPBS may approve the use of posters, distribution of leaflets or other advertising publicizing an off-campus event during said on-campus activity.
 - b. 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.
 - c. 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 Director of the University Center, entering into a contract with the University regarding the solicitation and obtaining required insurance.
2. Applicants seeking approval to advertise on campus must submit a written request to the VPBS or his/her designee at least five days prior to the date upon which the applicant desires to begin advertising. The written request must include:
 - a. The copy of the poster, leaflet, handbill and any other advertising the applicant intends to use or an actual copy of the same;
 - b. The size and color of the poster, leaflet, handbill and any other advertising the applicant intends to use;
 - c. The date(s) and locations on campus upon which the applicant desires to advertise;
 - d. The number of posters, leaflets, and handbills to be used;
 - e. 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;
 - f. 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.
 3. Approval may not be given unless:
 - a. The posters, handbills, leaflets or other advertising are neat, legible, typeset, and in acceptable taste as determined by the sole discretion of the VPBS or his/her designee;
 - b. The advertising material is not larger than 11" x 17";
 - c. 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.
 - d. All approved advertisements are subject to the policies of the particular facility or building where the advertising is to, or does, take place.

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

Advertising by posters, distribution of leaflets or in any other manner on any area of campus is a privilege, not a right. The VPBS or his/her designee 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 VPBS or his/her designee does not in any manner indicate endorsement, approval or support by the University of advertised events, entities or establishments. The University assumes no liability for advertised events, entities or establishments.

RATHSKELLER POLICIES AND PROCEDURES

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

1. 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 48)

2. Conformance with Public Laws

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

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

- Misrepresentation of age.
- Non-compliance with behavioral expectations set forth by the Rathskeller Manager or his/her designee.
- Possession and/or consumption of Alcohol beverage by minors.
- Public intoxication.
- Removing Alcohol beverages procured in the Rathskeller from the premises.
- Theft of or damage to Rathskeller property.
- Violation of any law or ordinance prescribing conduct in establishments where Alcohol beverages are dispensed.
- Bringing in and/or possession of Alcohol beverages procured outside of the Rathskeller.

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

3. Intoxication

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

If in the judgment of the Manager or his/her designees a patron becomes intoxicated, the Manager or his/her designees shall take such action as may be proper under the circumstances with regard for

the safety and well being of the intoxicated individual, and other persons and property. Such action may include the referral of this individual for arrest and prosecution by legal authorities.

4. 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).

5. Admission Charge

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

6. Pets

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

7. 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.

RESIDENCE HALLS/UNIVERSITY VILLAGE 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 residence halls policies and University Village policies is available from the Department of Residence Halls, Eaton Residential College, North Wing, and (305) 284-4505.

SEXUAL BATTERY INCIDENTS POLICY AND PROCEDURES

Sexual battery is defined as non-consensual oral, anal, or vaginal penetration by or union with the sexual organ of another or by any other object. For University purposes, consent shall be defined as intelligent, knowing, and voluntary consent and shall not be construed to include coerced submission. Such a violation may result in disciplinary action by the University and/or criminal prosecution.

Any faculty or staff member, with the exception of psychologists, physicians, and chaplains, who is notified of a case of alleged sexual battery, must notify the Department of Public Safety (284-6666; TDD 284-3152) of the incident.. The faculty or staff member may not promise the victim confidentiality. Members of the Sexual Assault Response Team (see S.A.R.T. below for more information) shall keep the name of a victim confidential.

When possible, the University will attempt to keep the victim's name confidential; however, the University cannot guarantee anonymity.

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

- The alleged victim and the matter reported will be treated with the greatest concern and seriousness, regardless of the victim's gender or the gender of the suspect.
- The alleged victim will be treated with dignity, courtesy, sensitivity, and understanding and will not be prejudged or blamed for what occurred.
- University staff will neither coerce the alleged victim to report a sexual battery as a lesser offense nor prevent or discourage the victim from reporting a sexual battery to another person or authority.
- The alleged victim will have the opportunity to pursue all legal and/or disciplinary remedies.

- The alleged victim will have the opportunity to obtain counseling services without academic penalty by the University.
- If requested by the alleged victim, the University staff will take any reasonable steps to prevent unnecessary or unwanted contact or proximity with the suspect.
- The University has the ability to provide assistance to the alleged victim in changing academic or living situations after an alleged sexual battery incident, if so requested, and if changes are reasonably available.

University Policy

Once a sexual battery is reported, the University of Miami Police Department will take an initial police report and will call the police agency responsible for sexual battery investigations. That police agency will then conduct any further investigations.

The options available to the alleged victim include:

- a. Filing criminal charges and/or
- b. Filing charges within the University disciplinary system, or
- c. Declining to file charges in either case.

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

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

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

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

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

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

S.A.R.T. volunteers are not required to contact Public Safety unless a victim wishes to make an official report. However, Public Safety must be informed each semester of the number (not names) and types of calls received by the S.A.R.T. Hotline, in order to comply with the "Student Right to Know and Campus Crime and Security Act".

Disciplinary Proceedings for Sexual Assault Incidents

A sexual battery incident shall be considered a major offense and shall carry with it the appropriate penalty or penalties under the disciplinary regulations of the University. (See "Major Disciplinary Procedures" on Page 69).

The victim and the accused have an opportunity to be represented at his/her own expense by an attorney or Advisor of his/her choice. An attorney acting on behalf of the University may prosecute the case.

Hearings are closed to the public; however, the victim and the accused student have the opportunity to have one support person and an attorney or Advisor of choice present at the hearing. In addition, witnesses and staff members from the Division of Student Affairs may be present. Any sexual history of the victim, which is unrelated to the incident, shall not be permitted at the hearing.

If requested by the victim, provisions may be made to conduct the disciplinary hearing in a manner whereby the victim is not required to face the accused student, but may testify from another room, as long as it does not impede cross examination. The victim may also submit an affidavit/impact statement to the Dean of Students describing the sexual battery. The Dean of Students will consider this statement during sanctioning.

If the accused student is charged by public authorities for an act that is also a violation of University policy or procedure, the University may stay its proceedings pending the outcome of the case brought by the public authorities.

A plea of guilty by the accused student or a finding of guilt by a Court shall operate as a conclusive finding of guilt under the University disciplinary proceeding, even when a plea was entered to a charge(s) based upon different facts than those needed to support charges pending at the University. In the event that a finding of a court of law is disputed, the Judicial Officer shall, by examination of the evidence or by consultation with court personnel, make a final ruling as to whether a guilty plea or finding of guilt was warranted.

A finding of not guilty in a court of law shall not be conclusive of University disciplinary action. Both the victim and the accused student shall be informed of the outcome of any University disciplinary proceeding that alleges a sexual battery, in accordance with the Family Educational Rights and Privacy Act (FERPA).

The accused student may be charged with lesser offenses if the Dean of Students determines that the circumstances warrant such charge(s). The Dean of Students has the option of issuing a verbal warning to the accused student, if the victim consents to such penalty.

The sexual battery procedures and the Major Disciplinary Procedures are intended to complement each other. Where the sexual battery policy and procedures are silent, the procedures for major disciplinary hearings shall control, and visa versa.

SEXUAL HARASSMENT POLICY

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

The University student sexual harassment policy provides for an informal and formal grievance procedure. Students who feel they have been sexually harassed or need information about the University of Miami Sexual Harassment Policy should contact the Office of Equality Administration at (305) 284-3064.

SOLICITATION POLICY

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

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

A copy of the Solicitation Policy can be obtained at the Office of the Dean of Students, Building 21-H, Coral Gables Campus, Florida, 305-284-5353 or at the Department of Business Services, 1507 Levante Avenue, Max Orovitz Administrative Services Bldg. Room 327, Coral Gables Campus, FL 33124-1432, 305-284-5550.

TRESPASS POLICY

1. Definition

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 Public Safety Officer or officials issuing a trespass warning may:

- a. Identify himself as a University official when he/she issues a warning;
- b. Advise the person that he/she is on University property and that his/her permission to be on University property is revoked;
- c. 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 may 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.

2. 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.

All trespass warnings issued to students by the University Public Safety Officers may be appealed only to the University Director of Public Safety whose decision is final.

CAMPUS VISITATION POLICIES, RIGHTS AND RESPONSIBILITIES

Students are welcome to bring visitors to the campus but must assume responsibility for the conduct of their visitors and must accompany them at all times. If a visitor is asked to leave a specific area of campus, it is the responsibility of the student host to cooperate with the University official making the request.

The University reserves the right to exclude visitors from any area on campus or University property at any time and for any reason the University deems appropriate.

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

Residence Halls

The Residential Colleges and Apartment Areas are not public facilities. Students who reside in or intend to visit these areas should obtain a copy of and become familiar with the rules and regulations of the Residence Halls. Any and all persons residing in or visiting the Residence Halls are subject to legal or disciplinary action by the University for failure to comply with the rules. The rules and regulations may be obtained at the Department of Residence Halls, Eaton Residential College, North Wing, and (305) 284-4505.

Fraternity Houses Visitation Policy

Fraternity Houses are not public facilities. Students who reside in or intend to visit a fraternity house should obtain a copy of and become familiar with the rules and regulations of the fraternity house. Any and all persons residing in or visiting the fraternity houses are subject to legal or disciplinary action by the University for failure to comply with the rules. The rules and regulations may be obtained at the Dean of Students Office.

If it is determined that a fraternity has condoned and/or permitted violations of the fraternity house policy to occur within its facilities, disciplinary action may be taken against the fraternity by the University of Miami or by the Interfraternity Council Judicial Board.

Panhellenic Building Visitation Policy

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

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

OVERVIEW OF DISCIPLINE SYSTEM

The University of Miami's judicial, or disciplinary, system is administered by the Dean of Students Office. The Associate Dean of Students and Director of Judicial Affairs is responsible for the management of the judicial system and is the university community's primary resource on related matters. This introduction is designed to assist students in understanding the student judicial (disciplinary) system at the University of Miami. It is intended to be a concise overview of the student disciplinary procedures that are described in this handbook and it is not intended to be a procedural example. This section should not, however, be used as a substitute for text that appears throughout the remainder of this handbook. Unless specifically stated, the overview applies to both University and Major offenses.

A. The Investigation

1. This is the first stage of any disciplinary matter. The judicial system is initiated when an alleged violation is reported to the appropriate University official. Complaints can be made by anyone.
2. Upon notification that a violation has occurred, the appropriate University official will investigate the circumstances of the case, attempt to identify the student(s) who allegedly committed the offense, and decide whether to pursue or drop the case. When the Discipline Officer who is investigating a case has identified the person(s) allegedly responsible for the offense, the Discipline Officer will deliver, to the student involved, a notice to appear either verbally or by written charge. Every reasonable effort will be made to include a student in every aspect of the disciplinary process; however, in cases where students do not appear, the University may hear a case "in absentia."
3. The Preliminary Hearing or Investigation
The investigator determines whether disciplinary charges are appropriate. At this hearing:
 - a. The Discipline Officer will present the student with his/her rights and the specific nature of the violation.
 - b. After the student has been given an opportunity to respond to the allegations, the Discipline Officer must decide whether to bring disciplinary charges.
 - c. The Discipline Officer may continue the hearing to do a further investigation.
 - d. The Discipline Officer may not coerce information or pleas from a student or require the disclosure of information about the conduct of other person(s). If the Discipline Officer questions a student during the course of the investigation, he/she must inform the student, before questioning, that students have the right to abstain from participating in an investigation and that anything discussed during the Investigation may be used as evidence for making a decision in the case. *This right is not extended to witnesses or to any person who is not being accused of a violation in that particular case.*
4. If the Discipline Officer decides that disciplinary charges are appropriate, the student is given a "charge sheet."
 - a. The charge sheet includes (1) the rule/s or policy/ies the student has violated, (2) a description of the violation, (3) the student's rights, and (4) a choice of pleas.
 - b. The student will be asked to sign a section of the charge sheet, which is an acknowledgement that he/she understands his/her rights.
 - c. The Discipline Officer will explain the pleas that the student may enter. The Discipline Officer will not discuss a specific penalty, but may show the student the range of penalties in the Code of Conduct located in this handbook.

