

MEMORANDUM

TO: President Edward T. Foote II

FROM: Dr. John Knoblock JK
Chairman, Faculty Senate

DATE: July 29, 1986

SUBJECT: Faculty Senate Legislation #85009(B) -
Revised Student Honor Code

The Faculty Senate, at its meeting of July 15, voted to approve Faculty Senate Legislation #85009 (B) - Revised Student Honor Code. The text of the legislation is attached.

This legislation is now forwarded to you for your action.

JK/b

Attachment

cc: Provost Luis Glaser

CAPSULE: Faculty Senate Legislation #85009(B) -
Revised Student Honor Code

Revisions approved by Faculty Senate on July 15, 1986.

RESPONSE BY THE PRESIDENT:

DATE: 7/29/86

APPROVED: [Signature]

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: Provost

EFFECTIVE DATE OF LEGISLATION: Fall Semester, 1986

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED):

UNIVERSITY OF MIAMI
UNDERGRADUATE STUDENT HONOR CODE

HISTORY

This Code was initiated at the request of the Undergraduate Student Body Government, ratified by student referendum in the Spring of 1986, and approved by the Faculty Senate and by the President of the University.

ARTICLE I: Purpose

This Honor 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. A student is responsible for completing the academic requirements of each course in the manner indicated by the faculty. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented.

ARTICLE II: Jurisdiction

All undergraduate students 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.

ARTICLE III: Violations

All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty shall include cheating, plagiarism, collusion, the falsification or misrepresentation of experimental data, and violating the professional ethics that obtain in clinical activities, research projects and internships. This Code also forbids:

- (a) attempting or agreeing to commit, or assisting in or facilitating the commission of, any of the above violations;
- (b) failing to appear or testify without good cause when requested by the Honor Council or failing to keep information about investigations or hearings confidential as required by Article VII, Section J;
- (c) supplying false information to the Honor Council;
and
- (d) accusing a student of a violation of this Code in bad faith.

It is impossible to specify in detail every type of conduct that shall constitute a violation of this Code. A student should be guided by the purposes of this Code, common sense, and, where necessary, should seek to clarify what the instructor regards as proper academic conduct.

ARTICLE IV: University and Faculty Prerogatives

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

ARTICLE V: Responsibility of the University Community

All undergraduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. The absence of a signed pledge does not free a student from the ethical standards set by this Code.

To fulfill the responsibilities of membership in the University community, violations of this Code should be reported by faculty and by all other members of that community.

ARTICLE VI: The Honor Council and the Selection and Appeals Committee

A. The Honor Council

The University of Miami Undergraduate Honor Council is hereby established as a standing committee deriving its authority from the University. The Council shall consist of fourteen representatives from the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee as described below. The Council shall include at least one representative from each undergraduate school or college.

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 those hearings. The Council's purpose is to investigate complaints, determine the facts in a given case, and, upon finding a violation of this Code, to assess appropriate penalties as provided in Article VII, Section I(3).

B. The Selection and Appeals Committee

A Selection and Appeals Committee is hereby established consisting 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. Such student may not be a member of the Honor Council.

C. Appointment of Council and Secretary to the Council

1. Undergraduate students in good standing with a cumulative grade point average of 2.5 or better are eligible for membership on the Council. Each year students may apply for initial appointment or reappointment to the Council by submitting a written application to the Dean of their school or college at a time designated by the Selection and Appeals Committee.

2. Each Dean shall appoint a faculty committee to review all candidates from the school or college and to recommend at least four applicants. From among the students recommended, the Dean shall nominate to the Selection and Appeals Committee at least two but not more than five students to serve on the Honor Council during the year.

3. The Selection and Appeals Committee shall interview students nominated by the Deans and, from those interviewed, shall appoint fourteen students to serve on the Honor Council.

4. 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.

D. Officers of the Honor Council

1. The Honor Council shall elect from its members a President and a Vice President.

2. The President of the Honor Council must be either a junior or senior and, except for the academic year 1986-87, must have served at least one year as a member of the Council. The President shall preside over meetings of the Council and may serve as a voting member of hearing panels when appointed according to the provisions of Article VII, Section B below.

3. The Vice President shall preside over meetings when the President is absent.

E. Meetings

1. Meetings of the Honor Council shall be called by its President when necessary, or, if its President is unavailable, by its Vice President.

2. A majority of the members serving shall constitute a quorum of the Council for the purpose of transacting its affairs.

F. Vacancies and Removal of Members

1. 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. It may then seek additional nominees from the Deans.

2. 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.

ARTICLE VII: Proceedings

A. 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 written and signed complaint to the Secretary. The Complaint shall state the name of the student charged, if known; the facts giving rise to the alleged violation; the names of any witnesses; shall identify any documents relevant to the alleged violation; and shall provide such other information as may be useful in determining the truth of the charge made.

B. The Hearing Panel

1. Upon receipt of the complaint, the Secretary shall select a seven member Hearing Panel from among the members of the Honor Council. The Panel to hear the first complaint filed shall be selected by lot. The remaining seven members shall constitute the Hearing Panel for the next case to come before the Council. The Hearing Panels for subsequent cases shall be drawn in the same manner by lot and remainder, and the process continued.

2. Immediately following their selection, the Secretary shall supply the members of the Panel with the name of the student charged, the name of the complainant, the nature of the charge, and the course or other academic activity to which the charge relates. Upon receipt of this notice, members of the Panel shall immediately notify the Secretary if they must recuse themselves. Thereupon, the Secretary shall, by lot, select a replacement for each such member.

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 a voluntary recusal, a majority of the Panel, excluding the challenged member, may remove that member for cause.

3. Each Hearing Panel shall select a Chair to preside over its deliberations.

C. Notice to Student Charged

1. Following receipt of the complaint and designation of the Hearing Panel as provided in Section B(1) above, the Secretary shall serve the student charged with a copy of the complaint and the names of the Hearing Panel members. Service shall be by hand-delivery or certified mail. The Secretary shall provide a copy of the complaint to the faculty member responsible for the course or other academic activity to which the alleged violation relates. If any member of the Hearing Panel is recused pursuant to Article VII, Section B(2), notice of the recusal and any replacement appointed shall be given to the student charged and the faculty member.

2. Within three (3) days following receipt of the list of the Hearing Panel members, the student charged may challenge any member for cause by submitting to the Secretary a written statement specifying why the Panel member should not serve.

D. Faculty Cooperation

During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty is expected to cooperate fully in the implementation of this Code. The faculty member

responsible for the course or other academic activity to which the charge relates may, and is encouraged to, file a statement or any document, list of witnesses, or other information deemed appropriate to the alleged offense. Such response shall be in writing and shall be filed with the Secretary within five days from receipt of the initial charge.

E. Initial Inquiry

Promptly following selection of a Hearing Panel, the Secretary shall designate two members thereof to make an inquiry into the allegations of the complaint. The purpose of this inquiry is to ascertain whether there is probable cause to believe that the student committed the acts charged. The members designated should interview the student charged, the complainant, the faculty member responsible for the course or other activity to which the charge relates, and any other potential witness. They should also review all documentary evidence available, including any statement of the faculty described in Paragraph D above, and shall make such other inquiry as is appropriate.

F. Preliminary Hearing

1. Within seven (7) days of the designation of the Panel members charged with conducting the initial inquiry, the Panel shall hold a Preliminary Hearing. The student charged should attend the Preliminary Hearing. In addition to the Panel, only that student and the Secretary

may attend. The Panel shall hear a report of the initial inquiry and based upon that report shall determine whether there is probable cause to believe that the student committed the acts charged. The Panel shall also determine whether those acts, if proven, constitute a violation of this Code. If the Panel determines, by majority vote of those present, that probable cause does not exist, or that, even if proven, the acts with which the student is charged would not constitute a violation of this Code, it shall dismiss the complaint.

If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the Panel shall dismiss the complaint if it determines, by a majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair and accurate decision in the case.

2. Unless the complaint has been dismissed, the student charged shall be asked to admit or deny the charge. If the student admits to the charge, the Panel shall hear statements or receive evidence relevant to the assessment of a penalty and shall set that penalty. If the student denies or refuses to plead to the charge the case shall proceed to a Formal Hearing.

G. Answer

If the case proceeds to a Formal Hearing, the student charged shall, within three days following the Preliminary Hearing, file with the

Secretary a written answer to the complaint. The answer shall deny or admit, in whole or in part, the truth of each of the allegations made. The answer may also identify any witnesses, documents or other evidence the student charged desires the Panel to consider. If a timely answer is not filed, the hearing shall proceed as though an answer denying each and every allegation had been filed.

H. The Formal Hearing

1. Within ten days of the Preliminary Hearing the Panel shall, unless the case has been dismissed, hold a Formal Hearing. The Hearing shall be held in private. Only the Panel, the complainant, the student charged, an advisor to the student charged, the Secretary, and the witnesses may be present. All but the latter may be present throughout the hearing. Witnesses may attend only to present their testimony. No person involved in the hearing shall, during the course thereof, discuss the case with anyone outside the hearing.

2. The Chair of the Panel shall commence the hearing by reading the complaint, the answer and any statement received from the faculty member. If the student charged has not filed an answer, the Chair will so note.

3. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence, both probative and exculpatory of the charge, in order to ascertain the truth

of the matter. In furtherance thereof, the Panel shall call witnesses in an orderly fashion and shall call for documents and other evidence as is appropriate. The student charged shall have the right to be assisted by an advisor who must be a full-time undergraduate student at the University of Miami; to present a defense to the charge; to question any witness; to present any document; and to testify. If the student charged elects not to testify, no inference may be drawn from that refusal. The Hearing Panel may consider an affidavit or written statement against the student charged only if the person giving the affidavit or statement is unavailable to testify before the Panel. Before any such document is considered, the student charged must have been advised of its content and the name of the person making the affidavit or statement. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

4. An undergraduate student who is called as a witness must appear and testify before the Panel, unless the Panel determines that there is good cause for the failure to attend, or the student claims that such testimony, if truthful, would tend to incriminate that student in a violation of this Code.

5. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by a majority vote of the members present.

I. Deciding the Case

1. When the Hearing Panel is satisfied that all pertinent evidence has been received and that the student charged has been given an adequate opportunity to make arguments or other comments regarding that evidence, the Hearing Panel shall withdraw in private to decide whether the student charged is guilty or not guilty, and, if guilty, to set a penalty. The Hearing Panel may, at any time, conform the complaint to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

2. The Panel shall find a student guilty only on the basis of clear and convincing evidence on the record. The Panel shall not consider prior convictions under this Code in deciding guilt or non-guilt, but may consider prior convictions in assessing penalties.

The following vote shall be required to convict a student of a violation of this Code and to fix a penalty:

- a. For a quorum of five or six members, four votes;
- b. For a quorum of seven members, five votes.

3. Penalties shall be based on the severity of the violation and shall consist of only one or more of the following:

- (a) Reprimand;

- (b) Public or University service;
- (c) Disciplinary warning, (as defined in Student Rights and Responsibilities Section A(1)(c)(6));
- (d) Disciplinary probation, (as defined in Student Rights and Responsibilities Section A(1)(c)(4) and (5) and further shall constitute the loss of Good Standing as defined in the Undergraduate Bulletin of the University);
- (e) Suspension from the University for a set period of time, (as defined in Student Rights and Responsibilities Section A(1)(c)(2) and (3));
- (f) Expulsion from the University, (as defined in Student Rights and Responsibilities Section A(1)(c)(1)).

4. The Panel's decision shall be made promptly after the Formal Hearing. Notice thereof shall be sent by certified mail to the student charged. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations. In reporting its decision to the student charged, the Panel shall not give reasons for that decision. The student charged, however, shall receive a copy of the notice to the Selection and Appeals Committee as provided below.

5. If the student charged is found guilty, a written notice containing a summary of the evidence upon which the finding of guilt and the penalty were based, shall be sent to the Selection and Appeals

Committee and by certified mail to the student charged.

In addition, under this Article each member of the Panel, the complainant, the advisor to the student charged, and all witnesses shall treat any knowledge obtained through their participation in the proceedings, the name of the student charged, and the nature of the charge as confidential until the latter information is published in the Miami Hurricane.

ARTICLE VIII: Appeals

1. Appeals may only be taken from a plea of guilty or from a Panel decision finding the student charged guilty of a violation of this Code. Appeals shall be to the Selection and Appeals Committee. The only grounds for appeal shall be that the procedures leading to a determination of guilt violated this Code, that new evidence has been discovered or that the penalties set were too severe for the offense. A student who pleads or is found guilty must submit to the Selection and Appeals Committee a written statement listing the specific grounds for the appeal. The statement must be submitted within three days of receipt by the student of the notice described in Article VII, Section I(5) or following a plea of guilty. The Committee may extend the time for filing an appeal.

2. 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. A negative determination on either question shall result in dismissal of the appeal. If an appeal is to be heard, the Committee shall review the record and may, in its discretion, affirm the decision of the Panel, remand the case to the Panel for appropriate action, or reduce the penalty. The decision of the Committee shall be final.

3. If after the time for appeal has run new evidence is discovered, a student who pleads or is found guilty may submit that evidence to the Selection and Appeals Committee. The Committee may make such disposition of the case as it determines the evidence warrants. The Committee's decision shall be final.

ARTICLE IX: Other Procedures

1. Five members of the Panel must be present to constitute a quorum for all hearings. Actions of the Selection and Appeals Committee require a majority vote of two.

2. If a student is charged with a violation of this Code within three weeks prior to the student's expected date of graduation, all parties and the Honor Council shall make every reasonable effort to conclude the procedures under this Code as soon as practicable.

