



MEMORANDUM

TO: President Edward T. Foote, II

FROM: *X* Dr. John Knoblock
Chairman, Faculty Senate

DATE: April 27, 1988

SUBJECT: Faculty Senate Legislation #87018(B) -
Amendments to the Honor Code

4/29

John,

approval

27

The Faculty Senate, at its meeting of December 14, 1987, voted to approve Faculty Senate Legislation #87018(B) - Amendments to the Honor Code. The text of the legislation is attached for your action.

JK/b

Attachment

cc: Provost Luis Glaser



FACULTY SENATE LEGISLATION

Legislation #87018, Class B

Amendments to the Honor Code

Approved by the Faculty Senate at its meeting of December 14, 1987

Italics indicate deletions from the current Honor Code, Faculty Senate Legislation #85009 (B), **boldface** additions to the Honor Code.

1) Amendment to 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) Amendment to 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.

3) Amendment to 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) Amendment to 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) Amendment to Article VII, Section F(1) The language defining "a qualified student advisor" should be moved from Section H3 to Section F(1), Sentence 3, the first occurrence of the term. The amended text should read:

"In addition to the Panel, only that student, a qualified student advisor, who must be a full-time undergraduate student at the University of Miami, and the Secretary may attend."

Section H3, sentence 3, is amended to delete the same phrase and be revised to read:

"The student charged shall have the right to be assisted by a student advisor; to present ..."

6) Amendment to 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 that 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 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.**

7) Amendment to 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.**

CAPSULE:

Faculty Senate Legislation #87018(B)-
Amendments to the Honor Code

RESPONSE BY THE PRESIDENT:

DATE: 4/29/82

APPROVED: Yes 377

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: Provost

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____



M E M O R A N D U M

December 14, 1987

TO: Dr. John Knoblock
Chairman, Faculty Senate

FROM: William J. Mallowney *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.

Honor Council
P.O. Box 248193
Coral Gables, Florida 33124
(305) 284-4922

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

Dr. Knoblock
December 14, 1987
Page 3

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.

FACULTY SENATE LEGISLATION

Legislation #87018, Class B

Amendments to the Honor Code

Approved by the Faculty Senate at its meeting of December 14, 1987

Italics indicate deletions from the current Honor Code, Faculty Senate Legislation #85009 (B), **boldface** additions to the Honor Code.

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7) Amendment to Article VII, Section I(2)

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December 21, 1987

Dr. John Knoblock
Chairman, Faculty Senate
723D Ashe
University of Miami

Dear Dr. Knoblock,

The Honor Code alone cannot refine the attitudes of the student body. Fostering a climate of fair competition requires a concerted effort by administrations, faculty, and the Honor Council. Being able to meet with you on such short notice assured me that the University will succeed in teaching students the value of academic integrity.

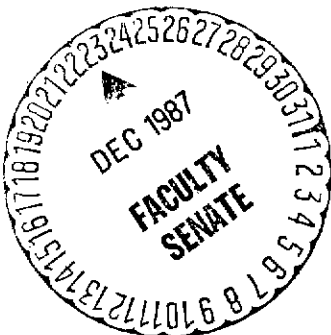
On behalf of the Honor Council, I want to thank you for your advice on how to handle the many complex issues involved in punishing plagiarism. I look forward to working again with you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Marc Oster".

Marc Oster, President
Honor Council

MO/pg



Honor Council
P.O. Box 248193
Coral Gables, Florida 33124
(305) 284-4922

87 15

Sent to Prof. 7-20-83

MEMORANDUM

TO: Dr. Clifford Alloway, Chairman
Dr. Susan Boardman
Dr. Alan Swan
Dr. Donald Vance
Dr. Kamal Yacoub
Dr. Robert Zaller

FROM: Dr. John Knoblock
Chairman, Faculty Senate

DATE: February 11, 1986

SUBJECT: Student Honor Code

At its meeting of February 10, the Faculty Senate authorized the Chairman to appoint a committee of Senators to examine the issue of a Student Honor Code. The Senate declined to give the committee any instructions on the principles which should be incorporated into the Code. The Senate asks that you prepare a draft code, as expeditiously as possible, to be presented to the Senate Council and circulated to the faculties of the various schools. The Senate Council meets February 24. Attached are the ad hoc committee's draft of a code and the comments of the schools.

JK/b

Attachments

SUMMARY
Honor Council Cases
1986-88

Case 86-001

Facts:

In Case 86-001, a junior Engineering student was accused of violating the Honor Code, based on allegations of a complaint filed by a professor in the Department of Mathematics and Computer Science. The student was accused of cheating on a test, specifically by copying answers from the paper of the student sitting nearby.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student was charged with violating the Honor Code, and then plead guilty to this charge. The Honor Council suspended the student from the University for one full semester and two summer sessions.

Case 86-002

Facts:

A senior Engineering student was accused of violating the Honor Code based on the allegations of a complaint filed by a professor in the Department of Mathematics and Computer Science. The student was accused of cheating on a test, specifically by copying answers from the paper of the student sitting nearby.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found no probable cause to believe that a violation of the Honor Code had been committed by the student, and therefore dismissed the case as against him.