B. Pleas

1. **Pleas** - There are two pleas available to the student in University offenses: "Responsible," and "Not Responsible." There are four options available in Major offenses: a "Request to Dismiss," or a plea of "Responsible," "Not Responsible," or "No Contest."
 - a. **Request to Dismiss** - If the person against whom charges are brought believes that the University is without jurisdiction or has not followed the disciplinary procedures as outlined in this manual, within 72 hours of receipt of the charges, a Charged Student may enter a Request to Dismiss. The student must file a written Request to Dismiss through the Dean of Students Office. A ruling on the Request to Dismiss will be made by a judicial officer via the Dean of Students Office. If the official grants the motion, the case is dismissed. If the request

is denied, the student has 24 hours within which to enter a plea of "Responsible" or "Not Responsible."

- b. Responsible** - If the student accepts responsibility case will move to the mitigation stage of the process. In University Discipline Cases, the Discipline Officer will conduct a mitigation hearing. In a Major Discipline case, the Dean of Students conducts the mitigation hearing. The mitigation hearing is an opportunity for the student to explain any extenuating circumstances that should be considered before determining an appropriate sanction.
 - c. Not Responsible** - If the student enters a plea of Not Responsible, a formal disciplinary hearing will be scheduled.
 - d. No Contest** - The plea of No Contest is also available to a student who has been charged with a Major offense. It is only used when a student is also under a criminal investigation or indictment for the same incident from which the University's charges arise. A No Contest plea, though not a responsible plea, will result in the same disposition of the case had the student pled Responsible. Its main function is to prevent the University's decision from affecting the outcome of the case in the outside court.
2. If the student **does not** enter a plea, the Discipline Officer will automatically enter a plea of Not Responsible and a hearing will be scheduled.

C. Hearings

1. **University Hearing** - In University cases, when a student enters a plea of Not Responsible, s/he has a choice of having the case heard by either the Undergraduate or Graduate University Disciplinary Hearing Panel (three students and a Panel Advisor) when available, or a Student Affairs Dean. During a hearing, both sides of the case are examined and a determination whether or not the student is responsible for the alleged violation is made. When there is a responsible finding a mitigation hearing also takes place and an appropriate sanction is assessed.
2. **Major Hearing** - In Major cases, when the student enters a Not Responsible plea, s/he can have the case heard by either a Major Disciplinary Hearing Panel, consisting of a Student Affairs Dean, a faculty member and a student (undergraduate or graduate), or by a Student Affairs Dean alone. The student may be accompanied by an Advisor of his/her choice from the University of Miami community (currently employed faculty, or administrator, or currently enrolled student.)
3. **Expectations for a Hearing** - disciplinary hearings share a set of expectations that are applied in every case. These expectations include:

 - a. 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 hearings.
 - b. Confidentiality:** Disciplinary proceedings are regarded as confidential, and shall be treated as such. No record of the proceedings shall be kept other than the University's recording, the pleading papers, and exhibits submitted in the action. These records are kept in the Dean of Students Office.
 - c. Hearing Body:** Hearings are conducted by either administrative professionals or student panels that are trained in the adjudication of university disciplinary matters. Panel members and/or Hearing Officers shall recuse themselves if they are aware of any personal bias or conflict of interest that may affect their judgment in a particular case. Accused students may request, and provide sufficient evidence supporting the request, to the Vice President of Student Affairs that a Hearing Officer be replaced due to potential bias or conflict of interest. Adjudication of a prior case with the same Hearing Officer is not sufficient as the sole or primary evidence of bias. The Vice President's decision shall be final.
 - d. Prior Violations:** It is important to note that a student's prior disciplinary record cannot be used as a fact in determining responsibility or innocence; therefore, students should be careful not to mention any prior offenses during a hearing. However, Hearing Panels and Deans are allowed to consider a student's prior disciplinary record when deciding on an appropriate sanction.

- e. **Sharing of Written and Physical Evidence:** Upon written request delivered to the Dean of Students Office no less than 48 hours prior to a hearing, and after receiving all written and physical evidence that may be offered by the student during a hearing, the University will supply the Charged Student with copies of all documentary evidence that may be offered at the hearing. The Dean of Students or her/his designee may make exceptions to this policy.
- f. **Witnesses**

A Charged Student bears the responsibility of notifying the witnesses that will appear on her/his behalf during the hearing. All reasonable efforts will be made to entertain the insights of a Charged Student's witness/es. Upon written request and submission of the Charged Student's witness list, the University will supply to the Charged Student a list of the Witness/es that will be called during a hearing.
- g. **The Right to Remain Silent:** Charged students have the right to remain silent during the disciplinary process and forego sharing their perception of the incident/s that occurred.
- h. **Evidence**

Charged Students will be afforded the opportunity, during a hearing, to examine any evidence and question any witnesses offering information that may be used to determine their responsibility in that particular case.
- i. **Public Court Findings**
 - 1) If a student is charged by public authorities with an act that is also a violation of a University regulation, the University may stay its proceedings pending the outcome of the case. Public court findings/decisions and/or pleas by a student in a public court case may operate as conclusive findings under these disciplinary proceedings. Public court findings/decisions and/or pleas by a student in a public court case do not preclude the University from proceeding with its disciplinary case. The University shall not be limited to facts presented in the court of law. The Charged Student may present relevant facts not available, presented or accepted in a court of law during his/her disciplinary proceeding.
 - 2) A plea of Guilty by a student in a court of law shall operate as a conclusive finding of responsibility under the disciplinary proceedings except insofar as the plea was entered to a charge or charges based upon different facts than those needed to support charges pending at the University.
 - 3) If a student once charged with an offense by public authorities, which offense is made the basis of a charge under these procedures, enters a plea of Guilty to a lesser charge, said plea of Guilty and lesser charge may be made binding on him/her in these procedures.
 - 4) If a court of law does not render a verdict or finding within a reasonable time, the University may proceed with its case.
 - 5) A student facing charges by public authorities may request to have his/her on campus case adjudicated versus waiting for the public court finding/decision.
 - 6) Delays in adjudication because of a student's request to stay proceedings pending public court findings/decisions may not be used as a basis of appeal in the event of a finding of responsible.
- j. **Standard of Proof**

In the University's discipline system, decisions are made based on the "preponderance of evidence" rule. The preponderance of evidence rule means that the adjudicating Panel/Dean determines which facts are more likely than not to be true.
- k. **Hearing in Absentia**

If a Charged Student or Organization, after due notice, does not appear at the hearing, they can be tried in absentia. The University must still meet the standard of proof before responsibility can be found.
- l. **Record of Hearings**

A record of the testimony, which includes the University tape recording of the disciplinary hearing, shall be made and this record, together with all pleadings, papers and exhibits shall constitute the official record of the hearing. The student has the right to have the proceedings recorded by a court reporter at his/her own expense. For the purpose of

appeal, the student shall have access to the record of the hearing, which shall be available until the period for filing a notice of appeal has expired, or if a notice of appeal is filed, until the verdict on appeal has been made.

Note: Recordings of Hearings will be kept only until the case has been resolved and the time for an appeal to be entered has elapsed. After the time allowed for an appeal has elapsed recordings may be destroyed.

D. Appeals

Students found responsible of an offense may appeal the decision to the appropriate Appellate Officer(s) based only on either (a) the severity of the sanction or (b) procedural grounds. An Appellate Board (or Officer) will not rehear the case and the facts used to determine responsibility, but only those appeals related to procedural violations or severity of sanction. The decision of the Appellate Board (or Officer) is final.

1. **University Cases** - The Appellate Board is composed of the Dean of Students (or his/her designee), one male student and one female student. Undergraduate students will hear Undergraduate cases and Graduate students will hear Graduate cases. This Board hears all university appeals whether they are related to severity of sanction or procedural violations.
2. **Major Cases** - the Vice President for Student Affairs hears Undergraduate Appeals and the Dean of the Graduate School hears Graduate Appeals based on severity of sanction. Undergraduate Appeals based on procedural violations are heard by the Vice President for Student Affairs, who may consult with the Dean of the Law School. Graduate Student Appeals based on procedural violations are heard by the Dean of the Graduate School, who may consult with the Dean of the Law School.

E. Miscellaneous - Students should remember that the University of Miami's disciplinary process consists of two distinct parts:

1. the determination of responsibility
2. the determination of sanction

F. Selection and Review Committee for University Discipline (SRC)

The Selection and Review Committee (SRC) is comprised of four students (two graduates and two undergraduates) and three administrators with the responsibility of selecting students to serve on the University Disciplinary Hearing Panels and the Appellate Board for the following academic year. In addition, the SRC is responsible for conducting an ongoing evaluation of the entire university disciplinary system and making recommendations for changes to the Dean of Students. The Associate Dean of Students chairs the SRC. The term of office for all student members of the SRC is one academic year.

G. How to Prepare for A Hearing

In preparing for a disciplinary hearing, students should consider the following:

- Organize your case
- Become familiar with the process outlined in this handbook
- What are you charged with?
- What evidence will the University present?
- Which witnesses will the University call?
- What evidence do you have that will help you?
- Which witnesses do you have?
- What will your witnesses say?
- Seek out an Advisor, particularly if you are charged with a major offense.
- University hearings are not public court criminal trials - they are administrative, fact-finding/sanction assessing hearings.

If you have any questions concerning the regulations and procedures contained in this handbook, please contact the Office of the Dean of Students at (305) 284-5353.

SECTION I. UNIVERSITY DISCIPLINARY PROCEDURES

Students who are alleged to have violated University Policies or Procedures may be charged under the University Disciplinary Procedures. A Complaint can be made by anyone. Upon notification that a violation 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.

A. INVESTIGATION

1. The investigating Discipline Officer shall be a Student Affairs Dean, Residence Hall Coordinator, or Graduate Assistant for the Office of the Dean of Students or Department of Residence Halls.
2. Students under investigation for violations of University rules and regulations are entitled to the assistance of an Advisor of their choice at their own expense, prior to, but not during, disciplinary hearings on the case, or during appeals from these procedures.
3. The Discipline Officer shall ensure that the investigation is performed within a reasonable time.