3. Wherever this Code refers to a number of days, it shall mean University working days.

4. The Selection and Appeals Committee may, upon written application and for good cause shown, extend hearing dates or convene or terminate hearings. The Committee may also appoint and convene extraordinary panels as it deems appropriate.

ARTICLE X: Publication of Convictions and Penalties

A report of each hearing resulting in a finding or plea of guilt and the imposition of a penalty which is not appealed, or is affirmed after appeal, and each determination that specified actions do not constitute a violation of this Code shall be published by the Honor Council in the Miami Hurricane without revealing personally identifiable information concerning the student or faculty involved. The Secretary of the Honor Council shall be responsible for preparing and releasing such reports.

ARTICLE XI: Records

1. Upon the filing of a Complaint with the Secretary, a hold shall be placed on the release of all transcripts and other official University of Miami records of the student charged. The hold shall be released upon the conclusion of the case and may be released prior thereto for good cause. Any decision regarding early release of the hold shall be made by the Selection and Appeals Committee. Its decision shall be final.

2. When the case against a student who pleads or is found guilty

of violating this Code is complete, the Dean of the school or college in which that student is enrolled shall place in the student's file a letter, prepared by the Secretary, summarizing the nature of the case and the results reached, including the penalty. Under extraordinary circumstances the Selection and Appeals Committee may, upon written application of the student, order the letter expunged from the file.

3. No record of any Complaint against a student shall appear in that student's file, or other official University record, if the Complaint is dismissed or the student is found not guilty.

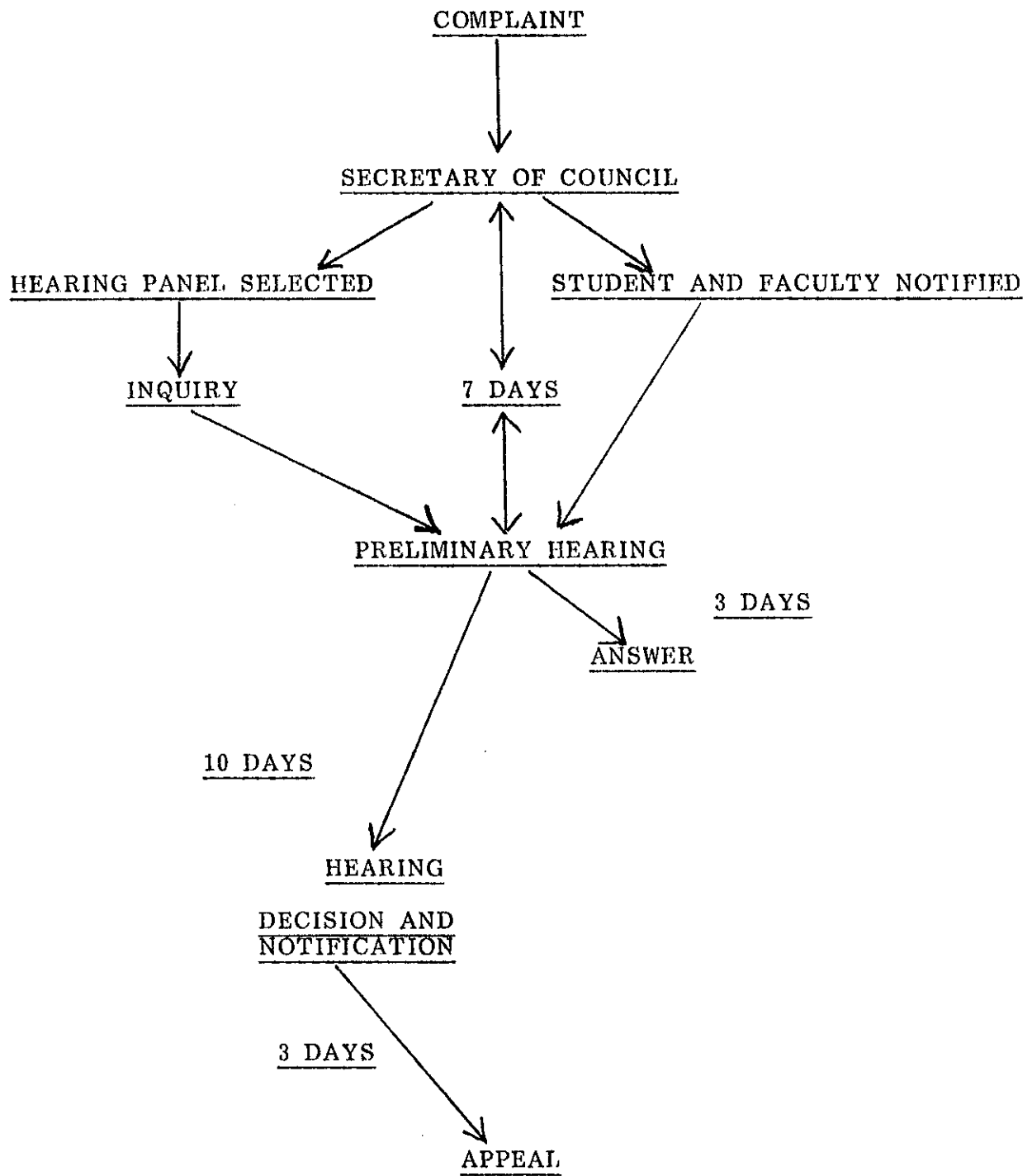
ARTICLE XII: Amendment

This Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.

ARTICLE XIII: Effective Date

This Code shall apply only to those cases arising on or after September 4, 1986.

7/29/86





Vice President for Student Affairs
P.O. Box 248193
Coral Gables, Florida 33124
(305) 284-4922

October 5, 1988

Dr. John Knoblock
Professor, Department of
Philosophy
723D Ashe Building
University of Miami

Dear John,

I have read your "Letter from the Outgoing Senate Chairman," in the September, 1988 issue of Miami Faculty. You have indeed accomplished much for our faculty, and I agree with your statement that the Faculty Senate has made significant progress in dealing with issues important to faculty. I am, however, concerned with the tone and content of your paragraph regarding the Honor Code. Since my office supplied you with facts about the Code and its enforcement, I must tell you that I am troubled by your selective emphasis. Instead of reporting that in two years the Honor Council has successfully heard 25 cases involving 45 students; that 14 students have been suspended from the University for cheating; that almost 30 of our best and brightest students have served tirelessly through hours of investigations and hearings to effectuate such results; that at least one dozen student witnesses have come forward to provide information important to the enforcement of the Code; that student editors of The Miami Hurricane have made it a point to cover closely the progress of the Honor Code; you chose to isolate one fact which, when considered alone, could lead one to the inaccurate conclusion that "there has been as yet inadequate student participation in the Code."

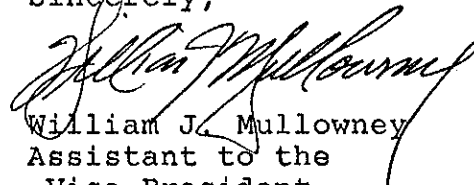
John, as you know, many members of the University community consider the Honor Code and its enforcement to be an important aspect of our quest for excellence. We depend not only on the students to make it work, but also on faculty. It is important, therefore, to communicate accurately to the faculty the successes of the system in order that they might realize its utility and credibility, and pass this realization on to their students. Although many members of the faculty have given their support to the Honor Code and its procedures, too many have either ignored it or at least failed to promote it properly--perhaps because of a paucity of information or worse yet, perceptions fueled by misinformation. If this situation persists, the faculty may not

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need to "review the effectiveness of student involvement in the provisions and obligations of the Code," for the Code will die on the vine due to neglect and lack of commitment.

With help from the Office of the Provost and others, my office is actively committed to educating the community about all aspects of the Honor Code. Although your comments may hinder our efforts somewhat, I am confident that a renewed effort to foster proactively the development and acceptance of the Honor Code will ensure its proper place among the rich traditions of our University.

Sincerely,



William J. Mallowney
Assistant to the
Vice President

WJM/pjg

cc: President
Provost
Vice Provosts
Vice Presidents
Academic Deans
Chairman, Faculty Senate
Vice Chairman, Faculty Senate

policy merely redefines the term "probation" and leaves uncorrected the student's dire academic problem.

These apparently arid discussions of probationary standards are, in fact, the opening arguments on the future of the University. For some, a consideration as important as retention in revising the policy was assuring the eligibility of athletes to participate in intercollegiate sports beyond their sophomore year by raising standards for probation more slowly. As last year's debate on this matter in the sports pages of the *Miami Herald* made clear, some think it desirable for the University to relax its policy on probation to permit football players and other athletes to be eligible to play until they fail out altogether. Unless rising academic standards and athletic prowess are reconciled, the Faculty and the University will be faced with a choice between meeting the goal of raising our academic standards to those of the Dukes and Stanfords, with which we like to compare ourselves, and the recent tradition of reigning supreme on the football field.

The Faculty Senate passed the Student Honor Code in 1986, subsequently ratified by vote of the Students, and made a number of technical amendments to the Code this year. Although the procedures provided in the Code have operated satisfactorily, there has been as yet inadequate student participation in the enforcement of the Code. In two years only two cases of cheating or other infractions of the Code have been reported by a student. If this situation persists, the Faculty may need to review the effectiveness of student involvement in the provisions and obligations of the Code.

A list of the 54 actions taken by the Faculty Senate since 1985 is provided elsewhere in the Newsletter. Many of these are important, but are not easily summarized in a report.

Issues Confronting the Faculty

Despite a goal of reaching the median salary level among private universities granting the Ph.D., the ranking of the University of Miami in terms of faculty salaries has declined significantly in the past five years. We are now well behind the University of Florida and in the fourth quintile of Ph.D. granting private universities. In sharp, and rather embarrassing contrast to the University's salary scale, it is interesting to note that the Dade County School Board has adopted a salary scale that will permit classroom teachers to earn an average of \$39,646 in 1991 with a maximum salary of \$64,000. University of Miami salary increases have regularly been below that of the profession even during a period of repeated double-digit increases in tuition. The Senate is aware and concerned that retaining and recruiting

faculty with a salary structure such as ours will become increasingly difficult. Faculty will come to realize that even with merit raises earned by outstanding performance, their salary increases will not equal normal market increases in the profession. Table One (page 4) details the deterioration of our salaries.

In 1986 the Faculty Senate ad-hoc Committee on Faculty Development prepared a detailed report on the need for funds for faculty development and research support. The administration has not responded to this report. Support for individual faculty research has not grown and, with the elimination of the faculty computer grant program, has actually declined. We cannot expect our faculty--without support--to compete successfully against colleagues at other universities, which routinely provide generous levels of support to all active faculty.

The Library computerization is still under development while faculty and students continue to live with the most archaic circulation system in the nation. Our failure to improve the library collection is even more important. We are buying fewer books than our competitors, subscribe to fewer periodicals, and have smaller holdings. Table Two (page 5) shows where we stand. In 1983, the University Library Committee urged the administration to try to reach the 50th rank among research libraries, but to date we are far from realizing that goal.

The Faculty Senate has made significant progress in dealing with issues important to faculty. I can only hope that my friend, colleague, and able successor Professor George Alexandrakis, the new Chairman of the Faculty Senate, will prove more successful than I in dealing with the remaining problems. I wish him and the new Vice Chairman of the Senate, Professor Alan Swan, the best of luck.

With good wishes to you all,
John Knoblock

George C. Alexandrakis assumes Senate Chairmanship

The new Chairman of the Faculty Senate joined the University of Miami faculty as an Assistant Professor in the Department of Physics in 1969. He was promoted to Professor in 1977, and is currently serving as Chairman of his department, a task he performed once before from 1976 to 1980.

Professor Alexandrakis received his M.S. and Ph.D. degrees from Princeton University, where he also taught

Faculty Senate Meeting
December 14, 1987

CALL TO ORDER

The Chairman called the open session to order at 4:30 P.M. Excused absences were approved for Professors Brass, Carmichael, Clasby, Herbert, Honikman, Kujawa, Luykx, McQueen, Neider, Posnak, Seiler, and Swan. The minutes of October 26 and November 30 were approved as submitted.

PARKING

Mr. Donald Anguish, Associate Vice President for Business Affairs, spoke to the Senate about the parking situation on campus. He summarized the history of the development of the campus with regard to building construction. The Provost has appointed two committees to develop solutions to the parking problems. Mr. Anguish informed the Senate that available parking space is primarily on the southern edge of the campus. To make the outlying areas more accessible, bus service is offered and the service would probably be increased for the next year. Parking garages and parking under new buildings were discussed. The proposals suggested by the Senate Council were reviewed by Dr. Knoblock. It was *moved*, and seconded, to approve the proposals as presented. *The motion carried.*

ABOLITION OF DANCE PROGRAM IN THE SCHOOL OF MUSIC

On the first reading of the proposal, Dean William Hipp, School of Music, summarized the background of the Dance Program in the School of Music. The proposal to abolish the Dance Program had been discussed by Dean Hipp and its Director, Dr. Diane Milhan. Discussion followed concerning the faculty/student ratio, funds required to maintain the viability of the program, lack of physical facilities for the program, the number of majors enrolled and the options available to those students still enrolled in the program. The School Council has also approved the proposal. A letter from the Provost regarding Dr. Milhan's tenure will be required prior to any action by the Senate.

STUDENT HONOR CODE AMENDMENTS

Dr. Knoblock presented the rationale for the proposed amendments to the Student Honor Code. Mr. William Mallowney, Assistant to the Vice President for Student Affairs, answered queries from the body. It was *moved*, and seconded, to approve the proposed language of the amendments. *The motion carried.*

The meeting adjourned at 5:40 P.M.

Barbara L. Hoadley
Secretary to the Faculty Senate



M E M O R A N D U M
December 14, 1987

TO: Dr. John Knoblock
Chairman, Faculty Senate

FROM: William J. Mullowney *WJM*
Executive Secretary

SUBJECT: Honor Code Amendments

Listed below are the proposed amendments to the Undergraduate Honor Code as discussed at the Senate Council Meeting of December 7, 1987:

1. Article VI, Section C(3):

The Selection and Appeals Committee shall interview students nominated by the Deans, and from those interviewed, ~~shall appoint 14 students to serve on the Honor Council.~~

... shall appoint 18 students and four alternates to serve on the Honor Council.

2. Article VII, Section B(1):

Upon receipt of the complaint, the Secretary shall select a seven member Hearing Panel from among the members of the Honor Council. ~~The Panel to hear the first complaint filed shall be selected by lot. The remaining seven members shall constitute the Hearing Panel for the next case to come before the Council. The Hearing Panels for subsequent cases shall be drawn in the same manner by lot and remainder, and the process continued.~~

... 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 the request of the President of the Honor Council.

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3. Article VII, Section C(1):

Following receipt of the complaint and designation of the Hearing Panel as provided in Section B(1) above, the Secretary shall serve the student charged with a copy of the complaint and the names of the Hearing Panel members. The accused students shall not be given the names of student witnesses, nor that of a student complainant, unless there is a determination of probable cause. Service shall be by hand-delivery or certified mail. The Secretary shall provide a copy of the complaint to the faculty member responsible for the course or other academic activity to which the alleged violation relates. If any member of the Hearing Panel is recused pursuant to Article VII, Section B(2), notice of the recusal and any replacement appointed shall be given to the student charged and the faculty member.

4. Article VII, Section C(2):

Within three(3)days following receipt of the list of the Hearing Panel members, the student charged may challenge any member for cause by submitting to the Secretary a written statement specifying why the Panel member should not serve. If accepted by the accused student, changes in the Panel can be made at the Preliminary Hearing.

5. Article VII, Section F(1):

Within seven(7)days of the designation of the Panel members charged with conducting the initial inquiry, the Panel shall hold a Preliminary Hearing. The student charged should attend the Preliminary Hearing. ~~In addition to the Panel, only that student and the Secretary may attend.~~ *In addition to the Panel, only the Student, a qualified student advisor, and the secretary may attend.* The Panel shall hear a report of the initial inquiry and based upon the report shall determine whether there is probable cause to believe that the student committed the acts charged. The Panel shall also determine whether those acts, if proven, constitute a violation of this Code. If the Panel

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determines, by majority vote of those present, that probable cause does not exist, or that, even if proven, the acts with which the student is charged would not constitute a violation of this Code, it shall dismiss the complaint. However, when considering complaints involving more than one accused student, the Panel may postpone judgement until the completion of the Preliminary Hearing of all cases under the given complaint.

6. Article VII, Section I(2):


The Panel shall find a student guilty only on the basis of clear and convincing evidence on the record. The Panel shall not consider prior convictions under this Code in deciding guilt or non-guilt, but may consider prior convictions in assessing penalties. A student found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.



M E M O R A N D U M

November 19, 1987

TO: Dr. John Knoblock
Chairman, Faculty Senate

FROM: William J. Mallowney 
Assistant to the Vice President

SUBJECT: Amendments to the Honor Code

As per our conversation, I transmit to you proposed amendments to the University of Miami's Undergraduate Honor Code. Be advised that Student Government has participated in the drafting of these proposals and approved them.

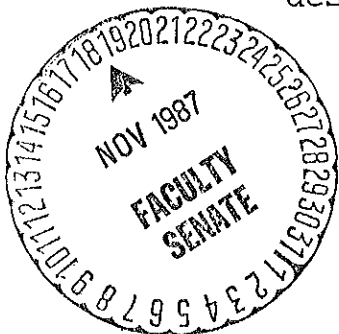
Pursuant to the Honor Code Article XII, these amendments now require the approval of the Faculty Senate, as well as that of the President in order to become officially incorporated into the Code.

The proposed changes are procedural in nature, and in no way infringe upon the principles of the Honor Code as approved by Faculty Senate action in the summer of 1986.

I appreciate your prompt consideration of this matter. The proposed amendments are as follows:

1. Amend Article VI Section B to read:

... consisting of the Executive Vice President and Provost, the Vice President for Student Affairs, or their designees for the academic year...



Vice President for Student Affairs
P.O. Box 248193
Coral Gables, Florida 33124
(305) 284-4922

Dr. Knoblock
November 19, 1987
Page 2

2. Amend Article VI Section C3 to read:

... shall appoint fourteen students and four alternates to serve on the Honor Council.

3. Amend Article VII Section B1 to read:

... from among the members of the Honor Council. Hearing Panels shall be filled on a rotating and impartial basis subject to review by the Appeals Committee on its own motion or upon the request of the President of the Honor Council.

4. Amend Article VII Section C1 to read:

... the names of the Hearing Panel members. The accused students shall not be given the names of student witnesses nor a student complainant unless there is a determination of probable cause...

5. Amend Article VII Section F1 to read:

... the student charged should attend the preliminary hearing. In addition to the Panel, only the student, a qualified student advisor, and the Secretary may attend...

6. Amend Article VII Section F1 to read:

... it shall dismiss the complaint. However, when considering complaints involving more than one accused student, the Panel may postpone judgement until the completion of all cases under the given complaint.

7. Amend Article VII Section I2 to read:

... in assessing penalties. A student found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of a penalty.

8. Amend Article VII Section C1 to read:

... and the faculty member. If accepted by the accused student, changes in the Panel can be made at the Preliminary Hearing.

Dr. Knoblock
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Page 3

I submit these recommendations with the hope that they will be considered in a timely and careful fashion. If you have any questions, or need additional information, please feel free to contact me.

Sincerely,

William J. Mallowney
Assistant to the
Vice President

WJM/pjg
cc: President Foote
Provost Glaser
Dr. Ash
Dr. Butler
Mr. Marc Oster



M E M O R A N D U M

July 7, 1987

TO: Dr. James L. Ash, Jr.
Vice Provost

Mr. Bill Barzee
President, USBG

Dr. William R. Butler
Vice President

Mr. Enrique Carrillo
Attorney General, USBG

Mr. Paul Dee
Vice President & General Counsel

Dr. John Fitzgerald
Faculty, Religion Department

Mr. Michael Kaye
President, Honor Council

Dr. John Knoblock
Chairman, Faculty Senate

FROM: William J. Mallowney *WJM mea*
Executive Secretary, Honor Council

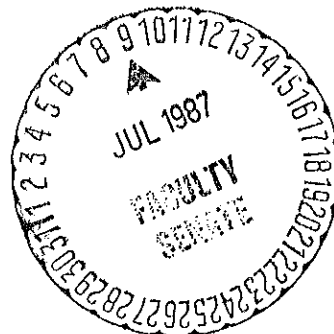
SUBJECT: Honor Code Revisions

On Monday, July 20, 1987 at 2:00 p.m. in Room 244 of the Ashe Building we will meet to discuss necessary Honor Code revisions. The pamphlets need to be mailed to incoming freshmen and returning students before the fall semester. Please make a special effort to attend this important session.


I look forward to seeing you there!

WJM/mea

Vice President for Student Affairs
P.O. Box 248193
Coral Gables, Florida 33124
(305) 284-4922



MEMORANDUM

TO: President Edward T. Foote II
FROM:  Dr. John Knoblock JK
Chairman, Faculty Senate
DATE: July 29, 1986
SUBJECT: Faculty Senate Legislation #85009(B) -
Revised Student Honor Code

The Faculty Senate, at its meeting of July 15, voted to approve Faculty Senate Legislation #85009 (B) - Revised Student Honor Code. The text of the legislation is attached.

This legislation is now forwarded to you for your action.

JK/b

Attachment

cc: Provost Luis Glaser

7/29/86

Done! Congratulations!

JK

7/22/86

UNIVERSITY OF MIAMI
UNDERGRADUATE STUDENT HONOR CODE

HISTORY:

This Code was initiated at the request of the Undergraduate Student Body Government, ratified by student referendum in the Spring of 1986, and approved by the Faculty Senate and by the President of the University.

ARTICLE I: Purpose.

This Honor 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. A student is responsible for completing the academic requirements of each course in the manner indicated by the faculty. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented.

ARTICLE II: Jurisdiction.

All undergraduate students 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.

ARTICLE III: Violations.

All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty shall include cheating, plagiarism, collusion, the falsification or misrepresentation of experimental data, and violating the professional ethics that obtain in clinical activities, research projects and internships. This Code also forbids:

- (a) attempting or agreeing to commit, or assisting in or facilitating the commission of, any of the above violations;
- (b) failing to appear or testify without good cause when requested by the Honor Council or failing to keep information about investigations or hearings confidential as required by Article VII, Section J;
- (c) supplying false information to the Honor Council;
and
- (d) accusing a student of a violation of this Code in bad faith.

It is impossible to specify in detail every type of conduct that shall constitute a violation of this Code. A student should be guided by the purposes of this Code, common sense, and, where necessary, should seek to clarify what the instructor regards as proper academic conduct.

ARTICLE IV: University and Faculty Prerogatives.

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

ARTICLE V: Responsibility of the University Community.

All undergraduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. The absence of a signed pledge does not free a student from the ethical standards set by this Code.

To fulfill the responsibilities of membership in the University community, violations of this Code should be reported by faculty and by all other members of that community.

ARTICLE VI: The Honor Council and the Selection and Appeals Committee.

A. The Honor Council

The University of Miami Undergraduate Honor Council is hereby established as a standing committee deriving its authority from the University. The Council shall consist of fourteen representatives from the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee as described below. The Council shall include at least one representative from each undergraduate school or college.

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 those hearings. The Council's purpose is to investigate complaints, determine the facts in a given case, and, upon finding a violation of this Code, to assess appropriate penalties as provided in Article VII, Section I(3).

B. The Selection and Appeals Committee.

A Selection and Appeals Committee is hereby established consisting 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. Such student may not be a member of the Honor Council.

C. Appointment of Council and Secretary to the Council.

1. Undergraduate students in good standing with a cumulative grade point average of 2.5 or better are eligible for membership on the Council. Each year students may apply for initial appointment or reappointment to the Council by submitting a written application to the Dean of their school or college at a time designated by the Selection and Appeals Committee.

2. Each Dean shall appoint a faculty committee to review all candidates from the school or college and to recommend at least four applicants. From among the students recommended, the Dean shall nominate to the Selection and Appeals Committee at least two but not more than five students to serve on the Honor Council during the year.

3. The Selection and Appeals Committee shall interview students nominated by the Deans and, from those interviewed, shall appoint fourteen students to serve on the Honor Council.

4. 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.

D. Officers of the Honor Council

1. The Honor Council shall elect from its members a President and a Vice President.

2. The President of the Honor Council must be either a junior or senior and, except for the academic year 1986-87, must have served at least one year as a member of the Council. The President shall preside over meetings of the Council and may serve as a voting member of hearing panels when appointed according to the provisions of Article VII, Section B below.

3. The Vice President shall preside over meetings when the President is absent.

E. Meetings

1. Meetings of the Honor Council shall be called by its President when necessary, or, if its President is unavailable, by its Vice President.

2. A majority of the members serving shall constitute a quorum of the Council for the purpose of transacting its affairs.

F. Vacancies and Removal of Members.

1. 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. It may then seek additional nominees from the Deans.

2. 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.

ARTICLE VII: Proceedings.

A. 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 written and signed complaint to the Secretary. The Complaint shall state the name of the student charged, if known; the facts giving rise to the alleged violation; the names of any witnesses; shall identify any documents relevant to the alleged violation; and shall provide such other information as may be useful in determining the truth of the charge made.

B. The Hearing Panel.

1. Upon receipt of the complaint, the Secretary shall select a seven member Hearing Panel from among the members of the Honor Council. The Panel to hear the first complaint filed shall be selected by lot. The remaining seven members shall constitute the Hearing Panel for the next case to come before the Council. The Hearing Panels for subsequent cases shall be drawn in the same manner by lot and remainder, and the process continued.

2. Immediately following their selection, the Secretary shall supply the members of the Panel with the name of the student charged, the name of the complainant, the nature of the charge, and the course or other academic activity to which the charge relates. Upon receipt of this notice, members of the Panel shall immediately notify the Secretary if they must recuse themselves. Thereupon, the Secretary shall, by lot, select a replacement for each such member.

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 a voluntary recusal, a majority of the Panel, excluding the challenged member, may remove that member for cause.

3. Each Hearing Panel shall select a Chair to preside over its deliberations.

C. Notice to Student Charged.

1. Following receipt of the complaint and designation of the Hearing Panel as provided in Section B(1) above, the Secretary shall serve the student charged with a copy of the complaint and the names of the Hearing Panel members. Service shall be by hand-delivery or certified mail. The Secretary shall provide a copy of the complaint to the faculty member responsible for the course or other academic activity to which the alleged violation relates. If any member of the Hearing Panel is recused pursuant to Article VII, Section B(2), notice of the recusal and any replacement appointed shall be given to the student charged and the faculty member.

2. Within three (3) days following receipt of the list of the Hearing Panel members, the student charged may challenge any member for cause by submitting to the Secretary a written statement specifying why the Panel member should not serve.