B. UNIVERSITY DISCIPLINARY HEARING PANEL (UDHP)

The University Disciplinary Hearing Panel (UDHP) shall be composed of three undergraduate or graduate students, depending on the degree program of the Charged Student, and will include a Panel chairperson and a Student Affairs Dean as an Advisor. A UDHP 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.30 and apprise the student of the consequences of interfering with the Hearing in any way;
 - c. To allow the Panel members, the Discipline Officer, and/or the Charged Student to bring any information to the Panel, regarding possible prejudice of a Panel member. *If a student asserts valid grounds for prejudice on the part of a Panel member, the Advisor may dismiss the Panel member if he/she fails to dismiss himself;*
 - d. To allow a Panel member to excuse himself in a particular case in the event that he/she feels that his/her presence may be prejudicial to the case;
 - e. To briefly explain to the student the manner by which the hearing will be conducted at the beginning of a disciplinary proceeding;
 - f. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of responsibility in the fact-finding portion of a hearing and, if the student is found responsible, that information relevant to mitigating circumstances is reserved for the sanctioning portion of the hearing;
 - g. To compile for the Dean of Students Office a complete file of any cases heard. The files must include any tape recording of the proceedings, all written statements and exhibits utilized in the proceedings and the Panel's decision. For purposes of appeal, only the student and authorized University officials shall have access to the record of the hearing, which shall be available until the period for filing a notice of appeal has expired or until the verdict on appeal has been made.

If a UDHP is requested during a period other than normal university operation (summer, exam periods) and a student enters a plea of Not Responsible, every reasonable effort will be made to form a panel to hear the case. If the efforts prove unsuccessful, the student will be given the following options:

1. The student may have the case heard by a UDHP during the next period of normal university operation.
2. The student may have the case heard by a Student Affairs Dean.

Delays in adjudication because of unavailability of UDHP panel members during a period other than normal university operation may not be used as a basis of appeal in the event of a finding of responsible.

D. HEARING PROCEDURES

When requested and when available, the UDHP will hear cases involving offenses in which the student pleads Not Responsible to all or part of the charge(s). The UDHP is responsible for ascertaining the student's responsibility or innocence of the charge(s) and has the authority to assess sanctions as provided herein.

1. Observation of Hearings

Opportunity to observe UDHP hearings shall be restricted to the Dean of Students Office staff, Residence Halls Office staff, Selection and Review Committee members, and UDHP members not involved in the case. Such observations shall be confined to the fact-finding portion of the hearing with the consent of the Charged Student and the concurrence of the Panel where appropriate. No observers will be allowed during the deliberations on responsibility or sanction. The number of persons eligible to observe a particular hearing shall be limited to five.

2. Scheduling of Hearings

- a. UDHP hearings will be scheduled as necessary. Cases will be assigned to the Panel based upon student, Investigator, and witness availability.
- b. Students who cannot attend a UDHP due to scheduling conflicts other than for class may be required to have their case heard before a Student Affairs Dean.
- c. Upon recommendation of the Panel Advisor, the Panel can elect to postpone a particular case due to a late schedule of case hearings or if a hearing participant's emergencies necessitate absence from a hearing.

3. Non-Appearance at Hearing

If the student, after due notice as provided herein, does not appear at the hearing, the Panel can, after a 15-minute wait, elect to hear the entire case in absentia. However, the University still must meet the burden of proof before responsibility can be established.

4. Decorum

- a. Panel members, including the Panel Advisor, the Investigator and the Charged Student may not engage in private conversations while the proceedings are being taped. Nor may they privately discuss the case prior to the conclusion of the fact-finding portion of the hearing.
- b. If the UDHP Chairperson or Panel Advisor decides a student's or other hearing attendee(s)' behavior disrupts the orderly functioning of the hearing, they may be cited for contempt. Contempt citations are separate from any charges pending against a Charged Student. The UDHP Chairperson and Panel Advisor have the option of assessing a penalty for the contempt, up to and including Strict Disciplinary Probation, which may become effective upon the completion of the Hearing. The issuance of a contempt citation is not a matter that may be appealed.

5. Advisement

Students have the right to be accompanied by an Advisor of his/her choice from the University of Miami community (currently employed faculty or administrator, or currently enrolled student) up to, but not including a hearing. Advisors are intended to be individuals who can assist in the understanding of the disciplinary process, not provide representation for the student.

6. Conclusion and Decisions of the Panel

At the conclusion of the fact-finding portion of the Hearing, the UDHP shall excuse the hearing participants and decide on the responsibility of the Charged Student by a majority vote.

- a. In the event a Charged Student accepts responsibility during the fact-finding portion of the Hearing, after the Discipline Officer and Charged Student have had an opportunity to express their preference for one of the following options, the UDHP shall vote in private either to:
 - (i) Remand the case back to the Discipline Officer for a Mitigation Hearing and sanctioning,
or
 - (ii) Continue on to the mitigation and sanction assessment portion of the Hearing.
- b. If there is a finding of responsibility, the student may present any mitigating circumstances or other factors prior to a sanction being assessed.

E. MITIGATION

If the UDHP believes that a sanction other than that prescribed herein is warranted, it shall recommend that sanction to the Dean of Students, who will approve or deny the recommendation.

F. PROCEDURES NOT SPECIFICALLY PROVIDED HEREIN

UDHP 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 Chair and Panel Advisor.

G. DISCIPLINARY SANCTIONS/PENALTIES

1. The following Sanctions/Penalties may be imposed upon a student found responsible for a University violation:

FDP = Final Disciplinary Probation
SDP = Strict Disciplinary Probation
DW = Disciplinary Warning
TR = Termination of Residency
CR = Change of Residency
R = Restitution
AC = Administrative Charge (Fine)

2. 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 Discipline Officer or panel conducting the mitigation hearing after a plea or finding of responsibility in university disciplinary matters. Please see page 81 for other possible remedies and sanctions.

3. **Code of Conduct**

The Code of Conduct chart in this handbook indicates the range of sanctions that will be followed in assessing university disciplinary penalties for first offense single violations.

4. **Exceptional Circumstances**

Exceptional circumstances may result in the adjudicating body recommending a penalty not within the prescribed Code. The recommendation must be made to the Dean of Students, who will both accept and implement, or reject the recommendation. If the recommendation is rejected, he/she shall assess a penalty within the prescribed range.

H. APPEALS

Students and investigating Discipline Officers may appeal a UDHP ruling. A written appeal must be submitted to the Dean of Students within three (3) business days of the decision of the UDHP and a hearing shall be heard within 30 total days of the appeal being received by the Dean of Students.

1. **The Appellate Board shall hear all appeals**

This Board, with each member having one vote, shall be comprised of:

- a. The Dean of Students or his/her designee and,
- b. Two students, one male and one female

2. **Appellate Board Responsibilities**

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

3. **Appellate Hearing Procedures**

- a. **Confidentiality**

The deliberations of the Appellate Board are regarded as confidential. Therefore, no participants or observers are to be present during these deliberations. In addition, no record shall be made of the discussion or vote in these deliberations other than the Board's final decision.

- b. Evidence**
Evidence that was not presented during the UDHP/Dean's 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/Discovery**
Upon a reasonable 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 shall be confined to Student Affairs Deans, Investigators, Selection & Review Committee members and UDHP members, with the consent of the Charged Student and the Appellate Board.
- 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. Witnesses**
The Charged Student is responsible for notifying witnesses who they wish to appear at the Hearing on their behalf. The University is not responsible for notifying witnesses other than those that may appear on behalf of the University.
- g. Decorum**
Neither Appellate Board members, nor the Investigator and the Charged Student may engage in private conversations while the proceedings are conducted.
- h. Conclusion/ Decision**
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.
- i. Findings**
If the Appellate Board finds no merit to the appeal, it shall affirm the action of the adjudicating body. If the Appellate Board finds that the student's appeal on procedure is valid, it shall remand the case back to the Dean of Students for reconsideration.
If the Appellate Board finds that the penalty assessed by the adjudicating body should be reconsidered, it shall then assess what it deems to be an appropriate penalty.
Appellate Board decisions shall be given in writing to the student. Copies shall also be submitted to the Office of the Dean of Students and Investigator.
- j. Interpretation of University Disciplinary Procedures**
Whenever necessary, the Dean of Students shall interpret the University disciplinary procedures.
- k. Procedures Not Specifically Provided Herein**
May be implemented by the Appellate Board, provided that such procedures are not precluded herein, would serve to arrive at a full and true hearing, and are instituted with the knowledge and consent of the Dean of Students.

SECTION II. MAJOR DISCIPLINARY PROCEDURES

Students who are alleged to have violated University policies or procedures may be charged under the Major Disciplinary Procedures, which means that in addition to other sanctions described herein, sanctions of suspension, expulsion or loss of financial aid may be assessed. A Complaint can be made by anyone. The Dean of Students or her/his designee determines whether a charge constitutes a Major offense. 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.

A. INVESTIGATION

1. Prior to charging any student for violating a Major Disciplinary University policy or regulation, the Investigator shall assure that a full investigation of the alleged violation is conducted. The investigation shall be performed within a reasonable amount of time.
2. The investigating Discipline Officer shall be a Student Affairs Dean.
3. Students under investigation for violations of University rules and regulations are entitled to the assistance of an Advisor of their choice from the University of Miami community (a currently employed faculty or administrator or a currently enrolled student) prior to, and during disciplinary hearings and appeal procedures.
4. The Discipline Officer may not coerce information or pleas from a student or require the disclosure of information about the conduct of other person(s).

B. PRELIMINARY HEARING

1. Notice of Hearing

Whenever an investigation indicates that a student has violated a policy or regulation that would constitute a Major offense, the Discipline Officer shall notify, or make a reasonable attempt to notify the student in writing to appear for a Preliminary Hearing. If the student does not appear at the time and place required for the Preliminary Hearing, the student may be charged without a Preliminary Hearing.

2. Nature of Hearing

During the Preliminary Hearing, the Discipline Officer will:

- a. Advise the student of the specific violation(s) of which he/she is accused,
 - b. Advise the student of her/his rights, including the right to abstain,
 - c. Give the student an opportunity to make any statement or explanation he/she wishes.
3. At the **Conclusion of the Preliminary Hearing**, the Student Affairs Dean shall either:
- a. Advise the student that the matter is dismissed, or
 - b. Advise the student that the Preliminary Hearing will be continued at a later time after further investigation, or
 - c. Advise the student that the University will initiate charges for a violation(s) and will describe what type of violation is being charged, and
 - d. If applicable, advise the student that a temporary residence hall room change, pending the adjudication of the charges, may be made.

C. CHARGE AND NOTICE

If the Discipline Officer determines that charges are necessary for Major violation(s) of a specific regulation(s), the Discipline Officer will send or serve the student a Notice of Charge(s) by personal delivery. The Notice of Charge(s) is a formal document, will inform the student of his/her rights as outlined in this handbook, and afford the Charged Student with the opportunity to enter a plea addressing the charge(s).

D. REQUESTS AND PLEAS

Within 72 hours after a student receives a Notice of Charge(s) for a Major violation(s), he/she must deliver to the Office of the Dean of Students either a Request to Dismiss on procedural matters, plea No Contest or enter a plea of Responsible or Not Responsible. The student may file his/her plea by filling out the appropriate section on the Notice of Charge(s). If the student does not enter a plea within the prescribed 72-hour period, he/she shall be deemed to have pleaded Not Responsible. The following procedures shall apply for each of the available pleas:

1. Request to Dismiss

If the person against whom charges are brought believes that the University is without jurisdiction or has not followed the disciplinary procedures as outlined in this manual, the Charged Student may enter a Request to Dismiss. The Request must be in writing and set forth the specific reasons the matter should be dismissed. All Requests to Dismiss must be submitted to the Dean of Students Office, in duplicate, and contain:

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

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

No Request to Dismiss based upon lack of jurisdiction will be accepted unless the person against whom charges are brought was not within the scope of those policies and procedures as defined in the **Overview**. If a Request to Dismiss is properly made, the matter shall immediately be referred to a Judicial Officer for determination. The Judicial Officer has the option to determine if a hearing should be afforded to a student entering such a request. The determination on a Request to Dismiss shall be made within seven (7) days of its submission to the Dean of Students Office. If the Judicial Officer determines that the request is without merit, the student shall within 24 hours of the rendering of such a determination, enter a written plea of Responsible or Not Responsible.

2. Plea of Responsible

If the student enters a plea of Responsible, the Dean of Students shall determine the sanction to be imposed by the University after a Mitigation hearing.

3. Plea of Not Responsible

If the student enters, or is deemed to have entered, a plea of Not Responsible, he/she shall have the right to a disciplinary hearing before a Hearing Officer, or before a Hearing Panel chaired by a Hearing Officer. The Hearing Officer shall set the date, time, and place of the hearing. The hearing should be held within 21 business days of the entry of a Not Responsible plea. The Hearing Officer may, at his/her discretion, extend the date of the hearing for exceptional circumstances. If the student has been charged and his/her case has not been adjudicated at the conclusion of the semester or summer session, the University may withhold the student's transcript and deny re-enrollment or graduation until such time as the case is adjudicated. If the student is found Responsible at a Hearing, the Dean of Students shall determine the sanction to be imposed by the University.

4. Plea of No Contest

A student against whom University charges are brought may enter a plea of No Contest if the student is under criminal investigation or indictment for an offense arising out of the same activities or circumstances that gave rise to the University's charge or charges. A plea of No Contest will constitute neither an admission nor a denial of responsibility and will subject the student to any sanction the Dean of Students deems proper. A plea of No Contest is not in any way to be considered or construed as evidence against interest.

E. HEARINGS

1. Nature of the Major Disciplinary Hearing

The Major Disciplinary Hearing shall be presided over by a Hearing Officer. This will not be the same individual who serves as investigating Discipline Officer.

Major Disciplinary Hearings are closed to the public, except for witnesses, Charged Student(s), and staff members of the University Division of Student Affairs. In cases of sexual battery or sexual harassment, a support person for the complainant and accused student may be present at

the hearing, but may not participate in any way. A support person cannot serve as a witness. Closed hearings provide for further confidentiality in Major disciplinary actions. The Charged Student may waive his/her right to a closed hearing, except in cases of sexual battery, upon a request in writing to the Hearing Officer. However, such a waiver must be agreed upon by all persons who have an interest in the hearing (including the victim, if any, of the offense with which the student is charged) and whom the Hearing Officer may, at his/her discretion, permit to attend the hearing. In instances where the Charged Student does not appear at the hearing, the Hearing Officer shall have the discretion to open the hearing to other persons who have an interest in the hearing if the Charged Student's rights to confidentiality is not compromised.

The Hearing Officer is charged with the responsibility for maintaining proper decorum and order in the hearing chamber. He/She may use any reasonable means necessary to maintain decorum and may exclude any person whom, in his/her opinion, has no legitimate interest in the hearing or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of B.30 Interfering with a University Disciplinary Proceeding.

Whether or not the hearing is closed, either the student or the University may request that all witnesses only be present during the witness' particular testimony. In cases of sexual battery, a complainant may testify from another room, as long as it does not impede cross-examination.

2. The Major Disciplinary Hearing Panel (MDHP)

The Hearing Panel shall consist of the Hearing Officer (a Student Affairs Dean), one faculty member, and one student member, each of whom shall have a single vote. Panel members shall remove themselves from the panel if they are aware of any personal bias or conflict of interest that may affect their judgment in a particular case. Charged Students may request, and provide sufficient evidence supporting the request, to the Dean of Students that a Hearing Officer or panel member be replaced due to potential bias or conflict of interest. Adjudication of a prior case with the same Hearing Officer is not sufficient as the sole or primary evidence of bias. The Dean's decision shall be final. The Hearing Officer shall have the right to excuse any faculty or student member or prospective member of the Hearing Panel at any time, either upon his/her own initiative or at the request of the University or the student. The Hearing Officer shall attach in writing to the final record of the Hearing his/her reasons for dismissing any member of the Panel.

a. Selection of Faculty Member

The Provost will select the names of at least three faculty members from a pool of University faculty, which is chosen at random. Faculty must be tenured, must have served at the University for at least one full academic year, and must have indicated a willingness to serve on the MDHP.

b. Selection of Student Member

The student shall be selected in the same manner as the faculty member except that the names of prospective student members shall be selected from a randomized list of full-time senior undergraduate students or full time graduate students who are not on disciplinary probation, have a minimum cumulative grade point average of 2.5 (3.0 for graduate students) and have been students at the University for at least one full academic year and have previously expressed their willingness to serve.

3. Waiver of Hearing Panel

A student may waive his/her right to a hearing before a Hearing Panel and have his/her case heard before the Hearing Officer. This waiver shall be executed at the time he/she enters a plea of Not Responsible.

In the event the Office of the Dean of Students receives notification of an offense within 30 or fewer calendar days from the last regular class day of a semester, or during the period between the conclusion of spring semester and commencement of fall semester, the Dean of Students reserves the right to assign a Hearing Officer to hear a Major offense case, in lieu of a Hearing Panel.

4. Advisement

The student shall have the right to be accompanied by an Advisor of his/her choice from the University of Miami community (currently employed faculty or administrator, or currently enrolled student). At least 72 hours prior to the hearing, the student must notify the Hearing Officer to disclose the name, address, and telephone number, as well as the Advisor's affiliation to the University. If the student fails to provide such notice, an Advisor may be excluded from the Hearing. Advisors are intended to be individuals who can assist in the understanding of the disciplinary process, not provide representation for the student.

5. 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 that may prevent the rendering of a fair verdict. Declaration of improper procedure shall result in the scheduling of a new hearing within seven days with the same Hearing Officer and new Panel members.

6. Requests

The Hearing Officer may entertain any request that is deemed appropriate prior to or during the judicial hearing. During the hearing, requests not specifically provided in this document may not be made which, if granted, would result in removing from the hearing Panel its duty to reach a decision on the issue of responsibility or innocence.

7. Pre-Hearing Conference

The Hearing Officer may schedule a mandatory Pre-Hearing Conference upon his/her initiative or upon the request of either the Charged Student or the University.

8. Decision

If a Hearing Panel conducts the hearing, then immediately upon conclusion of the judicial hearing, the Hearing Panel shall come to a decision on the student's responsibility. A two-thirds vote is necessary for a any finding. If a two-thirds vote cannot be made on each of the findings, the Hearing Officer shall declare an inconclusive proceeding, and inform the Dean of Students in writing of such action. Promptly thereafter, the Dean of Students shall appoint a different Hearing Officer and a new panel, and a new hearing will be held. The Hearing Officer shall present the panel's findings to the Dean of Students within 24 hours of the conclusion of the hearing. If the hearing is conducted solely by a Hearing Officer, the Hearing Officer shall render a finding and shall present such finding to the Dean of Students within 24 hours of the conclusion of the hearing.

9. Requests or Orders

A student must cooperate in all phases of the discipline process described herein. The Hearing Officer shall request the appearance of students whose insight is deemed relevant to a full disclosure of the facts at a hearing. Any student refusing to respond to a Hearing Officer's request may be charged with failure to comply with requests or orders.

F. SANCTIONS

1. Review of the Case

The Dean of Students or his/her designee is authorized to impose sanctions in Major Discipline Cases. He/she shall review the official case file prior to his/her determination of the sanction.

2. Mitigation Hearings

Prior to the determination of the sanction, the student and/or his/her Advisor, and the University representative shall have the right to appear before the Dean of Students in order to present any mitigating circumstances or other factors that may affect the sanction. The Dean of Students or his/her designee shall determine the sanction.

3. Effective Date of Sanction

Unless the Dean of Students or other University official determines otherwise, all sanctions of Suspension or Expulsion may be effective as of the date of the commission of the offense, even though the student may have attended classes and/or taken examinations during the interim.

4. Range of Sanctions

In addition to sanctions that apply to University disciplinary hearings, any one or more of the following penalties, including but not limited to the ones found on pages 81-84, may be imposed for a major offense:

- a. Expulsion

- b. Suspension
- c. Withdrawal or termination of financial aid
- d. Any sanction that may be imposed for a University offense.

I. TEMPORARY SUSPENSION

The Provost of the University or his/her designee may, upon his/her own initiative or upon the recommendation of the Dean of Students or his/her designee, temporarily suspend any student whenever he/she deems that the student's behavior and/or actions constitute a clear and present danger to him/herself or others or that the student's behavior has or may materially disrupt the work or operations of the University. Such Temporary Suspension shall be indefinite and the student may, upon the decision of the Provost, be barred from attending classes and/or taking examinations during the suspension period. Within 72 hours of a receipt of the notice of Temporary Suspension, a student may request a Major Disciplinary Hearing before a Hearing Officer to answer the alleged violation(s). Said request shall be made to the Provost. The Provost shall determine if and when a student matter will be heard. If the student does not request a hearing, the student shall be deemed to have waived his/her right to a hearing and shall be suspended from the University indefinitely. 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.

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

J. APPEALS

1. A student who has pled responsible or no contest has the option to appeal a sanction assessment. A student who has been found responsible by a hearing panel has the option to appeal procedural violations and/or sanction assessment. Appeals are made by filing a written Notice of Appeal in the Office of the Vice President for Student Affairs, within three class days of the determination of sanction by the Dean of Students. Within seven days after filing the Notice of Appeal, the student shall file in the Office of the Vice President for Student Affairs, a written statement describing the specific errors upon which the appeal is based.
2. Appeals in cases involving public court guilty plea or adjudication of guilt shall follow the procedure set forth in the preceding paragraph, except that they shall not reconsider any issues of fact or law ruled upon by the public court or encompassed in the guilty plea.
3. The University may appeal rulings of the Hearing Officer or Panel. Written notice of appeal must be filed within 48 hours after the entry of the dismissal or finding of fact. Within seven days after filing the notice of appeal, the University shall file its written statement of errors upon which the appeal is based. The student shall receive a copy of the Notice of Appeal.
4. Appeals of Hearing decisions must be based upon alleged errors of a procedural nature, which may have prejudiced the appellant's case. The Appellate Officers shall not entertain allegations of error regarding factual matters going to the merits of testimony at hearings. No appeals of the decision on the responsibility of the Charged Student are allowed on the part of either the charged student or the University.
5. The Appellate Officers of the University will decide appeals. The Vice President for Student Affairs shall hear undergraduate student appeals based on severity of sanction, and may consult with the Dean of the Law School on 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 Dean of the Law School on graduate appeals based on procedures. The Appellate Officer shall, if requested by the University or the student, set a time and place for a hearing on the points raised by the appeal. After consideration of all written statements submitted by the University and the student and of the arguments made at the hearing, if one is requested, the Appellate Officer shall issue a written determination either:
 - a. Affirming the action of the Hearing Panel and/or the Dean of Students, or
 - b. Remanding the matter to a Hearing Officer for a new judicial hearing, or
 - c. Changing the sanction
6. Determinations of the Appellate Officers are final and may not be further appealed.