D. Faculty Cooperation.

During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty is expected to cooperate fully in the implementation of this Code. The faculty member

responsible for the course or other academic activity to which the charge relates may, and is encouraged to, file a statement or any document, list of witnesses, or other information deemed appropriate to the alleged offense. Such response shall be in writing and shall be filed with the Secretary within five days from receipt of the initial charge.

E. Initial Inquiry.

Promptly following selection of a Hearing Panel, the Secretary shall designate two members thereof to make an inquiry into the allegations of the complaint. The purpose of this inquiry is to ascertain whether there is probable cause to believe that the student committed the acts charged. The members designated should interview the student charged, the complainant, the faculty member responsible for the course or other activity to which the charge relates, and any other potential witness. They should also review all documentary evidence available, including any statement of the faculty described in Paragraph D above, and shall make such other inquiry as is appropriate.

F. Preliminary Hearing.

1. Within seven (7) days of the designation of the Panel members charged with conducting the initial inquiry, the Panel shall hold a Preliminary Hearing. The student charged should attend the Preliminary Hearing. In addition to the Panel, only that student and the Secretary

may attend. The Panel shall hear a report of the initial inquiry and based upon that report shall determine whether there is probable cause to believe that the student committed the acts charged. The Panel shall also determine whether those acts, if proven, constitute a violation of this Code. If the Panel determines, by majority vote of those present, that probable cause does not exist, or that, even if proven, the acts with which the student is charged would not constitute a violation of this Code, it shall dismiss the complaint.

If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the Panel shall dismiss the complaint if it determines, by a majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair and accurate decision in the case.

2. Unless the complaint has been dismissed, the student charged shall be asked to admit or deny the charge. If the student admits to the charge, the Panel shall hear statements or receive evidence relevant to the assessment of a penalty and shall set that penalty. If the student denies or refuses to plead to the charge the case shall proceed to a Formal Hearing.

G. Answer.

If the case proceeds to a Formal Hearing, the student charged shall, within three days following the Preliminary Hearing, file with the

Secretary a written answer to the complaint. The answer shall deny or admit, in whole or in part, the truth of each of the allegations made. The answer may also identify any witnesses, documents or other evidence the student charged desires the Panel to consider. If a timely answer is not filed, the hearing shall proceed as though an answer denying each and every allegation had been filed.

H. The Formal Hearing.

1. Within ten days of the Preliminary Hearing the Panel shall, unless the case has been dismissed, hold a Formal Hearing. The Hearing shall be held in private. Only the Panel, the complainant, the student charged, an advisor to the student charged, the Secretary, and the witnesses may be present. All but the latter may be present throughout the hearing. Witnesses may attend only to present their testimony. No person involved in the hearing shall, during the course thereof, discuss the case with anyone outside the hearing.

2. The Chair of the Panel shall commence the hearing by reading the complaint, the answer and any statement received from the faculty member. If the student charged has not filed an answer, the Chair will so note.

3. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence, both probative and exculpatory of the charge, in order to ascertain the truth

of the matter. In furtherance thereof, the Panel shall call witnesses in an orderly fashion and shall call for documents and other evidence as is appropriate. The student charged shall have the right to be assisted by an advisor who must be a full-time undergraduate student at the University of Miami; to present a defense to the charge; to question any witness; to present any document; and to testify. If the student charged elects not to testify, no inference may be drawn from that refusal. The Hearing Panel may consider an affidavit or written statement against the student charged only if the person giving the affidavit or statement is unavailable to testify before the Panel. Before any such document is considered, the student charged must have been advised of its content and the name of the person making the affidavit or statement. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

4. An undergraduate student who is called as a witness must appear and testify before the Panel, unless the Panel determines that there is good cause for the failure to attend, or the student claims that such testimony, if truthful, would tend to incriminate that student in a violation of this Code.

5. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by a majority vote of the members present.

I. Deciding the Case

1. When the Hearing Panel is satisfied that all pertinent evidence has been received and that the student charged has been given an adequate opportunity to make arguments or other comments regarding that evidence, the Hearing Panel shall withdraw in private to decide whether the student charged is guilty or not guilty, and, if guilty, to set a penalty. The Hearing Panel may, at any time, conform the complaint to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

2. The Panel shall find a student guilty only on the basis of clear and convincing evidence on the record. The Panel shall not consider prior convictions under this Code in deciding guilt or non-guilt, but may consider prior convictions in assessing penalties.

The following vote shall be required to convict a student of a violation of this Code and to fix a penalty:

- a. For a quorum of five or six members, four votes;
- b. For a quorum of seven members, five votes.

3. Penalties shall be based on the severity of the violation and shall consist of only one or more of the following:

- (a) Reprimand;

- (b) Public or University service;
- (c) Disciplinary warning, (as defined in Student Rights and Responsibilities Section A(1)(c)(6));
- (d) Disciplinary probation, (as defined in Student Rights and Responsibilities Section A(1)(c)(4) and (5) and further shall constitute the loss of Good Standing as defined in the Undergraduate Bulletin of the University);
- (e) Suspension from the University for a set period of time, (as defined in Student Rights and Responsibilities Section A(1)(c)(2) and (3));
- (f) Expulsion from the University, (as defined in Student Rights and Responsibilities Section A(1)(c)(1)).

4. The Panel's decision shall be made promptly after the Formal Hearing. Notice thereof shall be sent by certified mail to the student charged. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations. In reporting its decision to the student charged, the Panel shall not give reasons for that decision. The student charged, however, shall receive a copy of the notice to the Selection and Appeals Committee as provided below.

5. If the student charged is found guilty, a written notice containing a summary of the evidence upon which the finding of guilt and the penalty were based, shall be sent to the Selection and Appeals

Committee and by certified mail to the student charged.

In addition, under this Article each member of the Panel, the complainant, the advisor to the student charged, and all witnesses shall treat any knowledge obtained through their participation in the proceedings, the name of the student charged, and the nature of the charge as confidential until the latter information is published in the Miami Hurricane.

ARTICLE VIII: Appeals.

1. Appeals may only be taken from a plea of guilty or from a Panel decision finding the student charged guilty of a violation of this Code. Appeals shall be to the Selection and Appeals Committee. The only grounds for appeal shall be that the procedures leading to a determination of guilt violated this Code, that new evidence has been discovered or that the penalties set were too severe for the offense. A student who pleads or is found guilty must submit to the Selection and Appeals Committee a written statement listing the specific grounds for the appeal. The statement must be submitted within three days of receipt by the student of the notice described in Article VII, Section I(5) or following a plea of guilty. The Committee may extend the time for filing an appeal.

2. 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. A negative determination on either question shall result in dismissal of the appeal. If an appeal is to be heard, the Committee shall review the record and may, in its discretion, affirm the decision of the Panel, remand the case to the Panel for appropriate action, or reduce the penalty. The decision of the Committee shall be final.

3. If after the time for appeal has run new evidence is discovered, a student who pleads or is found guilty may submit that evidence to the Selection and Appeals Committee. The Committee may make such disposition of the case as it determines the evidence warrants. The Committee's decision shall be final.

ARTICLE IX: Other Procedures.

1. Five members of the Panel must be present to constitute a quorum for all hearings. Actions of the Selection and Appeals Committee require a majority vote of two.

2. If a student is charged with a violation of this Code within three weeks prior to the student's expected date of graduation, all parties and the Honor Council shall make every reasonable effort to conclude the procedures under this Code as soon as practicable.

3. Wherever this Code refers to a number of days, it shall mean University working days.

4. The Selection and Appeals Committee may, upon written application and for good cause shown, extend hearing dates or convene or terminate hearings. The Committee may also appoint and convene extraordinary panels as it deems appropriate.

ARTICLE X: Publication of Convictions and Penalties.

A report of each hearing resulting in a finding or plea of guilt and the imposition of a penalty which is not appealed, or is affirmed after appeal, and each determination that specified actions do not constitute a violation of this Code shall be published by the Honor Council in the Miami Hurricane without revealing personally identifiable information concerning the student or faculty involved. The Secretary of the Honor Council shall be responsible for preparing and releasing such reports.

ARTICLE XI: Records.

1. Upon the filing of a Complaint with the Secretary, a hold shall be placed on the release of all transcripts and other official University of Miami records of the student charged. The hold shall be released upon the conclusion of the case and may be released prior thereto for good cause. Any decision regarding early release of the hold shall be made by the Selection and Appeals Committee. Its decision shall be final.

2. When the case against a student who pleads or is found guilty

of violating this Code is complete, the Dean of the school or college in which that student is enrolled shall place in the student's file a letter, prepared by the Secretary, summarizing the nature of the case and the results reached, including the penalty. Under extraordinary circumstances the Selection and Appeals Committee may, upon written application of the student, order the letter expunged from the file.

3. No record of any Complaint against a student shall appear in that student's file, or other official University record, if the Complaint is dismissed or the student is found not guilty.

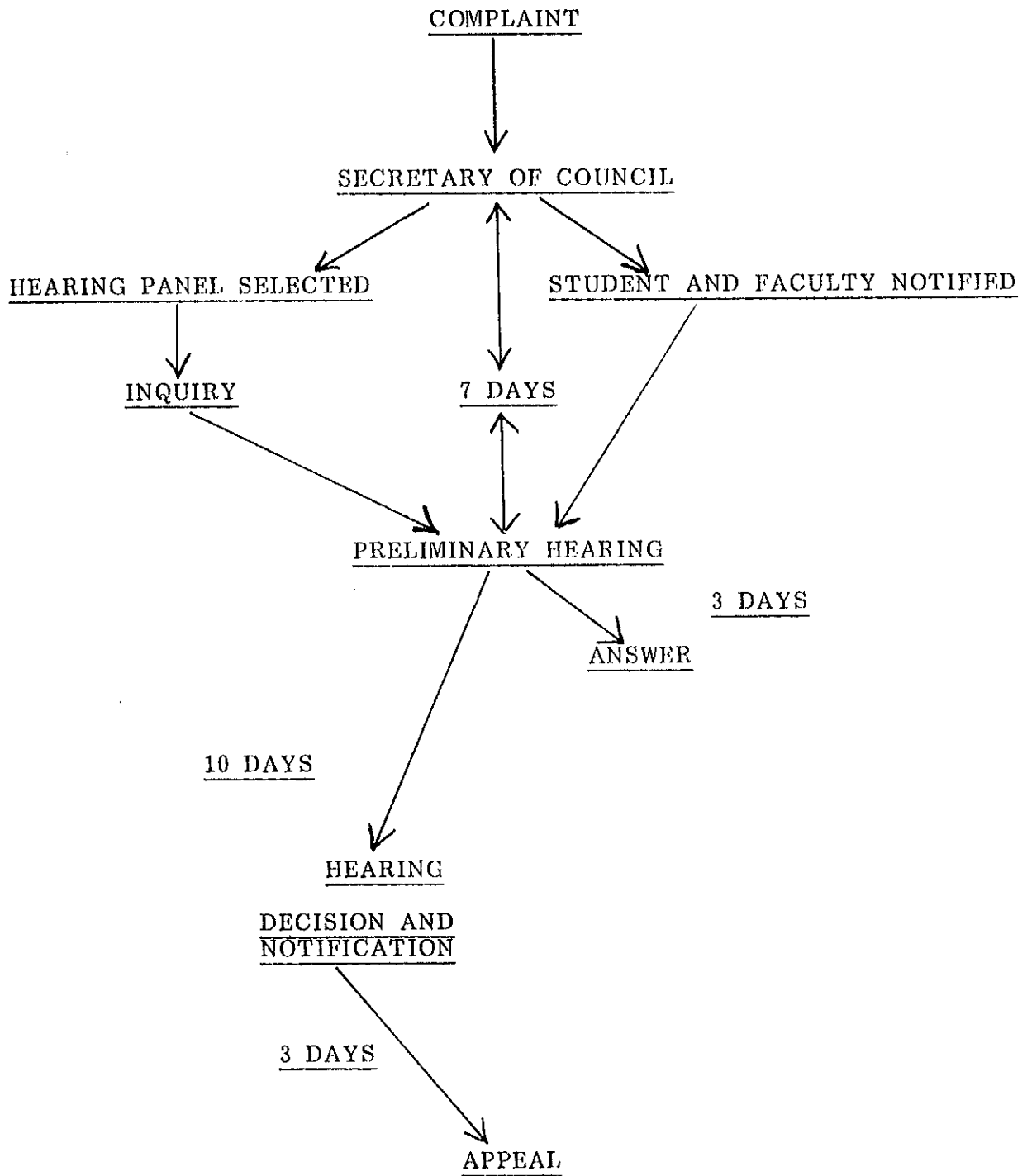
ARTICLE XII: Amendment.

This Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.

ARTICLE XIII: Effective Date.

This Code shall apply only to those cases arising on or after September 4, 1986.

7/22/86



7/18/8

UNIVERSITY OF MIAMI
UNDERGRADUATE STUDENT HONOR CODE

ARTICLE I: Purpose.

This Honor Code is established by and 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. A student is responsible for completing the academic requirements of each course in the manner indicated by the faculty. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented.

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- (a) attempting or agreeing to commit or assisting in or facilitating the commission of any of the above violations;
- (b) failing to appear or testify without good cause when requested by the Honor Council or failing to keep information about investigations or hearings confidential as required by Article VII, Section J;
- (c) supplying false information to the Honor Council;
and
- (d) accusing a student of a violation of this Code in bad faith.

It is impossible to specify in detail every type of conduct that shall constitute a violation of this Code. A student should be guided by the purposes of this Code, common sense and, where necessary, should seek to clarify what the instructor regards as proper academic conduct.