7. General Guidelines (Appellate Officer)
 - a. **Failure to Appear**

Failure of the party requesting an appellate hearing to appear, without proper notice to the Appellate Officer, may result in a voiding of the appeal.
 - b. **Observation of Appellate Hearings**

The opportunity to observe appellate hearings shall be confined to Student Affairs Deans and Selection and Review Committee members, with the consent of the student charged and the Appellate Officer. The number of persons elig

SECTION III. DISCIPLINARY PROCEDURES FOR STUDENT ORGANIZATIONS

Student organizations that are alleged to have violated University policies or procedures may face adjudication within the University's Judicial System. A Complaint can be made by anyone. Whether a charge constitutes a Major offense is determined by the Dean of Students or designee. Upon notification that a violation has occurred, the appropriate University official will investigate the circumstances of the case and attempt to identify the student organization(s) that allegedly committed the offense.

A. INVESTIGATION

1. The Discipline Officer investigating allegations against Student Organizations shall be a Student Affairs Dean.
2. Prior to charging any student organization for violating a University policy or regulation, the Discipline Officer shall assure that a full investigation of the alleged violation is conducted. The investigation shall be performed within a reasonable amount of time.
3. If the Discipline Officer questions members of a student organization during the course of the investigation, he/she will inform the members of their right to abstain and that anything they say may be used in the case against an organization.

B. PRELIMINARY HEARING

Notice of Hearing in Major Cases

Whenever it is determined that a student organization has violated a policy or regulation which would constitute a Major offense, the Discipline Officer shall notify, or make a reasonable attempt to notify, the student organization or its representative, in writing, to appear before him/her at a specified time for a Preliminary Hearing. If the student organization or representative does not appear at the time and place designated for the Preliminary Hearing, the student organization may be charged without a Preliminary Hearing.

1. Nature of Hearing

During the Preliminary Hearing, the Investigator shall:

- a. Advise the student organization of the specific violation(s) of which it is accused,
 - b. Advise the student organization of the right to abstain and that anything they say may be used in the case against an organization, and
 - c. Give the student organization an opportunity to make any statement or explanation regarding the alleged violations or any other matters, and
2. At the **conclusion** of the Preliminary Hearing, the Discipline Officer shall either:
 - a. Advise the student organization that the matter is dismissed, or
 - b. Advise the student organization that the Preliminary Hearing will be continued at a later time after further investigation, or
 - c. Advise the student organization that the University will charge it with a violation(s) and will describe what type of violation is being charged.

C. CHARGE AND NOTICE

If the Discipline Officer determines, after giving the president or representative of the organization an opportunity to make any statements or explanations he/she wishes that the student organization may be charged with a violation(s) of a specific regulation(s), the Discipline Officer shall send or serve the president or representative of the organization a Notice of Charge(s). Such Notice of Charge(s) will be made by personal delivery. The Notice of Charge(s) shall be a formal document, and shall inform the student organization of all charges against it as well as its rights as outlined in this handbook.

D. REQUESTS AND PLEAS

Within 72 hours after a student organization receives a Notice of Charge(s), the president or representative of the organization shall deliver to the Dean of Students Office either a Request to Dismiss on procedural matters, a plea of No Contest or enter a plea of Responsible or Not Responsible. The student organization may enter its plea by filling out the appropriate section on the Notice of Charge(s). If the student organization does not enter a plea within the prescribed 72-hour period, it shall be deemed to have pleaded Not Responsible. The following procedures shall apply for each of the available plea:

2. Request to Dismiss

If the person against whom charges are brought believes that the University is without jurisdiction or has not followed the disciplinary procedures as outlined in this manual, the Charged Student may enter a Request to Dismiss. The Request must be in writing and set forth the specific reasons the matter should be dismissed. All Requests to Dismiss must be submitted to the the Dean of Students Office, in duplicate, and contain:

- e. The name, address and telephone number of the person submitting the Request to Dismiss;
- f. List and describe the charges brought against the student by the Discipline Officer;
- g. Specifically outline the basis of the Request to Dismiss; and,
- h. 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 Discipline Officer will make a review of the request.

For the purposes of reviewing a Request to Dismiss charges, Discipline Officers will be professionals with experience in student disciplinary matters that are not regular employees of the University but who are retained for service in such matters.

No Request to Dismiss based upon lack of jurisdiction will be accepted unless the person against whom charges are brought was not within the scope of those policies and procedures as defined in the **Overview**. If a Request to Dismiss is properly made, the matter shall immediately be referred to a Discipline Officer for determination. The Discipline 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 seven (7) days of its submission to the Dean of Students Office. If the Discipline Officer determines that the request is without merit, the student shall within 24 hours of the rendering of such a determination, enter a written plea of Responsible or Not Responsible.

1. Plea of Responsible

If the student organization enters a plea of Responsible, the Administrative Disciplinary Hearing Panel (ADHP) shall determine the sanction to be imposed by the University after a Mitigation Hearing.

2. Plea of Not Responsible

If the student organization or one of its members enters, or is deemed to have entered, a plea of Not Responsible, he/she shall have the right to a judicial hearing before the ADHP appointed by the Vice President for Student Affairs. The Hearing Officer shall set the date, time, and place of the hearing. The hearing should be held within 21 days of the entry of a Not Responsible plea. The Hearing Officer may, at his/her discretion, extend the date of the hearing for exceptional circumstances. If the student organization is found Responsible at a Hearing, the ADHP shall determine the sanction to be imposed by the University.

3. Plea of No Contest

A student organization against which University charges are brought may enter a plea of No Contest if the student organization is under criminal investigation or indictment for an offense arising out of the same activities or circumstances that gave rise to the University's charge or charges. A plea of No Contest will constitute neither an admission nor a denial of responsibility and will subject the student organization to any sanction the ADHP deems proper. A plea of No Contest is not in any way to be considered or construed as evidence against interest.

E. HEARINGS

1. Nature of the Student Organization Disciplinary Hearing

Unless specifically addressed in the constitution of the student organization's governing body or umbrella organization (i.e. Panhellenic, Interfraternity Council, National Pan-Hellenic Council, and the National Association of Latino Fraternal Organizations), the following applies to Student Organization Disciplinary Hearings. In all instances of contested jurisdiction, the Vice President for Student Affairs reserves the right to designate the appropriate hearing venue.

The Student Organization Disciplinary Hearing shall be presided over by a Hearing Officer. This will not be the same individual who serves as Investigator.

Student Organization Disciplinary Hearings are closed to the public, except for witnesses, representative(s) of the student organization, and staff members of the University Division of Student Affairs. Closed hearings provide for confidentiality of University disciplinary actions. The charged student organization or its representative may waive his/her right to a closed hearing, except in cases of sexual battery, upon a motion in writing to the Hearing Officer. However, such a waiver must be agreed upon by all persons who have an interest in the hearing (including the victim, if any, of the offense with which the student is charged) and whom the Hearing Officer may, at his/her discretion, permit to attend the hearing. In instances where the Charged Student does not appear at the hearing, the Hearing Officer shall have the discretion to open the hearing to other persons who have an interest in the hearing if the Charged Student's right to confidentiality is not compromised.

The Hearing Officer is charged with the responsibility for maintaining proper decorum and order in the hearing chamber. He/She may use any reasonable means necessary to maintain decorum and may exclude any person whom, in his/her opinion, has no legitimate interest in the hearing or whose conduct impedes or threatens to impede a fair and orderly hearing. Disruptive behavior may constitute a Major offense of B.30 Interfering with a University Disciplinary Proceeding.

Whether or not the hearing is closed, the student organization or the University may request that all witnesses be present only during the witness' particular testimony. In cases of sexual battery a complainant may testify from another room, as long as it does not impede cross-examination.

The Charged Student organization has the right to remain silent at the hearing and may not be compelled to testify.

2. The Administrative Disciplinary Hearing Panel (ADHP)

An ADHP hearing panel shall consist of five members, appointed by the Vice President for Student Affairs (VPSA), and shall include a Hearing Officer as one of the five members who shall serve as Chairperson.

3. Hearing by Hearing Officer

When the Office of the Dean of Students receives notification of an offense within 30 days or less, from the conclusion of regular classes of a semester, or during the period between the conclusion of Spring Semester and commencement of Fall Semester, and it is determined by the Dean of Students to be cause for a major offense charge, then a Hearing Officer may, at the discretion of the VPSA hear the matter.

F. HEARING PROCEDURES

1. Advisement

The organization shall have the right to be accompanied by an Advisor of his/her choice from the University of Miami community (currently employed faculty or administrator, or currently enrolled student). At least 72 hours prior to the hearing, the student must notify the Hearing Officer to disclose the name, address, and telephone number, as well as the Advisor's affiliation to the University. If the student fails to provide such notice, an Advisor may be excluded from the Hearing.

2. 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 verdict. Declaration of improper procedure shall result in the scheduling of a new hearing within seven days with the same Hearing Officer and new Panel members.

3. Requests

The Hearing Officer may entertain any request that is deemed appropriate prior to or at the judicial hearing, except that at the hearing no requests not specifically provided in this document may be made which, if granted, would result in removal from the ADHP its duty to reach a decision on the issue of responsibility or innocence.

4. Pre-Hearing Conference

The Hearing Officer may schedule a mandatory Pre-Hearing Conference upon his/her initiative or upon a request from either the Charged Organization or the University.

5. Decision

If an ADHP conducts the hearing, then immediately upon conclusion of the disciplinary hearing, the hearing panel shall come to a decision as to the organization's responsibility in the case. A three-fifths vote is necessary for all findings. If a three-fifths vote cannot be made on each of the findings, the Hearing Officer shall declare an **inconclusive proceeding**, and inform the Vice President for Student Affairs in writing of such action. Promptly thereafter, the Vice President for Student Affairs shall appoint a different Hearing Officer and a new panel, and a new ADHP will be held. The Hearing Officer shall certify the panel's findings of fact to the Vice President for Student Affairs within 24 hours of the conclusion of the hearing.

If the hearing is conducted solely by a Hearing Officer, the Hearing Officer shall announce the findings to the Vice President for Student Affairs within 24 hours of the decision and notify the organization in writing.

6. Requests or Orders

A student must cooperate in all phases of the discipline process described herein. The Hearing Officer shall request the appearance of students whose insight is deemed relevant to a full disclosure of the facts at a hearing. Any student refusing to respond to a Hearing Officer's request may be charged with failure to comply with requests or orders.

I. SANCTIONS

1. Review of the Case

The ADHP is authorized to impose sanctions in Organizational Hearings and shall review the official case file prior to his/her determination of the sanction.

2. Mitigation Pleas

Prior to the determination of the sanction to be imposed, the student organization and/or its Advisor, and the University representative shall have the right to appear before the ADHP to present any mitigating circumstances or other factors that may affect the sanction.

3. Effective Date of Sanction

Unless the ADHP determines otherwise, all sanctions of Suspension or Expulsion of the organization shall be effective as of the date of the commission of the offense.

4. Range of Sanctions

One or more of the following sanctions may be imposed:

a. Expulsion

- (i) The organization must cease and desist all activities.
- (ii) The organization is ineligible to return to the University.
- (iii) When appropriate, the charter is to be returned to the National Office.
- (iv) The organization is no longer recognized as an existing organization by its appropriate governing body/umbrella group or the University of Miami.

b. Suspension

- (i) The organization must cease and desist all activities.
- (ii) The organization must vacate its University space or fraternity housing.
- (iii) Any one or more of the sanctions set forth in Sec. I.4.c. Probation, below.
- (iv) Suspension is for a definite period of time.

c. Probation

The organization's actions or behavior are in flagrant violation of the University of Miami's standards of conduct. Any of the following sanctions may be imposed:

- (i) member removed from office
- (ii) fine of up to \$500
- (iii) restriction of membership recruitment privileges
- (iv) restriction of pledging/association privileges
- (v) restriction of social privileges
- (vi) community service project or special fund raiser
- (vii) special restrictions and requirements as deemed appropriate by the Administrative Hearing Panel

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.

For additional information about Discipline Sanctions, please see page 81.

J. TEMPORARY SUSPENSION FOR STUDENT ORGANIZATIONS

The Vice President for Student Affairs or his/her designee may, upon his/her own initiative or upon the recommendation of the Dean of Students, temporarily suspend any student organization whenever he/she deems such action appropriate. Such Temporary Suspension shall continue either until a decision is made in the responsibility of an organization in a particular incident, or until after a determination has been made on any appeal or the time for making an appeal has elapsed. The Vice President for Student Affairs or his/her designee also determines the length of a temporary suspension. Within 48 hours 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 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 will hear the matter as directed by the Vice President for Student Affairs. The Dean of Students shall permit the organization to participate in campus and University activities during the period of the Temporary Suspension only if the organization:

1. does not constitute a clear and present danger or
2. does not materially disrupt the work or operations of the university or
3. does not infringe upon or invade the rights of others within the University community,.

The Dean of Students, the Vice President for Student Affairs or a designee for either, upon determining an emergency exists, may subsequently revoke the organization's right to participate in University and campus events, if the organization's participation in University or campus activities constitutes a clear and present danger, or materially disrupts the work or operations of the University or infringes upon or invades the rights of others within the University community.

K. APPEALS

1. A student organization, which has pled responsible or no contest has the option to appeal a penalty assessment. A student organization, which has been found responsible by an Administrative Hearing Panel, has the option to appeal procedural violations and/or sanction assessment. Appeals are made by filing a written Notice of Appeal to the Office of the Vice President for Student Affairs within three school days of the determination of the sanction by the Administrative Hearing Panel or Hearing Officer. Within seven days after filing the Notice of Appeal, the student organization shall file in the Office of the Vice President for Student Affairs a written statement describing the specific errors upon which the appeal is based.
2. Appeals in cases involving public court guilty plea or adjudication of guilt shall follow the procedure set forth above, except that they shall not reconsider any issues of fact or law ruled upon by the public court or encompassed in the guilty plea except those appeals defined in Section H.7, above.
3. The University may appeal rulings of the Hearing Officer or ADHP. Written notice of appeal must be filed within 48 hours after the entry of the dismissal or finding of fact. Within seven days after filing the notice of appeal, the University shall file its written statement of errors upon which the appeal is based. The student organization shall receive a copy of the Notice of Appeal.
4. Appeals of Hearing Officer rulings must be based upon alleged errors of a procedural nature that may have prejudiced the appellant's case. The Vice President for Student Affairs shall not entertain allegations of error regarding factual matters going to the merits of testimony at hearings. No appeals of the decision on the responsibility of the Charged Student are allowed on the part of either the charged student or the University.

5. The Vice President for Student Affairs will decide appeals. The Vice President for Student Affairs shall hear appeals based on severity of penalty and/or procedures. The Vice President for Student Affairs shall, if requested by the University or the student organization, set a time and place for a hearing on the points raised by the appeal. After consideration of all written statements submitted by the University and the student organization and of the arguments made at the hearing, if one is requested, the Vice President for Student Affairs shall issue a written determination either:
 - a. Affirming the action of the Administrative Disciplinary Hearing Panel, or
 - b. Remanding the matter to a Hearing Officer for a new disciplinary hearing, or
 - c. Changing the penalty
6. Determinations of the Vice President for Student Affairs are final and may not be further appealed.
7. **GENERAL GUIDELINES FOR APPEALS**
 - a. **Failure to Appear**

Failure of the party requesting an appellate hearing to appear, without proper notice to the Appellate Officer, and in the case of a student organization the Vice President for Student Affairs, may result in a voiding of the appeal.
 - b. **Confidentiality**

Confidentiality of the Vice President for Student Affairs Deliberation: The deliberations of the Vice President for Student Affairs are regarded as confidential, and no participants or observers of the case are to be present during these deliberations. In addition, no records shall be made of these deliberations other than the Vice President's final decision.

DISCIPLINE SANCTIONS

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

If a second violation occurs while a student is currently serving a period of Disciplinary Warning or Disciplinary Probation, the offense may be treated as a major offense violation and so charged.

TABLE OF SANCTIONS: (First Offense, Single Violation Cases)

KEY

M Major Offense (May result in Expulsion or Suspension)

- **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.
- **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.

FDP Final Disciplinary Probation

A disciplinary sanction serving notice to a student that his/her behavior is in flagrant violation of University standards.

The sanction is for the remainder of a student's course of studies and may be reviewed by the Dean of Students no sooner than two regular academic semesters of attendance after the sanction is imposed. After two semesters in attendance, a student may initiate a request in writing for reduction of the sanction to Strict Disciplinary Probation, but must also demonstrate reasons that substantiate the request.

Another violation of University policies and regulations may result in a major offense charge as directed by the Dean of Students, and if a finding of guilt is established, the minimum sanction of Suspension may be imposed.

SDP Strict Disciplinary Probation

A disciplinary sanction serving notice to a student that his/her behavior is in serious violation of University standards. A time period is indicated during which another violation of University policies and regulations may result in a Major offense charge, which could result in Suspension or Expulsion from the University. If the sanction is assessed prior to the dates midterm grades are due in the academic Dean's office, the current semester will be included as a full semester of the probationary period; after that date the probation will begin immediately, and will extend through the full period as assessed beginning with the succeeding semester of attendance.

DW Disciplinary Warning

A University disciplinary sanction serving notice to a student that his/her behavior has not met University standards. This sanction remains in effect for a designated number of semesters of attendance, after which it is removed from the student's file. If the sanction is assessed prior to the date midterm grades are due in the academic Dean's office, the current semester will be included as a full semester of the warning period; after the above date, the warning will begin

immediately and will extend through the full period as assessed, beginning with the succeeding semester of attendance.

- TR Termination of Residency/Termination or Change in Housing Accommodations:**
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 Residence Halls or his/her designee. After the adjudicating body announces a decision to have the student's residence changed or terminated, the Residence Coordinator 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.
- CR Change of Residency**
(See Termination or Change in Housing Accommodations above)
- R Restitution**
Payment made by a student for damages or losses which are a result of a violation.
- AC Administrative Charge (Fine)**
Penalty fees payable to the University as directed by the adjudicating body for violation of certain regulations. This definition does not include administrative charges imposed by the University.

Multiple Offenses

1. In the event a student is charged with failure to comply with more than one rule or regulation, and if one or more of the charges, if proven, could result in the imposition of major penalty, the matter may be adjudicated within the major disciplinary procedures.
2. In the event that a student is charged with having violated more than one University rule or regulation from a single incident, none of which could separately result in the imposition of major penalty, and the student is not currently on Disciplinary Warning or Disciplinary Probation, then the matter will be adjudicated within the University disciplinary procedures. In such cases, any University disciplinary sanction may be imposed.

ANY OFFENSE WHICH INVOLVES THE USE OR MISUSE OF ALCOHOL AND/OR OTHER DRUGS MAY BE REFERRED TO THE WILLIAM W. SANDLER, JR. CENTER FOR ALCOHOL AND OTHER DRUG EDUCATION (PIER 21).

OTHER POSSIBLE ACTIONS THAT MAY BE TAKEN BY THE UNIVERSITY

Students should be aware that, depending on the circumstances, the Dean of Students or her/his designee has the discretion to impose penalties and sanctions that are not in this handbook. These may include attendance at counseling sessions, academic workshops or assignments, or loss of certain University privileges, including representing the University in a particular event or extracurricular activities, (i.e. student government, fraternities, sororities, honor societies, the debate team, intercollegiate athletics, the marching band, club sports, intramurals, and any other approved University activity.)

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 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 48)

Alcohol/Drug-Related Referral:

Where the use of alcohol and/or other drugs accompanies a violation of regulations, the student may be referred to the William W. Sandler, Jr. Center for Alcohol and Other Drug Education (PIER 21) in addition

to other sanctions. Participation and satisfactory progress in a program to address issues of alcohol or drug abuse may be made a condition for continued enrollment at the University.

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.

Temporary Suspension:

Action taken by the Provost of the University, which requires a student's temporary separation from the University until a final determination is made of his/her responsibility for an incident/s and sanction.

Reports to Parents of Disciplinary Action:

Under certain 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.

HOLD/STOP on Student Records:

An official HOLD may be placed upon a student's University records and a STOP placed on a student's future registration at the University for failure to comply with official University requests or orders, or for other cause as set forth in this handbook.

Education Assignments:

In an effort to further the University's educational mission and developmental philosophy, educational assignments may be required. Assignments include but are not limited to reflective papers, research assignments, workshop attendance, assigned readings, program attendance or coordination, and other relevant activities.

Maintenance and Retention of Disciplinary Records:

The Office of the Dean of Students maintains records of disciplinary action as follows:

- **Disciplinary Warning:**
Maintained for specified number of academic semesters while the student is in attendance.

- **Strict and Final Disciplinary Probation:**
Maintained for two years after the student graduates or withdraws from the University unless removed sooner by the Dean of Students.

- **Suspension and Expulsion:**
Maintained indefinitely.

At the expiration of the specified time periods, the Dean of Students will remove the record of disciplinary action from a student's files. Upon request by the student, other University departments/offices who have a record of a student's disciplinary record should remove the record from the student's file as soon as possible.

The fact that the Dean of Students Office does not retain these records does not mean that there may not be a record of disciplinary action maintained by another office or division of the institution. Further, it should not be construed as a reason or justification to not answer truthfully questions that may be posed by other admissions offices or professional boards with respect to the fact that the student was subject to disciplinary action while at the institution.

The Dean of Students may allow a student to shorten the period of time disciplinary action remains in a student's file by having the student participate in the Volunteer Activities Program coordinated through the Office of the Dean of Students. The student must make a written request to the Dean of Students who has sole authority to grant such a request. Successful completion of the Program prior to graduation will

result in shortening the time period of retention of the discipline records by the Dean of Students, but will not reduce the duration of any probation period.