ARTICLE IV: Faculty Prerogatives.

In keeping with the traditional prerogatives of university faculties, nothing in this Code shall interfere with the faculty's right to assign grades. Instructors shall be informed of the final outcome of any Honor Council proceedings relating to work for which they are responsible.

ARTICLE V: Responsibility of the University Community.

All undergraduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. The absence of a signed pledge does not free a student from the ethical standards set by this Code.

To fulfill the responsibilities of membership in the University community, violations of this Code should be reported by faculty and by all other members of that community.

ARTICLE VI: The Honor Council and the Selection and Appeals Committee.

A. The Honor Council

The University of Miami Undergraduate Honor Council is hereby established as a standing committee deriving its authority from the University. The Council shall consist of fourteen representatives from

the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee as described below. The Council shall include at least one representative from each undergraduate school or college.

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 those hearings. The Council's purpose is to investigate complaints, determine the facts in a given case and, upon finding a violation of this Code, to assess appropriate penalties as provided in Article VII, Section I(3).

B. The Selection and Appeals Committee.

A Selection and Appeals Committee is hereby established consisting 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. Such student may not be a member of the Honor Council.

C. Appointment of Council and Secretary to the Council.

1. Undergraduate students in good standing with a cumulative grade point average of 2.5 or better are eligible for membership on the Council. Each year students may apply for initial appointment or

reappointment to the Council by submitting a written application to the Dean of their school or college at a time designated by the Selection and Appeals Committee.

2. Each Dean shall appoint a faculty committee to review all applications submitted to the school or college and to recommend at least four applicants. From among the students recommended, the Dean shall nominate to the Selection and Appeals Committee at least two but not more than five students to serve on the Honor Council during the year.

3. The Selection and Appeals Committee shall interview all students nominated by the Deans and, from those interviewed, shall appoint fourteen students to serve on the Honor Council.

4. The Vice President for Student Affairs shall appoint a Secretary to the Council (the "Secretary") who 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.

D. Officers of the Honor Council

1. The Honor Council shall elect from its members a President and a Vice President.

2. The President of the Honor Council must be either a junior or senior and should have served at least one year as a member of the

Council. The President shall preside over meetings of the Council and may serve as a voting member of hearing panels when appointed according to the provisions of Article VII, Section B below.

3. The Vice President shall preside over meetings when the President is absent.

E. Meetings

1. Meetings of the Honor Council shall be called by its President when necessary, or, if its President is unavailable, by its Vice President.

2. A majority of the members serving shall constitute a quorum of the Council for the purpose of transacting its affairs.

F. Vacancies and Removal of Members.

1. 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. It may then seek additional nominees from the Deans.

2. 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.

ARTICLE VII: Proceedings.

A. 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 written and signed complaint to the Secretary. The Complaint shall state the name of the student charged, if known, the facts giving rise to the alleged violation, the names of any witnesses, shall identify any documents relevant to the alleged violation and shall provide such other information as may be useful in determining the truth of the charge made.

B. The Hearing Panel.

1. Upon receipt of the complaint, the Secretary shall select a seven member Hearing Panel from among the members of the Honor Council. The Panel to hear the first complaint filed shall be selected by lot. The remaining seven members shall constitute the Hearing Panel for the next case to come before the Council. The Hearing Panels for subsequent cases shall be drawn in the same manner, and the process continued.

2. Immediately following their selection, the Secretary shall supply the members of the Panel with the name of the student charged, the name of the complainant, the nature of the charge and the course or other academic activity to which the charge relates. Upon receipt of this notice, members of the Panel shall immediately notify the Secretary if they must recuse themselves. Thereupon, the Secretary shall, by lot, select a replacement for each such member.

Hearing Panel members should 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 a voluntary recusal, a majority of the Panel, excluding the challenged member, may remove that member for cause.

3. Each Hearing Panel shall select a Chair to preside over its deliberations.

C. Notice to Student Charged.

1. Following receipt of the complaint and designation of the Hearing Panel as provided in Section B(1) above, the Secretary shall serve the student charged with a copy of the complaint and the names of the Hearing Panel members. Service shall be by hand-delivery or certified mail. The Secretary shall provide a copy of the complaint to

the faculty member responsible for the course or other academic activity to which the alleged violation relates. If any member of the Hearing Panel is recused pursuant to Article VII, Section B(2), notice of the recusal and any replacement appointed shall be given to the student charged and the faculty member.

2. Within three (3) days following receipt of the list of the Hearing Panel members, the student charged may challenge any member for cause by submitting to the Secretary a written statement specifying why the Panel member should not serve.

D. Faculty Cooperation.

During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty is also expected to cooperate fully in the implementation of this Code. The faculty member responsible for the course or other academic activity to which the charge relates may, and is encouraged, to file a statement, or any document, list of witnesses or other information deemed appropriate to the alleged offense. Such response shall be in writing and shall be filed with the Secretary within five days from receipt of the initial charge.

E. Initial Inquiry.

Promptly following selection of a Hearing Panel, the Secretary shall designate two members thereof to make an inquiry into the allegations of

the complaint. The purpose of this inquiry is to ascertain whether there is probable cause to believe that the student committed the acts charged. The members designated should interview the student charged, the complainant, the faculty member responsible for the course or other activity to which the charge relates, and any other potential witness. They should also review all documentary evidence available, including any statement of the faculty described in Paragraph D above, and shall make such other inquiry as is appropriate.

F. Preliminary Hearing.

1. Within seven (7) days of the designation of the Panel members charged with conducting the initial inquiry, the Panel shall hold a Preliminary Hearing. The student charged should attend the Preliminary Hearing. In addition to the Panel, only that student and the Secretary may attend. The Panel shall hear a report of the initial inquiry and based upon that report, shall determine whether there is probable cause to believe that the student committed the acts charged. The Panel shall also determine whether those acts, if proven, constitute a violation of this Code. If the Panel determines, by majority vote of those present, that probable cause does not exist, or that, even if proven, the acts with which the student is charged would not constitute a violation of this Code, it shall dismiss the complaint.

If substantial time has elapsed between the occurrence of the alleged

violation and the filing of the complaint, the Panel shall dismiss the complaint if it determines, by a majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair and accurate decision in the case.

2. Unless the complaint has been dismissed, the student charged shall be asked to admit or deny the charge. If the student admits to the charge, the Panel shall hear statements or receive evidence relevant to the assessment of a penalty and shall set that penalty. If the student denies or refuses to plead to the charge the case shall proceed to a Formal Hearing.

G. Answer.

If the case proceeds to a Formal Hearing, the student charged shall, within three days following the Preliminary Hearing, file with the Secretary a written answer to the complaint. The answer shall deny or admit, in whole or in part, the truth of each of the allegations made. The answer may also identify any witnesses, documents or other evidence the student charged desires the Panel to consider. If a timely answer is not filed, the hearing shall proceed as though an answer denying each and every allegation had been filed.

H. The Formal Hearing.

1. Within ten days of the Preliminary Hearing the Panel shall,

unless the case has been dismissed, hold a Formal Hearing. The Hearing shall be held in private. Only the Panel, the complainant, the student charged, an advisor to the student charged, the Secretary, and the witnesses may be present. All but the latter may be present throughout the hearing. Witnesses may attend only to present their testimony. No person involved in the hearing shall, during the course thereof, discuss the case with anyone outside the hearing.

2. The Chair of the Panel shall commence the hearing by reading the complaint, the answer and any statement received from the faculty member. If the student charged has not filed an answer, the Chair will so note.

3. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence, both probative and exculpatory of the charge, in order to ascertain the truth of the matter. In furtherance thereof, the Panel shall call witnesses in an orderly fashion and shall call for documents and other evidence as is appropriate. The student charged shall have the right to be assisted by an advisor who must be a full-time undergraduate student at the University of Miami; to present a defense to the charge; to question any witness, to present any document, and to testify. If the student charged elects not to testify, no inference may be drawn from that refusal. The Hearing Panel may consider an affidavit or written statement against the student charged only if the person giving the affidavit or statement is unavailable to testify before the Panel. Before

any such document is considered, the student charged must have been advised of its content and the name of the person making the affidavit or statement. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

4. An undergraduate student who is called as a witness must appear and testify before the Panel, unless the Panel determines that there is good cause for the failure to attend, or the student claims that such testimony, if truthful, would tend to incriminate that student in a violation of this Code.

5. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by a majority vote of the members present.

1. Deciding the Case

1. When the Hearing Panel is satisfied that all pertinent evidence has been received and that the student charged has been given an adequate opportunity to make arguments or other comments regarding that evidence, the Hearing Panel shall withdraw in private to decide whether the student charged is guilty or not guilty, and, if guilty, to set a penalty. The Hearing Panel may, at any time, conform the complaint to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

2. The Panel shall find a student guilty only on the basis of clear and convincing evidence on the record. The Panel shall not consider prior convictions under this Code in deciding guilt or non-guilt, but may consider prior convictions in assessing penalties.

The following vote shall be required to convict a student of a violation of this Code and to fix a penalty:

- a. For a quorum of five or six members, four votes;
- b. For a quorum of seven members, five votes.

3. Penalties shall be based on the severity of the violation and shall consist of only one or more of the following:

- (a) Reprimand;
- (b) Public or University service;
- (c) Disciplinary warning, (as defined in Student Rights and Responsibilities Section A(1)(c)(6));
- (d) Disciplinary probation, (as defined in Student Rights and Responsibilities Section A(1)(c)(4) and (5) and further shall constitute the loss of Good Standing as defined in the Undergraduate Bulletin of the University);
- (e) Suspension from the University for a set period of time, (as defined in Student Rights and Responsibilities Section A(1)(c)(2) and (3));
- (f) Expulsion from the University, (as defined in Student Rights and Responsibilities Section A(1)(c)(1)).

4. The Panel's decision shall be made promptly after the Formal Hearing. Notice thereof shall be sent by certified mail to the student charged. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations. In reporting its decision to the student charged, the Panel shall not give reasons for that decision. The student charged, however, shall receive a copy of the notice to the Selection and Appeals Committee as provided below.

5. If the student charged is found guilty, a written notice containing a summary of the evidence upon which the finding of guilt and the penalty were based, shall be sent to the Selection and Appeals Committee and, by certified mail, to the student charged.

In addition, under this Article each member of the Panel, the complainant, the advisor to the student charged and all witnesses shall treat any knowledge obtained through their participation in the proceedings, the name of the student charged and the nature of the charge as confidential until the latter information is published in the Miami Hurricane.

ARTICLE VIII: Appeals.

1. Appeals may only be taken from a plea of guilty or from a Panel decision finding the student charged guilty of a violation of this Code.

Appeals shall be to the Selection and Appeals Committee. The only grounds for appeal shall be that the procedures leading to a determination of guilt violated this Code, that new evidence has been discovered or that the penalties set were too severe for the offense. A student who pleads or is found guilty must submit to the Selection and Appeals Committee a written statement listing the specific grounds for the appeal. The statement must be submitted within three days of receipt by the student of the notice described in Article VII, Section I(5) or following a plea of guilty. The Committee may extend the time for filing an appeal.

2. 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. A negative determination on either question shall result in dismissal of the appeal. If an appeal is to be heard, the Committee shall review the record and may, in its discretion, affirm the decision of the Panel, remand the case to the Panel for appropriate action, or reduce the penalty. The decision of the Committee shall be final.

3. If after the time for appeal has run new evidence is discovered, a student who pleads or is found guilty may submit that evidence to the Selection and Appeals Committee. The Committee may make such disposition of the case as it determines the evidence warrants. The Committee's decision shall be final.

ARTICLE IX: Other Procedures.

1. Five members must be present to constitute a quorum for all hearings.

2. If a student is charged with a violation of this Code within three weeks prior to the student's expected date of graduation, all parties and the Honor Council shall make every reasonable effort to conclude the procedures under this Code as soon as practicable.

3. Wherever this Code refers to a number of days, it shall mean University working days.

4. The Selection and Appeals Committee may, upon written application and for good cause shown, extend hearing dates or convene or terminate hearings. The Committee may also appoint and convene extraordinary panels as it deems appropriate.

ARTICLE X: Publication of Convictions and Penalties.

A report of each hearing resulting in a finding or plea of guilt and the imposition of a penalty which is not appealed, or is affirmed after appeal, and each determination that specified actions do not constitute a violation of this Code shall be published by the Honor Council in the Miami Hurricane without revealing personally identifiable information

concerning the student or faculty involved. The Secretary of the Honor Council shall be responsible for preparing and releasing such reports.

ARTICLE XI: Records.

1. Upon the filing of a Complaint with the Secretary, a hold shall be placed on the release of all transcripts and other official University of Miami records of the student charged. The hold shall be released upon the conclusion of the case and may be released prior thereto for good cause. Any decision regarding early release of the hold shall be made by the Selection and Appeals Committee. Its decision shall be final.

2. When the case against a student who pleads or is found guilty of violating this Code is complete, the Dean of the school or college in which that student is enrolled shall place in the student's file a letter, prepared by the Secretary, summarizing the nature of the case and the results reached, including the penalty. Under extraordinary circumstances the Selection and Appeals Committee may, upon written application of the student, order the letter expunged from the file.