Recordings of Disciplinary Proceedings

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

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

Disclosure of Disciplinary Proceedings

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

1. The University may disclose to a victim of violence the results of any disciplinary proceedings conducted against the accused student. A crime of violence is defined as an offense where the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. This shall include University violations of "Assault", Harassment or Harm to Others," and "Sexual Battery."
2. The University may disclose to the parent/legal guardian of a student information regarding any violation of any federal, state, or local law, or any rule or policy of the University of Miami governing the use or possession of alcohol or a controlled substance if the student is under the age of 21, and the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

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.

The following chart is intended to provide students with a listing of possible sanctions for single violations of the University Code of Conduct. Alternative or additional sanctions may be invoked upon the hearing officer's/panel's determination of aggravating or mitigating factors. All violations are subject to a fine/restitution if a violation results in damage to University or personal property.

TABLE OF SANCTIONS: (For First Offense, Single Violation Cases)

| | | |
|------|-----|---|
| KEY: | M | Major Offense (May result in Expulsion or Suspension) (see page 81) |
| | FDP | Final Disciplinary Probation (see page 81) |
| | SDP | Strict Disciplinary Probation (see page 81) |
| | DW | Disciplinary Warning (see page 81) |
| | CR | Change of Residency (see page 82) |
| | TR | Termination of Residency (see page 82) |
| | R | Restitution (see page 82) |
| | AC | Administrative Charge (Fine) (see page 82) |

Possible Penalties

| | VIOLATIONS | M | FDP | SDP 4 SEM | SDP 2 SEM | SDP 1 SEM | DW | CR | TR | R | AC | FINE |
|-----|-------------------------|---|-----|-----------------|-----------------|-----------------|----|----|----|---|----|------|
| B.1 | ALCOHOL BEVERAGE POLICY | | | | | | | | | | | |

| | VIOLATIONS | M | FDP | SDP 4 SEM | SDP 2 SEM | SDP 1 SEM | DW | CR | TR | R | AC | FINE |
|-------------|--|---|-----|-----------------|-----------------|-----------------|----|----|----|---|------|------------|
| d | Parking Violations | • | • | • | • | | | | | | | \$50-\$100 |
| e | Storage of Vehicles | | | | • | • | • | | • | | | |
| f | Fraudulent or Stolen Hang Tags/Decals | • | • | • | • | | | | | | | \$500 |
| g | Policy Violation (Other) | • | • | • | • | • | • | | | | | |
| B.37 | Pets/Residence Halls | | | | | • | • | • | | | • | |
| a | Pets/University Village | | | | | • | • | • | • | | • | \$200 |
| B.38 | Projection of Objects or Materials | • | • | • | • | • | • | • | • | • | | |
| B.39 | Public Laws | • | • | • | • | • | • | • | | | | |
| B.40 | RATHSKELLER POLICIES AND PROCEDURES | | | | | | | | | | | |
| a | Conformance with Public Laws | • | • | • | • | • | • | | | | | |
| b | Guest Policy | • | • | • | • | • | • | | | | | |
| c | Policy Violation (Other) | • | • | • | • | • | • | | | | | |
| B.41 | RESIDENCE HALLS POLICIES AND PROCEDURES | | | | | | | | | | | |
| a | Residence Halls Agreement | • | • | • | • | • | • | | | | | |
| b | Residency Requirements | | | • | • | • | • | | • | | | \$50 |
| c | Occupancy and Checkouts | | | • | • | • | • | • | • | | \$30 | |
| e | Overnight Guests | | | | | • | • | | | | \$25 | \$75 |
| f | Care of Rooms and Facilities | | | | | • | • | • | | • | | |
| g | Decorations | | | | | • | • | • | | • | | |
| h | Unauthorized Hazardous Items | | | | • | • | • | • | • | | | |
| i | Damage to University Property | • | • | • | • | • | • | • | • | • | | |
| j | Locks and Keys | | | | • | • | • | • | • | | \$60 | |
| k | Telephone Responsibilities | | • | • | • | • | • | • | | | | \$25 |
| l | Quiet Hours | | | | | • | • | • | • | | | |
| m | Restricted Areas | | | | | • | • | | | | | |
| n | Bicycles | | | | • | • | • | | | | | |
| o | Skateboards, Roller Skating, and Roller Blades | | | | | • | • | | | | | |
| p | Residence Hall Property | | | | • | • | • | | | • | | \$75 |
| q | Waterbeds, Hot Tubs, Spas, Jacuzzis | | | | • | • | • | • | | | | |
| r | Responsibility for Contraband Items | • | • | • | • | • | • | | | | | |
| s | Poster Policy | | • | • | • | • | • | | | | | |
| t | Windows & Exteriors of Residential Buildings | | | | • | • | • | | | | | |
| u | Distribution of Materials | | | | | • | • | | | | | |
| v | Halls Sports | | | • | • | • | • | • | • | • | | |
| w | Policy Violation (Other) | • | • | • | • | • | • | | | | | |
| B.42 | Requests or Orders | • | • | • | • | • | • | • | • | | | |
| B.43 | Sexual Battery | • | • | | | | | • | • | | | |
| B.44 | Sexual Harassment | • | • | • | • | • | | • | • | | | |
| B.45 | Smoking | | • | • | • | • | • | • | | | • | \$75 |
| B.46 | Solicitation | | | • | • | • | • | | | • | | |
| B.47 | Speakers/Public Presentations | • | • | • | • | • | • | | | | | |
| B.48 | Stalking | • | • | • | • | • | • | • | • | | | |
| B.49 | Student Organization Rights & Responsibilities | • | • | • | • | • | • | | | | | |
| B.50 | Theft or Unauthorized Possession | • | • | • | • | | | • | • | • | | |
| B.51 | Trespass | • | • | • | • | • | • | • | • | | | |
| B.52 | Unauthorized Entry | • | • | • | • | • | • | • | • | • | | |
| B.53 | Unauthorized Possession of University Property | | • | • | • | • | • | • | • | | | \$75 |
| B.54 | Whitten University Center Policies | • | • | • | • | • | • | | | • | • | |
| B.55 | Video Policy | • | • | • | • | • | • | | | | | |
| B.56 | Violation of Disciplinary Probation | • | • | • | • | • | • | | | | | |
| B.57 | Worthless Checks | • | • | • | • | • | • | | • | • | | |

APPENDIX A - APPLICABLE STATUTES AND CODES

Florida Statute Section 877.13

Educational Institutions or School Boards; Penalty for Disruption”, in pertinent part, provides:

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

Coral Gables Code

Sec. 16-141. Loud, unnecessary, etc., noises are unlawful.

- (a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, improper, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City.
- (b) It shall be unlawful for the owner of any property, or the agent of any owner of any property, to allow to be made, any loud, improper, unnecessary, or unusual noise, which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the limits of the City.

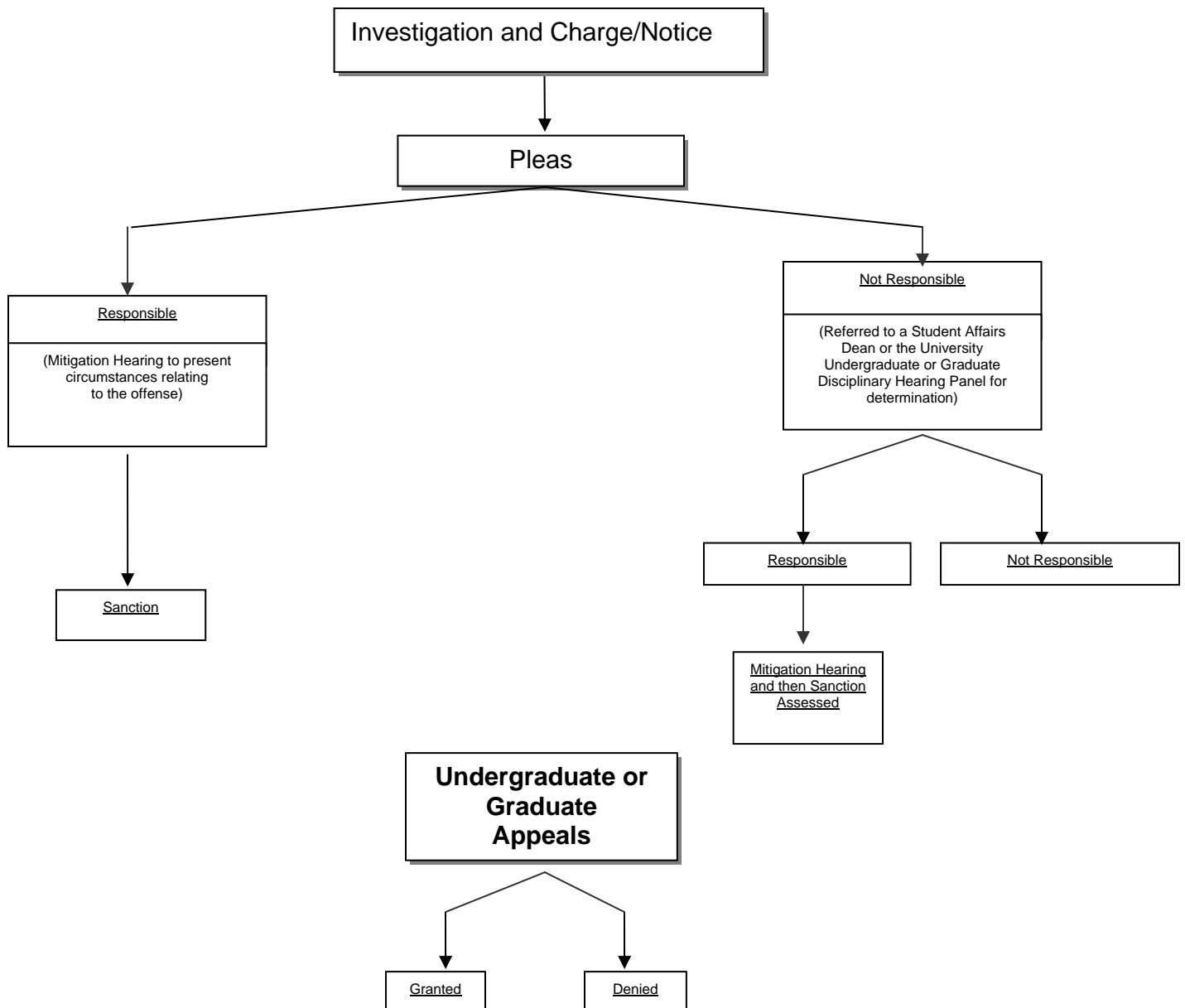
Sec. 16-142. Declared a nuisance.