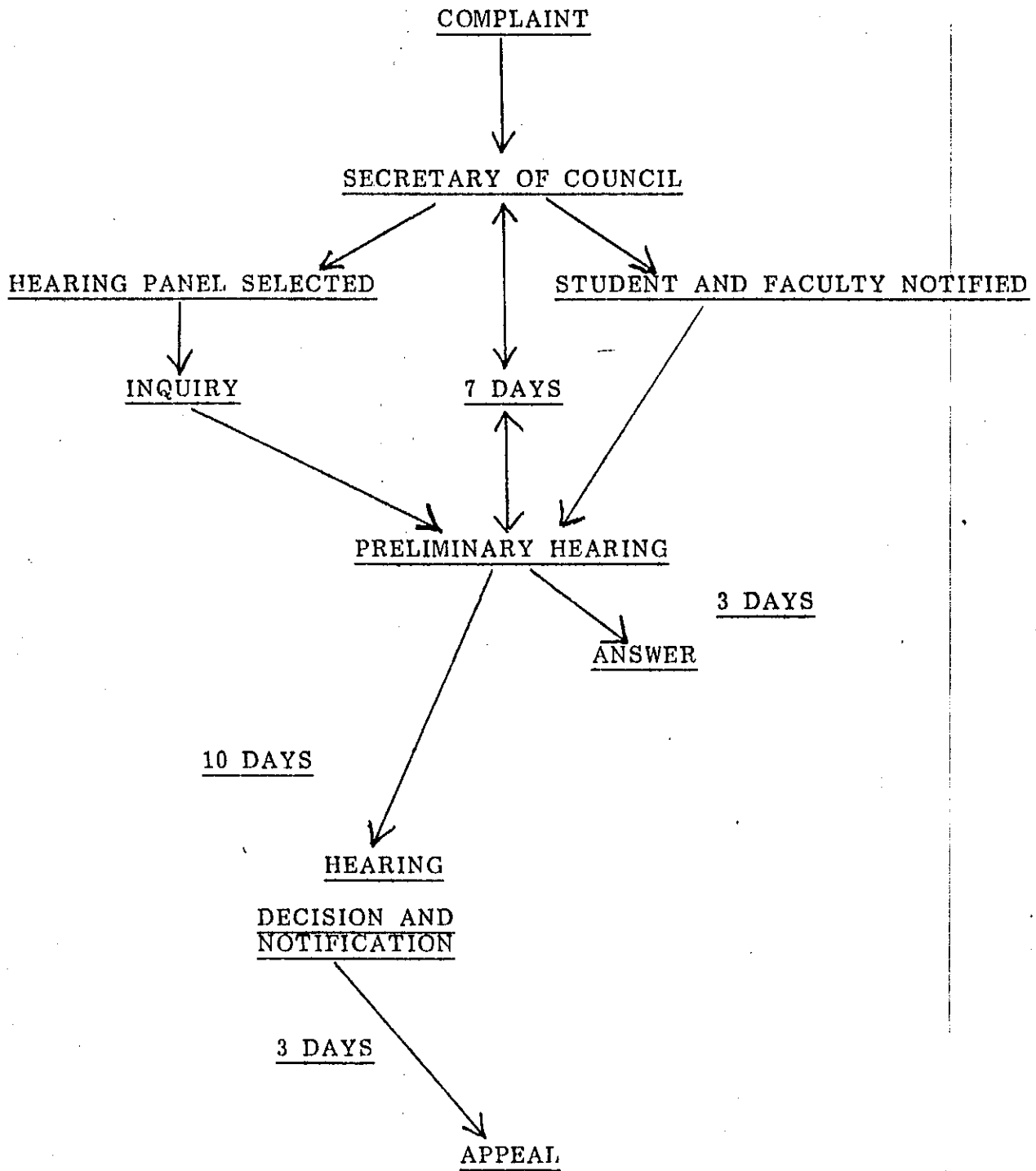
3. No record of any Complaint against a student shall appear in that student's file, or other official University record, if the Complaint is dismissed or the student is found not guilty.

ARTICLE XII: Amendment.

This Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.

ARTICLE XIII: Effective Date.

This Code shall apply only to those cases arising on or after September 4, 1986.



FACULTY SENATE MEETING

JULY 15, 1986

Call to Order and Approval of Minutes

The meeting was called to order at 3:30 P.M. by Dr. Knoblock. Excused absences were approved for Drs. Alexandrakis, Blomberg, Forman, Kline, Kujawa, Masterson, Neider, Roberts, Tamer, Zollo, and Zaller. The minutes of the meetings of April 28 and May 5 were approved as submitted. Dr. Knoblock introduced former Dean Claude Sowle as the new Law School representative to the Faculty Senate.

Honor Code Procedures


Dr. Knoblock introduced the proposed draft of the Honor Code Procedures as a motion from the Senate Council. Mr. Paul Dee, University General Counsel, expressed his thanks to Dr. Knoblock, Dr. Swan and others for their time and effort in drafting the procedures for presentation to the Senate, administration and the students. He gave an overview of the way the Honor Council would operate. The code was discussed article by article with suggestions for revision. Mr. Dee and Dr. Swan will incorporate in the draft all additions, changes and deletions and will present a revised copy to the Senate office. It was moved by Dr. Yacoub, and seconded, to approve the document as amended. The motion carried.

It was moved, and seconded, that a resolution of commendation be given to Mr. Dee for his efforts and dedication to this matter.

Matters from the Floor

Dr. Knoblock announced that on July 2 the President signed Faculty Senate Legislation #85012(B) - Credit Only Option.

The meeting adjourned at 5:55 P.M.


Barbara L. Hoadley
Secretary to the Faculty Senate




M E M O R A N D U M

Edward T. Foote II
President

April 16, 1986

TO: John Knoblock
Chairman, Faculty Senate

Scott Kornspan, President
Undergraduate Student Body Government

FROM: Edward T. Foote II 

COPIES: William F. Lee
Paul T. Dee, Esq.

Gentleman, I am pleased to approve Faculty Senate Legislation #85009(B), The Student Honor Code, as forwarded by Professor Knoblock April 1, 1986. The Honor Code will take effect and become binding beginning with the Fall, 1986, semester.

I congratulate you and all concerned on this important new chapter in the University's history. Integrity is central to the academic enterprise. It is for professors. It is for students. All suffer when a student cheats. Other students suffer the most. The abuse of integrity by anyone within the University community is an abuse to the entire community.

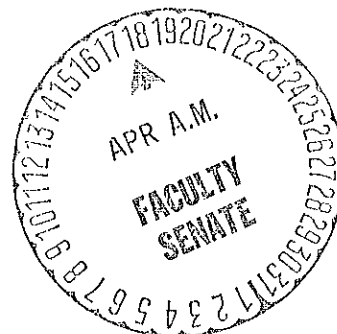
Thus, to watch the unfolding debate about the meaning of honesty and the responsibilities of being a member of an academic community has been a privilege. I applaud what you and your colleagues, most especially our students, have accomplished. Our university will be better for your work.

We have more to do for full implementation in the fall, but the principles of trust and responsibility among undergraduates are not only clearly established, but widely understood, because of the quality and nature of the debate. I reported this good news to the Board of Trustees at its annual meeting last week. I speak for them, and all concerned with quality and fairness at the University of Miami, as I send thanks and gratitude.

Paul Dee will be coordinating preparation of the procedures.

ETF:cds

PO. Box 248006
Coral Gables, Florida 33124
(305) 284-5155



MEMORANDUM

TO: President Edward T. Foote, II

FROM: Dr. John Knoblock JK
Chairman, Faculty Senate

DATE: April 1, 1986

SUBJECT: Faculty Senate Legislation #85009(B) -
Student Honor Code

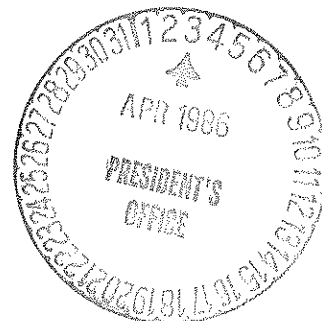
The Faculty Senate, at its meeting of March 10, voted to approve Faculty Senate Legislation #85009(B) - Student Honor Code. The text of the legislation is attached.

This legislation is now forwarded to you for your action.

JK/b

Attachment

cc: Provost William F. Lee, III



UNIVERSITY OF MIAMI UNDERGRADUATE HONOR CODE

Purpose. The Honor Code is promulgated to protect the academic integrity of the University of Miami by encouraging consistent ethical behavior among its undergraduate students. A student's uncompromising commitment to honesty and personal integrity is assumed and expected at the University. The Honor Code provides standards that are necessary to maintain a community where undergraduates have the right to compete fairly. In all course work, students are responsible for completing the academic requirements of each course in the manner indicated by the faculty. A student's research, written and creative work, and oral expression should never involve falsification, plagiarism, or other deception as to the true nature of the materials presented. Conduct violating this Code can lead to two actions: an unsatisfactory grade assigned by the instructor and penalties imposed by the Honor Council. The actions of these two authorities are independent of each other.

Student Responsibility. All undergraduate students are responsible for reading, understanding, and upholding the Honor Code. Students are encouraged to warn fellow students who do not appear to be observing proper ethical standards. Signed pledges are required for written work submitted for evaluation, but the absence of a signed pledge does not free the student from the ethical standards required by this Code. To fulfill the responsibilities of membership in the University community, violations of this Code should be reported by students, by the faculty, and by all other members of this institution.

Violations. This Code prohibits all forms of scholastic dishonesty, including cheating, plagiarism, collusion, and falsification or misrepresentation of experimental data. This Code also forbids:

- (a) violating the professional ethics that obtain in clinical activities, research projects, and internships;
- (b) attempting or agreeing to commit any of the above violations;
- (c) failing to appear without good cause when requested by the Honor Council or failing to keep information about investigations or hearings confidential;
- (d) providing false information to the Honor Council;
- (e) accusing a student of a violation of this Code in bad faith; and
- (f) acting in a manner inconsistent with the purposes of the Honor Code.

It is impossible to codify all standards of academic conduct. Common sense, coupled where necessary with requests to the instructor to clarify what is allowed in course work, should be a student's guide in deciding whether a particular act violates the Honor Code.

The Honor Council. The University of Miami Undergraduate Honor Council is a standing committee which derives its authority from the University. The Honor Council shall include at least one student representative from each undergraduate School and College. Its members shall be nominated by the deans and selected by the Selections and Appeals Committee which shall consist of the 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 Honor Council is not modeled after a court of law. It is not an adversarial proceeding. There are neither prosecuting nor defense attorneys present at its hearings. Its purposes are to investigate complaints, to determine the facts in a given case, and upon determination of a violation of this Code to assess appropriate penalties. These penalties may include disciplinary warning, disciplinary probation, suspension, expulsion, and/or community service. Penalties imposed by the Honor Council shall reflect the severity of the violation.

Matters of procedural detail shall be articulated by the Honor Council through written by-laws consistent with the principles of the Honor Code. The initial procedures for the Honor Council will be developed following approval of this Code. They shall be promulgated by the President of the University following consultation with the students and the approval of the Faculty Senate. Substantive changes in these procedures may be made only by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.

Jurisdiction and Scope. Only University of Miami undergraduate students shall be under the jurisdiction of this Code. The Honor Code covers all written and oral examinations, term papers, creative works, assigned computer related work, and any other academic work done at the University by a student under the jurisdiction of this Code.

No action shall be brought against any student who has officially graduated from the University of Miami.

Student Appeals Procedure. Appeals by students from Honor Council proceedings shall be heard by the Selection and Appeals Committee described above. The factual determinations of the Honor Council shall be final and cannot be appealed. Appeals shall be limited to:

- (a) errors arising from failure of the Honor Council to follow the provisions of this Code or the Rules of Procedure;
- (b) new evidence discovered after the hearing; or
- (c) penalties judged too severe for the offense.

The Selection and Appeals Committee may affirm the decision of the Honor Council, remand the case to the Honor Council for appropriate action, or affirm or reduce the penalty. The decision of the Selection and Appeals Committee shall be final.

Faculty Prerogatives. In keeping with the traditional prerogatives of university faculties, nothing in this Code shall infringe on the faculty's assignment of grades undertaken in a class. Instructors shall be informed when students have been found guilty of infractions involving their classes.

History. This Code was initiated at the request of the Undergraduate Student Body Government, ratified by student referendum, and approved by the Faculty Senate and by the President of the University.

CAPSULE: Faculty Senate Legislation #85009(B) -
Student Honor Code

RESPONSE BY THE PRESIDENT:

DATE: _____

APPROVED: _____

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: _____

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED):

DRAFT

March 3, 1986

UNIVERSITY OF MIAMI UNDERGRADUATE HONOR CODE

Purpose. The Honor Code is promulgated to protect the academic integrity of the University of Miami by encouraging consistent ethical behavior among its undergraduate students. A student's uncompromising commitment to honesty and personal integrity is assumed and expected at the University. The Honor Code provides standards that are necessary to maintain a community where undergraduates have the right to compete fairly. In all course work, students are responsible for completing the academic requirements of each course in the manner indicated by the faculty. A student's research, written and creative work, and oral expression should never involve falsification, plagiarism, or other deception as to the true nature of the materials presented. Conduct violating this Code can lead to two actions: an unsatisfactory grade assigned by the instructor and penalties imposed by the Honor Council. The actions of these two authorities are independent of each other.

Student Responsibility. All undergraduate students are responsible for reading, understanding, and upholding the Honor Code. Students are encouraged to warn fellow students who do not appear to be observing proper ethical standards. Signed pledges are required for written work submitted for evaluation, but the absence of a signed pledge does not free the student from the ethical standards required by this Code. To fulfill the responsibilities of citizenship in the University community, violations of this Code should be reported by students, by the faculty, and by all other members of this institution.