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

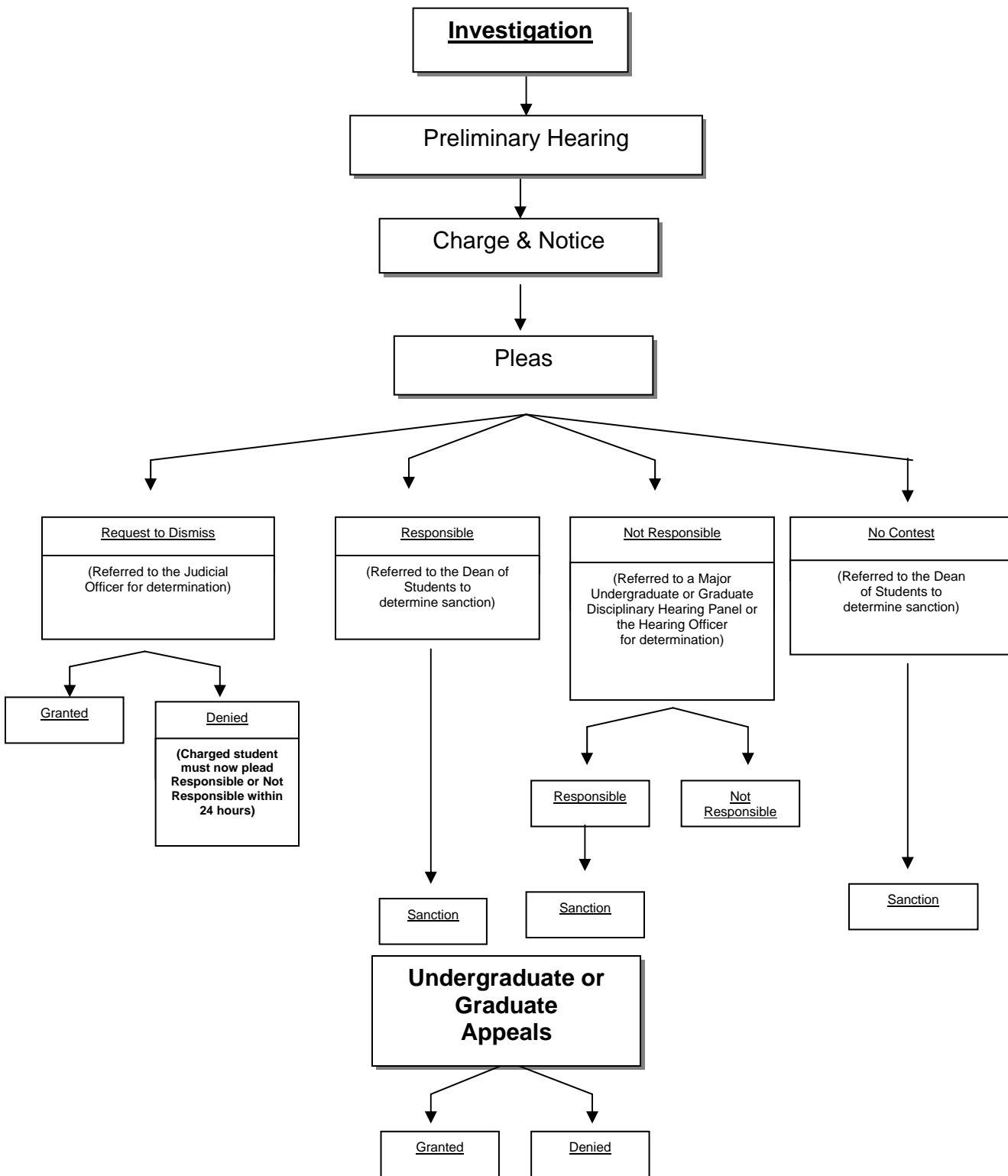
Sec. 16-146. Operation of radios, phonographs or other sound-making devices; bands, orchestras and musicians. It shall be unlawful for any person owning, occupying or having charge of any building or premises, or any part thereof in the City, to cause or allow any loud, unnecessary, excessive or unusual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

APPENDIX B – DISCIPLINE SYSTEM FLOWCHARTS

Undergraduate or Graduate
University Disciplinary Procedures



**UNDERGRADUATE OR GRADUATE
MAJOR DISCIPLINARY PROCEDURES**



APPENDIX C - GLOSSARY OF TERMS

“ADJUDICATION”

The rendering of a decision regarding a student’s case.

“ALCOHOL/DRUG-RELATED REFERRALS”

In cases where the use of alcohol and/or other drugs accompanies a violation of regulations, the student may be referred to the William W. Sandler, Jr. Center for Alcohol and Other Drug Education (PIER 21) in addition to other sanctions which are imposed. Participation and satisfactory progress in a program to address issues of alcohol or drug abuse may be made a condition for continued enrollment at the University.

“APPELLATE OFFICERS”

The disciplinary body and/or individual that hears appeals.

“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 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 48.

“DEAN OF STUDENTS”

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

“DISCIPLINARY RECORDS”

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

“DISCIPLINARY WARNING”

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

“DISCIPLINE OFFICER”

Student Affairs Dean, Residence Coordinator, or Graduate Assistant member of the Department of Residence Halls who may act in the capacity of a Student Affairs Dean who may file charges, conduct hearings for said offenses, conduct mitigation hearings and assess sanctions in certain cases. The presiding member of Major Disciplinary Hearing Panels, or the presiding officer of a Major Disciplinary Hearing.

“EXPULSION”

Permanent dismissal from the University with no right for future readmission into another school/college within the University under any circumstances. A student who has been expelled may also be barred from campus visiting privileges.

“FINAL DISCIPLINARY PROBATION”

A disciplinary sanction serving notice to a student that his/her behavior is in flagrant violation of University standards. A violation of Final Disciplinary Probation may result in expulsion or suspension.

“FINES”

Penalty fees payable to the University as directed by the adjudicating body for violation of certain regulations. This definition does not include administrative charges imposed by the University.

“INVESTIGATOR”

Student Affairs Dean, Residence Coordinator, or Graduate Assistant staff members of the Department of Residence Halls and/or the Office of the Dean of Students charged with investigating alleged violations of University rules, regulations or policies. The Office of the Dean of Students has sole discretion whether to investigate offenses.

“JUDICIAL OFFICER”

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

the Judicial Officer.

“MAJOR DISCIPLINARY HEARING PANEL”

A panel consisting of a hearing officer, a faculty member, and a student (graduate or undergraduate) which performs the fact-finding role at Major Disciplinary Hearings, unless the student waives his/her right to a hearing Panel.

“MAJOR OFFENSE”

A violation of a University regulation, which may result in Expulsion, Suspension and/or loss of financial aid. The Dean of Students decides what violations will be charged as major offenses.

“NO CONTEST

A plea that entered by a student with a pending matter in the public courts stemming from the same incident that resulted in disciplinary charges.

“NOT RESPONSIBLE ”

The belief that one has not committed an offense; the state of one who has not committed an offense; is not liable to or deserving of a penalty.

“PANEL ADVISOR”

The Student Affairs Dean and/or his designee that provides procedural guidance to a Hearing Panel during a hearing.

“RESIDENCE COORDINATOR (RC)”

Designated Residence Hall staff, who may act in the capacity of a Student Affairs Dean in the investigation of University offenses, may file charges, conduct Preliminary and Disciplinary hearings for said offenses, conduct mitigation hearings and assess sanctions in certain situations.

“RESPONSIBLE

The belief that one has committed an offense; the state of one whom has committed an offense; justly liable of a penalty.

“RESTITUTION”

Payment made for damages or losses as a result of a violation, as directed by the adjudicating body.

“RESTRICTION/REVOCAION OF PRIVILEGES”

Temporary or permanent loss of privileges including, but not limited to, the use of a particular University facility, visitation privileges, and parking privileges. All recommendations of restriction or revocation of privileges must be approved by the Dean of Students.

“SELECTION AND REVIEW COMMITTEE FOR UNIVERSITY DISCIPLINE (SRC)”

The Committee has the responsibility of selecting students to serve on the UDHPs, and the Appellate Board for the following academic year and is responsible for conducting an ongoing evaluation of the entire University disciplinary system and making recommendations for changes to the Dean of Students.

“STAY”

A suspension of disciplinary proceedings.

“STRICT DISCIPLINARY PROBATION”

A disciplinary sanction serving notice to a student that his/her behavior is in serious violation of University standards.

“STUDENT AFFAIRS DEAN”

Office of the Dean of Students staff member who may investigate, file charges, present the University's case at university and major disciplinary hearings, conduct mitigation hearings, assess penalties in certain university actions, and serve as Hearing officer in university and/or major cases.

“SUSPENSION”

Mandatory separation from the University for a certain period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the Dean of Students. During the period of suspension, the student is barred from campus visiting privileges unless the Dean of Students grants specific permission.

“TEMPORARY SUSPENSION”

An action that requires a student's temporary separation from the University until a final determination is made of his/her innocence, or guilt and sanction for a disciplinary offense.

“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.

APPENDIX D

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;"

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

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

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

Section 1213 Subpart B.a.3. requires:

“a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;”

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

Alcohol

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

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

Marijuana

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

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

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

Cocaine

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

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

it. The cocaine reaches the brain within seconds, resulting in a sudden and intense high. However, the euphoria quickly disappears, leaving the user with an enormous craving to freebase again and again. The user usually increases the dose and the frequency to satisfy this craving, which results in addiction and physical debilitation.

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

Heroin

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

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

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

PCP

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

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

“Designer Drugs”

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

Section 1213 Subpart a.4 requires:

“a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students;”

A list of some drug and alcohol prevention, counseling, treatment and rehabilitation, and re-entry programs are available at the Center for Alcohol and Other Drug Education located in Building 21-E. Additional programs may be listed in the local and other area telephone directories.

Section 1213 Subpart B.a.5 requires:

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

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

APPENDIX E GRAMM-LEACH-BLILEY ACT

Overview

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

Scope of Program

The Program applies to (i) any record containing nonpublic personal information about a student or other third party who has a continuing relationship with the University, whether in paper, electronic or other form, which is handled or maintained by or on behalf of the University and (ii) any record containing nonpublic personal information pertaining to customers of other financial institutions that have provided such information to the University. For these purposes, the term nonpublic personal information shall mean:

- a. Personally identifiable financial information, defined as any information (i) a student or other third party provides in order to obtain a financial product or service from the University, (ii) about a student or other third party resulting from any transaction with the University involving a financial product or service, or (iii) otherwise obtained about a student or other third party in connection with providing a financial product or service to that person.
- b. Any list, description or other grouping that is derived using any personally identifiable financial information that is not publicly available.

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

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

Gramm – Leach – Bliley Act Requirements

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

Designation of Representative(s)

The Gramm-Leach-Bliley Compliance Committee ("GLBCC") shall be responsible for coordinating and overseeing the Program. This committee will consist of administrators from the Office of General Counsel, IT,

Treasury Operations, Financial Assistance Services and the Registrar. The GLBCC may designate other representatives of the University to oversee and coordinate particular elements of the Program. Any questions regarding the implementation of the Program or the interpretation of this document should be directed to the chair of the GLBCC.

The GLBCC will act as a consultant to and coordinate Program activities with Schools and Departments that have access to or maintain information that is covered by GLBA ("Data Custodians"). Each Data Custodian must identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of account information; evaluate the effectiveness of the current safeguards for controlling these risks; design and implement an administrative, technical and physical safeguards program, regularly monitor and test the program and report to the GLBCC.

Risk Assessment and Safeguards

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

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

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

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

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

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

Designing and Implementing Safeguards

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

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

Employee Training and Management

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

Oversight of Service Providers

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

Program Review and Revision

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

Program Questions

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

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