Violations. This Code prohibits all forms of scholastic dishonesty, including cheating, plagiarism, collusion, and falsification or misrepresentation of experimental data. This Code also forbids:

- (a) violating the professional ethics that obtain in clinical activities, research projects, and internships;
- (b) attempting or agreeing to commit any of the above violations;
- (c) failing to appear without good cause when requested by the Honor Council or failing to keep information about investigations or hearings confidential;
- (d) providing false information to the Honor Council;
- (e) accusing a student of a violation of this Code in bad faith; and
- (f) acting in a manner inconsistent with the purposes of the Honor Code.

It is impossible to codify all standards of academic conduct. Common sense, coupled where necessary with requests to the instructor to clarify what is allowed in course work, should be a student's guide in deciding whether a particular act violates the Honor Code.

The Honor Council. The University of Miami Undergraduate Honor Council is a standing committee which derives its authority from the University. The Honor Council shall include at least one student representative from each undergraduate School and College. Its members shall be nominated by the deans and selected by the Selections and Appeals Committee which shall consist of the Provost, the Vice President for Student Affairs, or their designees, and a student representative

Principles for Honor Code

1. There should be a single code applicable to all Schools and Colleges.
2. The Code is limited to undergraduates.
3. The code is administered by an Honors Council composed solely of students who:
 - a) hear cases,
 - b) assess appropriate penalties after a determination of guilt.
4. The code should be administered centrally. Administration includes:
 - a) acting as a depository of submission of complaints and the keeping of records
 - b) deciding whether to go forward with the investigation of a complaint
 - c) appointing standing panels;
 - d) arranging for appeals.
5. The appeals procedure is administered jointly by the students and administration.
6. The standard of proof shall be clear and convincing.
7. The Appeals procedure includes:
 - 1) affirmation or modification of the penalty;
 - b) determination of new evidence, of errors of procedure, or of errors in the application of the Code warranting a review of the case.
8. In keeping with the traditional prerogatives of university faculties, nothing in the Code infringes the faculty's assignment of grades for work undertaken in a class. Instructors will be informed whenever students are found guilty of infractions of the Code involving their classes.

Approved Senate Council 2/24/86

DRAFT

February 21, 1986

UNIVERSITY OF MIAMI UNDERGRADUATE HONOR CODE

Philosophy. The University of Miami Undergraduate Honor Code is promulgated to protect the academic integrity of the University of Miami by encouraging consistent ethical behavior in assigned course work by undergraduate students. The Honor Code is intended to protect the right of students to compete fairly in the classroom.

Student Responsibility. All undergraduate students at the University of Miami will be held responsible for reading, understanding, and upholding this Honor Code. Students may expect that signed pledges will be required for various types of academic work submitted for evaluation. The absence of a signed pledge, however, does not free the student from the ethical standard required by this code. In fulfillment of the responsibilities of citizenship in the University community, violations of this Code should be reported by the students, by the faculty, and by all other members of this institution.

Violations. Examples of violations of the Honor Code are:

- A) scholastic dishonesty, including cheating, plagiarism, collusion, and falsification or misrepresentation of experimental data;
- B) providing false information either orally or in writing on any questionnaire or application, to any agency of the University or to the Honor Council;
- C) violating the professional ethics that obtain in clinical activities, research projects, and internships;
- D) attempting or conspiring to commit any of the above violations;
- E) failure to appear without good cause when requested by the Honor Council or failure to keep information about investigations or hearings confidential;
- F) accusing a student of a violation of the Honor Code in bad faith;
- G) any conduct inconsistent with the purposes of the Honor Code.

It is impossible to codify all standards of academic conduct. Common sense, coupled where necessary with requests to the instructor to clarify what is allowed on assignments, should be a student's guide in deciding whether a particular act violates the Honor Code.

The Honor Council. The University of Miami Undergraduate Honor Council is a standing committee which derives its authority from the University. The Honor Council consists of 14 student representatives from the undergraduate schools or colleges, with at least one representative from each school or college represented on the Honor Council. The members are nominated by the deans of the undergraduate schools or colleges and selected by the Selections and Appeals Committee, which consists of the Provost, the Vice President for Student Affairs, and the President of the Undergraduate Student Body Government.

The University of Miami Honor Council is not modeled after a court of law. It has no prosecutor or defense attorney. The Honor Council is a student committee that tries to determine all the facts surrounding a given case. Its purpose is to ascertain the truth, to determine guilt or innocence, and where appropriate, to assess penalties.

The penalties imposed by the Honor Council shall be based on the severity of the violation; they may include disciplinary warning, disciplinary probation, suspension, expulsion, and/or public service.

Matters of procedural detail shall be articulated by the Honor Council through written by-laws consistent with the principles of the Honor Code. Substantive changes in the Code may only be made through formal amendment approved by the same procedures by which the original Code was adopted.

Appeals Procedure. Appeals from Honor Council proceedings shall be heard by the Selection and Appeals Committee described above. If an appeal is granted, the Selection and Appeals Committee shall review the records of the hearing. The Selection and Appeals Committee may affirm or reverse the decision of the Honor Council, remand the case, or modify or nullify the penalty. The decision of the Selection and Appeals Committee shall be final.

Faculty Prerogatives. Faculty members are requested to defer the assignment of a grade involving academic misconduct pending the outcome of the Honor Council proceedings pertaining to an accused student. However, in keeping with the traditional prerogatives of university faculties, an instructor's authority to be the final judge of the academic merit of a student's work shall not be abridged in any way.

Jurisdiction and Scope. Any University of Miami undergraduate student is under the jurisdiction of the Honor Council and subject to any penalties which it may impose. Any University of Miami graduate student is not under the jurisdiction of the Council, even if enrolled in an undergraduate class. The Honor Code covers all written and oral examinations, term papers, creative works, assigned compu-

ter-related work, and any other academic work done at the University by a student under the jurisdiction of the Council. No action may be brought against any student who has officially graduated from the University of Miami. The Honor Code is intended to be student-run and effective University-wide at the undergraduate level.

Length of Semester

Ms. Susan Seiler distributed the proposed academic calendar for 1988-89 to incorporate the extended length of semesters. She stated that the Summer School schedule will keep the same number of days but increase the length of the classes. The draft calendar also retains the three reading days for Fall and Spring semester.

Abolition of Dance Program in the School of Music

Dean Hipp, School of Music, gave the background of the Dance Program in the School of Music. He stated that due to the financial problems of the University and the School of Music, adequate resources were not available to secure additional full-time faculty needed for the program. Dean Hipp and Dr. Milhan discussed the possibility of phasing out the program. At the request of the Dean, Dr. Milhan, Director of the Dance Program, made a presentation to the visiting committee last Spring. The visiting committee concurred with the opinion of Dr. Milhan and Dean Hipp that since resources were not available to make the Dance Program viable, it would be best to phase out the program. Dr. Milhan would transfer to the Physical Therapy Department, School of Medicine. This proposal was unanimously approved by the School Council of the School of Music. It was *moved*, and seconded, to recommend approval of this request to the Faculty Senate at its meeting of December 14. The *motion carried* with one abstention.

Student Honor Code Amendments

Mr. William Mallowney, Assistant to the Vice President for Student Affairs, presented the amendments and rationale for each change sought by the Undergraduate Student Body Government. The proposed amendment to Article VI, Section B, would add "the President of the Undergraduate Student Government or his designee ...". Discussion followed. It was suggested that action on this amendment be deferred pending a clarification by the USBG. It was *moved*, and seconded, to amend Article VI, Section C3 to increase the Honor Council to eighteen members and four alternates. The *motion carried*. Proposed amendments 3, 4, and 5 were approved as presented. It was *moved*, and seconded, to amend proposed amendment 6, Article VII, Section F1, by adding "... until the completion of the preliminary hearing of all cases under the given complaint.". The *motion carried*. Proposed amendments 7 and 8 were approved as submitted. This item will be presented to the Faculty Senate on December 14.

Administrative Services Report

Mr. Ronald Naylor, Co-chairman of the Administrative Services Committee, presented the annual report of his committee. He requested that the Council re-examine Item 9 of the report which recommends that a professional study be made of the business management of the University. This item will be scheduled for a future Senate meeting.

Suggestions for adding to the Preamble:

The student has two responsibilities as a member of the academic community at the University of Miami. The first is the fulfillment of the general requirements as a member of the academic community in acting in a usual, responsible fashion avoiding any occasion of unethical action. In addition, the student has the responsibility of completing the academic requirements of the course as indicated by faculty members. Unethical conduct as indicated in the Honor Code can lead to two actions: an unsatisfactory grade as indicated by the instructor, and sanctions imposed by the Honor Code Committee. The actions of these two authorities can be independent of each other.

ETF to Returning Students

D R A F T

To all undergraduate students:

In last spring's student referendum, you voted overwhelmingly in favor of a student-run honor system to protect the academic integrity of the degrees which this university awards. Since the referendum, student leaders, the administration, and the Faculty Senate have worked diligently to produce such an Honor Code which will meet the needs of the entire university community.

The enclosed document summarizes the Honor Code which will take effect at the beginning of the fall term, 1986. Please read it carefully. Complete copies of the Honor Code are available upon request from the Office of Student Affairs.

When you return to school in the fall, you will be required to sign a statement that you recognize the authority of the Honor Code and intend to abide by it as a condition of your enrollment at the University. Signed honor pledges will be required of all undergraduates on examinations, term papers, and other appropriate work. A student Honor Council, nominated by the deans and selected by a special committee, will deal carefully and fairly with alleged infractions of the Honor Code.

The Honor Code will doubtless need some corrections and fine tuning as we shepherd it through its first year of existence. With the continued constructive efforts of the academic community, it can become an important part of the ethos of a great university.

Yours truly,

ETF

Enclosure: Honor Code Summary

UNIVERSITY OF MIAMI UNDERGRADUATE HONOR CODE

SECTION I: PURPOSE

This Honor Code is promulgated to protect the academic integrity of the University of Miami by encouraging consistent ethical behavior in assigned course work by undergraduate students. Upholding and preserving the Honor Code is the responsibility of the entire University community. The Council created by this Code is an organization of students established to encourage academic honesty, to receive and investigate accusations of infractions of the Honor Code, to draw conclusions of facts concerning such accusations, and to impose sanctions for violations of the Honor Code.

SECTION II: STANDARDS OF ACADEMIC CONDUCT AND EXAMPLES OF VIOLATIONS OF THE HONOR CODE

- A. Students are expected to maintain the highest standards of academic honesty and ethical integrity in their relationships and associations with the faculty and their fellow students. It is the academic responsibility of students to adhere to the highest standards of conduct, scholarship, and character.

- B. In general terms, a student's research, writing, and oral expression must be conducted without falsification, plagiarism, or other deception as to the true source of the material presented.

C. Examples of Violations of the Honor Code

1. Scholastic dishonesty, which includes, but is not limited to, cheating on a test, plagiarism, collusion, and falsification or misrepresentation of experimental data.

a) "Cheating on a test" includes:

- (1) copying from another student's test paper;
- (2) using during a test materials not authorized by the person giving the test;
- (3) possession during a test of materials which are not authorized by the person giving the test, such as notes taken during class or specifically designed as a test aid; possession of textbooks when they have been specifically prohibited by the person administering the test;
- (4) knowingly using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test;
- (5) collaborating with or seeking aid from another student during a test without authority;
- (6) substituting for another person or permitting another person to substitute for oneself to take a test;
- (7) bribing another person to obtain an unadministered test or information about an unadministered test.

b) "Plagiarism" means the appropriation, buying, receiving as a gift, or obtaining by any means another

person's work and its unacknowledged submission or incorporation in one's own work offered to fulfill course requirements. Plagiarism may involve inadequate documentation, and other forms of borrowing ideas without appropriate credit. Whether or not an essay is plagiarized is a matter of judgment as much as proof, and this Honor Code leaves that determination to the faculty member alone.

c) "Collusion" means the unauthorized collaboration with another person in preparing written work offered for credit.

d) "Falsification or misrepresentation of experimental data" means altering experimental results in such a manner to fit one's pre-conceived notions, or the reporting of guesses not based on experimental evidence, but represented as such, or the reporting of plagiarized data.

2. Providing false information either orally or in writing:

a) on any questionnaire or application;

b) to any agency of the University;

c) to the Honor Council.

3. Violating the professional ethics that obtain in clinical activities, research projects, and internships, as defined by the school(s) under whose jurisdiction the course falls.

4. Attempting or conspiring to commit any of the above violations.
5. Failure to appear without good cause when requested by the Honor Council or failure to keep information about investigations or hearings confidential.
6. Accusing a student of a violation of this Code in bad faith.

It is impossible to codify all standards of academic conduct. Common sense, coupled where necessary with requests to the instructor to clarify what is allowed on assignments, should be the student's guide in any academic endeavor at the University.

In fulfillment of the responsibilities of citizenship in the University community, violations of this Code should be reported by the students, by the faculty, and by all other members of the institution. Students are also encouraged to warn fellow students who may seem to be violating the Honor Code.

SECTION III: SCOPE

- A. Any University of Miami undergraduate student is under the jurisdiction of the Council and subject to any penalties which it may impose. Any University of Miami graduate student is not under the jurisdiction of the Council, even if such graduate student is enrolled in an undergraduate level class.

- B. The Honor Code covers all written and oral examinations, term papers, creative works, assigned computer related work, and any other academic work done at the University by a student under the jurisdiction of the Council.

- C. Disputes concerning the jurisdiction of the Honor Council over any case before it shall be decided by the Selection and Appeals Committee.

- D. No action may be brought against any student who has officially graduated from the University of Miami. Any violations under this Code must be reported before an undergraduate student officially graduates from the University of Miami.

- E. "Working day" as used in this Code, shall mean a day when the University of Miami is opened for business as per its officially adopted calendar. "Week", as used in this Code, shall mean five consecutive working days.

SECTION IV: MEMBERSHIP SELECTION

The Council shall consist of 14 student representatives from the undergraduate schools or colleges selected at the discretion of the Selection and Appeals Committee. The Council shall consist of at least one representative from each school or college chosen by the Selection and Appeals Committee as described below.

A. Applications

1. Undergraduate students in good standing with a cumulative grade point average of 2.5 or higher are eligible for membership on the Council.
2. Eligible students may apply by submitting a written request to the dean of their major school or college in the third week of the spring semester each year.
3. Each dean shall appoint a faculty committee to review all applications submitted to the school or college. This committee shall recommend at least two applicants from each school or college and forward these names to the Selection and Appeals Committee.
4. The dean of each school or college or a designee shall maintain a list of students applying to serve on the Council.

B. Selection and Appeals Committee

1. The Selection and Appeals Committee shall consist of the Provost, the Vice President for Student Affairs, and the President of the Undergraduate Student Body Government (or their designees).

2. The Selection and Appeals Committee shall be responsible to screen applications and interview those best qualified to serve. From those interviewed the Selection and Appeals Committee shall choose and appoint 14 students to serve on the Honor Council.

3. The Selection and Appeals Committee shall be empowered to extend hearing dates and/or convene or terminate hearings for reasons of good cause or extraordinary circumstances, or to appoint and convene extraordinary panels during periods of recess and during the summer, as need arises.

SECTION V: OFFICERS

- A. The Council shall elect from its members a President and Vice President.

- B. The President must have either junior or senior standing and should have served at least one year previously as a member of the Council. The President shall preside over all meetings of the Council and perform all duties common to this office. The President shall have the right to serve as a voting member of hearing panels when appointed according to the provisions of VIII.C.1 (below).

- C. The Vice President shall preside over all meetings and hearings when the President is not available.

- D. The Vice President for Student Affairs shall appoint a Secretary to the Council, who shall schedule all hearings for the accused student, notify the accused and the witnesses of all proceedings, keep orderly records of proceedings, and provide such counsel as sought by the Council.

SECTION VI: MEETINGS

- A. Meetings shall be called by the President when necessary, or if the President is unavailable, by the Vice President.
- B. A majority of the members serving shall constitute a quorum, except in the case of a hearing, when five members shall constitute a quorum.

SECTION VII: MEMBERSHIP

- A. The Selection and Appeals Committee shall fill vacancies on the Council from previous applicants or otherwise at their discretion.
- B. Members may be removed by the Selection and Appeals Committee upon recommendation of the Council President for failure to attend meetings or for other cause.

SECTION VIII: PROCEEDINGS

A. Accusation

A written and signed accusation shall be submitted to the Secretary of the Council by a student, faculty member, or other member of the University community within 10 working days after discovery of the alleged violation of the Honor Code excluding officially recognized University holiday and vacation periods.

B. Investigations

1. A Fact-Finding Subcommittee composed of two persons who do not sit on the Hearing Panel reviewing the case will be appointed by and from the Council to investigate the alleged violation.
2. The Fact-Finding Subcommittee shall conduct an independent review of the alleged violation. The Fact-Finding Subcommittee may review documents, interview witnesses, and otherwise conduct its investigation. The accused student shall have the opportunity to meet with the Subcommittee.
3. The Fact-Finding Subcommittee shall complete its investigation as promptly as possible. In the event of unusual and compelling circumstances, the Honor Council may grant an extension of the investigation for a specified period of

time. Upon completion of the investigation, the Fact-Finding Subcommittee shall inform the accused in writing of the evidence collected and the specific act, omission, or offense constituting the alleged violation(s).

4. In the event the investigation of an alleged violation by a student begins less than three weeks prior to that student's expected date of graduation, the Fact-Finding Subcommittee and Council shall make every reasonable effort to conclude the investigation and the hearing procedure promptly.
5. Within three school days after receiving notification by the Council Secretary that an accusation has been made, the accused student shall file with the Council Secretary a written response either admitting or denying the truth of the charges, or pointing out the extent to which they are untrue. If diligent efforts by the Council to obtain a response from the student fail, the proceedings shall continue in the same manner as if the student had filed an answer denying guilt.
6. A student who denies the allegations of the charges, in whole or in part, shall be given a hearing on whether he or she is guilty or not guilty.
7. The Hearing Panel shall set a hearing to occur within 10 working days after receipt of the accused's plea. If the

accused has failed to respond, a hearing shall be conducted within five working days of the date a response was due.

8. If the accused pleads guilty, the Fact-Finding Subcommittee will present that plea to the Hearing Panel along with all evidence collected. The Hearing Panel shall set a hearing on the penalty, the date of which shall be within five working days from receipt of the plea of guilty.

9. Responses admitting guilt as charged shall not be binding upon a student and shall not be used for any purpose at any step of these proceedings unless and until the President of the Council or the President's designee:

a) has advised the student of the possible consequences of such admission of guilt,

b) has established that the admission of guilt is voluntary,

c) has obtained from the student a statement in writing signed by the student attesting to the fact that the admission is voluntary, and

if any one of the foregoing conditions is not satisfied, the proceedings shall continue in the same manner as if the student had filed an answer denying guilt.

10. The Council Secretary shall notify the accused of the hearing time and date. At least 24 hours prior to the hearing the accused shall submit to the Secretary the names of all witnesses which the accused intends to call to testify before the Hearing Panel.
11. The Hearing Panel Chair may grant requests for a change in the hearing date only where reasonable grounds for delay exist such as temporary unavailability of witnesses, scheduling conflicts that prevent the accused, accuser(s) or Fact-Finding Subcommittee members from being present, or the temporary unavailability of a Hearing Panel.

C. The Hearing Panel

1. A Hearing Panel, consisting of seven members of the Council, shall be selected by lot. This Hearing Panel will hear the first case to come before the Council. The remaining seven members shall constitute the Hearing Panel which will hear the next case to come before the Council. The Hearing Panels for the third and fourth cases shall be drawn in the same manner, and the process continued.
2. Each Hearing Panel shall select a Chair to preside over its deliberations.

3. The accused shall be presented with a list of the Hearing Panel members at the time of notification of the date of the hearing. Within 24 hours after receipt of the list of Hearing Panel members, the accused shall have a right to challenge any member or members for cause by submitting to the Secretary a written challenge stating why the Hearing Panel member should not serve on the Hearing Panel. Hearing Panel members should recuse themselves if they are aware of any personal bias which may improperly affect their judgment, or if they have a conflict of interest which may prejudice the outcome of the case.

4. If a Hearing Panel member/or members do not voluntarily recuse themselves, a majority of the Hearing Panel, excluding the challenged member(s), may remove any or all of the challenged members for the causes described in VIII.C.3 (above).

D. The Hearing

1. Five members of the Hearing Panel must be present to constitute a quorum for the Hearing Panel hearing.

2. Proceedings shall be held in private. Only the accuser, the accused, an advisor for the accused, witnesses, the Council Secretary, and the Fact-Finding Subcommittee may

be present during the hearing proceedings or appropriate portions thereof.

3. During the hearing, only the accused shall be guaranteed the following:

- a. The right to be assisted by an advisor of his or her choice provided that the advisor is a full-time undergraduate student at the University of Miami.
- b. The right to have all matters upon which the decision of guilt or non-guilt may be based introduced into evidence at the proceedings before the Hearing Panel. The decision shall be based solely upon such matters.
- c. The right to testify and to present evidence and witnesses. The accused shall have an opportunity to hear and to question witnesses who testify before the Hearing Panel. The Hearing Panel may consider affidavits or written statements against the accused only if the accused has been advised of their content and of the names of those who made them and has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn and only if the person giving the affidavit is unavailable to give testimony before the Hearing Panel.

4. The Chair shall commence the hearing by reading the charge to the accused. The Fact-Finding Subcommittee shall then present all evidence that has been collected and a summary of the expected testimony. The accused then shall plead guilty or not guilty.

5. Witnesses may then be called by the accused, the Fact-Finding Subcommittee, or the Hearing Panel to testify about the incident and answer questions concerning the alleged violation from the Council members and the accused. The accused has the right to present a defense to the allegations presented. Additionally, the accused has the right to question anyone who appears before the hearing panel and testifies against the accused.

6. Witnesses shall be present during the proceedings only to present their testimony. The accuser may choose to remain throughout the proceedings. The accuser may question the accused in order to elicit relevant information. Witnesses and other persons involved in a hearing shall not discuss the case with anyone outside the hearing proceedings either prior to or during the hearing, except with persons comprising the Fact-Finding Subcommittee prior to the hearing.

7. Undergraduate witnesses who are called must appear before the Hearing Panel unless the Hearing Panel determines there is good cause for failure to attend.

8. Matters of unspecified procedure during the course of a hearing or any questions with respect to policy and procedure which are not outlined by this Code shall be addressed by the Hearing Panel and settled by a simple majority vote of all members present.

E. Deciding the Case

1. When the Hearing Panel is satisfied that all pertinent testimony relating to commission of the alleged violation has been received, the Hearing Panel shall adjourn in private to decide whether the accused is guilty or not guilty, and where appropriate, any penalty should be assessed.
2. The Hearing Panel members shall not consider prior convictions under this Code in deciding guilt or non-guilt, but may consider any prior convictions in assessing penalties. To convict a student of the violation of the Honor Code, at least four Hearing Panel members must vote guilty based on a preponderance of the evidence. The student shall be notified immediately of such decision.
3. The Hearing Panel's decision of whether a student is guilty or not guilty, and where appropriate, the assessment of penalty, shall be made promptly after the hearing, and such decision(s) shall be sent by certified mail to the accused. The accused may elect to hear the decision(s) of the Hearing Panel in person, immediately following the

Hearing Panel deliberations.

4. If the accused is found guilty, written notification of the decision and the penalty will be sent to all members of the Selection and Appeals Committee. Notification must include a summary of the evidence leading to the decision as well as the penalty. If the accused is found not guilty, all records pertaining to the case shall be destroyed.

SECTION IX: PENALTIES

- A. Penalties are based on the severity of the violation. The penalties may include disciplinary warning, disciplinary probation, suspension, expulsion, and/or public service. The following votes shall be required to impose any penalty: for a quorum of five or six, four votes; for a quorum of seven, five votes.
- B. Nothing in this code infringes on the right of the Faculty to assign grades.

SECTION X: APPEALS

- A. Appeals of Council proceedings will be handled by the Selection and Appeals Committee. Any student who wishes to appeal must submit a written statement listing the specific grounds for appeal, within three working days of the decision of the Hearing Panel, to the Selection and Appeals Committee. The Selection and Appeals Committee may extend the time in which an appeal

may be filed in the event of extraordinary circumstances. The only grounds for appeal shall be procedural irregularities, discovery of new evidence, or severity of the penalty imposed in relation to the violation.

- B. The Selection and Appeals Committee shall have three working days from the date of receipt of the request for an appeal to decide whether or not to grant an appeal. If the Selection and Appeals Committee determines that there is no ground for an appeal, the appeal shall be dismissed. If an appeal is granted, the Committee shall review the records of the hearing. The Committee may affirm or reverse the decision of the Council, remand the case, or reduce or nullify the penalty. The decision of the Selection and Appeals Committee shall be final.

SECTION XI: PUBLICATION OF CONVICTIONS AND PENALTIES

A report of all hearings resulting in conviction and imposition of penalty, which are not appealed, and all appeals affirming conviction and imposition of penalty shall be published by the Council in the Miami Hurricane without revealing any names. The Secretary of the Council shall be responsible for preparing and releasing such reports.

SECTION XII: HOLDING OF RECORDS

A hold shall be placed on the release of all transcripts and other official University records of the student from the date the accusation

is filed with the Council Secretary. Such hold shall not be released until such time as the case has been completed, and/or appropriate action to remove the hold is warranted. Any decision regarding a removal of the hold shall be made by the Selection and Appeals Committee.

SECTION XIII: STUDENT ENFORCEMENT

- A. All undergraduate students at the University of Miami will be held responsible for reading, understanding, and upholding the Honor Code. Each student will be provided with a copy of the Honor Code upon request to the Secretary of the Council or any Council member.

- B. Students may expect that signed pledges will be requested for various types of academic work submitted for evaluation and should appreciate the implications of signing their names. On examinations, this pledge may take the following form: "I have neither given nor received unauthorized assistance on this examination." On reports and papers, the pledge might be stated, "I understand the meaning of plagiarism, and hereby attest that this report (paper) is free of any plagiarism." The absence of a signed pledge, however, does not free the student from the ethical standards required by this Code.

SECTION XIV: FACULTY ENFORCEMENT

- A. A teacher may give a failing or other grade for a violation of this code which is personally observed or determined by the teacher of the course, workshop or seminar. The teacher shall inform the student of his or her action, which shall not be reviewable. A charge, however, of unprofessional conduct on the part of the teacher, under the above language, may be heard by the Professional Conduct Committee under its jurisdictional statement.
- B. Faculty members are requested to defer the assignment of a grade involving academic misconduct pending the outcome of the Honor Council proceedings pertaining to an accused student.

SECTION XV: REGULATIONS AND AMENDMENTS

The Honor Council shall adopt by-laws governing its procedures, such by-laws being consistent with the provisions of this Honor Code. If substantive changes are to be made to the Code, such changes may only be made by amendment approved by the method by which this Code was adopted.

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