Case 86-003

Facts:

A senior Business student was accused of violating the Honor Code based on the allegations of a complaint filed by a professor in the Department of General Business Management and Organization. The student was accused of

attempting to secure a copy of the instructor's manual for a course in which he was enrolled. In furtherance of this effort, the student, on many occasions, misrepresented himself as being a professor in the School of Business.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. It was found at this hearing that because the student did not actually receive the instructor's manual in question, the charge would be conformed to that of attempting to violate the Honor Code. The student then plead guilty to this charge. The Honor Council suspended the student from the University for one semester, effective immediately. As this decision was reached in February, the Honor Council further decided that the student would be entitled to a full refund of all tuition paid to the University for the spring semester.

Appeal:

The student appealed the decision of the Honor Council based on the ground of severity of penalty. The Selection and Appeals Committee, after conducting its Appeal Hearing, affirmed the decision of the Honor Council.

Case 87-001

Facts:

A senior in the School of Business was accused of violating the Honor Code pursuant to a complaint filed by a professor in the Department of General Business Management and Organization. The student was accused of cheating on a test, specifically by utilizing unauthorized notes from review sessions which were written on the student's shoe, hand, and on the seat of his chair. The student then referred to the unauthorized notes during the course of the examination.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student denied the charge and the case proceeded to a Final Hearing.

Final Hearing:

At the Final Hearing of this case, the Honor Council found clear and convincing evidence that the student had committed a violation of the Honor Code as set forth above. The Honor Council then set the penalty of suspension from the University for one semester, effective immediately, followed by strict disciplinary probation through the end of the student's University of Miami career. Furthermore, since this case was decided at the beginning of the semester, the Council decided that the student would receive a full tuition refund for the semester.

Appeal:

The student appealed the decision of the Honor Council based on the grounds of severity of penalty and procedural irregularities. The Selection and Appeals Committee ordered a rehearing for the purpose of facilitating the presentation of live testimony from two witnesses, including that of the course professor.

Remanded Final Hearing:

The Honor Council considered the live testimony of the two witnesses who did not appear at the Final Hearing. Based on this testimony, as well as all previous testimony, the Honor Council suspended the student from the University for one semester, with the proviso that the student receive a full tuition refund, as well as retroactive drops in all courses presently enrolled in.

Appeal:

The student appealed this second decision of the Honor Council based on severity of penalty and procedural irregularities. The decision of the Honor Council in this case was affirmed in part and modified in part. The Committee further found that the student was afforded adequate due process in this case. The Committee, however, modified the Honor Council's penalty from suspension for one semester to final disciplinary probation retroactive to the beginning of the spring semester.

Case 87-002

Facts:

A junior Arts and Sciences student was accused of violating the Honor Code based on a complaint filed by several students. The student was accused of taking a class for another student. In consideration for taking such class, the accused student allegedly received a sum of money for such services.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student was charged with violating the Honor Code and plead guilty to this charge. The student was suspended from the University for two calendar years, effective immediately.

Case 87-003

Facts:

This case involved the student for whom the accused student in Case 87-002 took a class. For reasons outside of the scope of this report, this case was referred to the Dean of Student Personnel for further action.

Case 87-004

Facts:

Two sophomore Business students were charged with violating the Honor Code pursuant to a complaint filed by an Assistant Dean of the School of Business. The students were accused of participating in a scheme whereby one student impersonated the other in a discussion involving a grade change with a professor in the Department of Management Science and Computer Information Systems. Such impersonation and plea for grade change resulted in said change.

Preliminary Hearing:

At its preliminary hearing, the Honor Council found probable cause to believe that a violation of the Honor Code had taken place, as set forth above. Both students denied the charge.

Final Hearing:

At its Final Hearing, the Honor Council found clear and convincing evidence that the students involved had violated the Honor Code. The Honor Council placed both students on disciplinary warning.

Case 87-005

Facts:

A junior Arts and Sciences student was accused of violating the Honor Code pursuant to a complaint filed by a professor in the School of Continuing Studies. The student was accused of removing an examination from the desk of his work study manager, and then attempting to sell this examination to a Continuing Studies student.

Preliminary Hearing:

At its Preliminary Hearing, the Honor Council found probable cause to believe that a violation of the Honor Code had taken place. The student admitted the charges as presented, and also presented mitigating circumstances relevant to the above charge. Pursuant to his admission and related evidence regarding mitigation, the Honor Council placed the student on final disciplinary probation and required the student to perform University service in the amount of 16 hours.

Case 87-006

Facts:

In this case, two junior Nursing students were accused of violating the Honor Code based on a complaint filed by the Associate Dean for Undergraduate Programs in the School of Nursing. The students were accused of submitting as an assignment to a course professor, a paper which contained plagiarized material and/or material prepared and presented in a dishonest way. Specifically, the students were accused of collaborating in an unauthorized manner on a take-home assignment.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place with regard to student 1, but found no probable cause with regard to student 2, and dismissed the case against her. Student 1 denied the charge and the case proceeded to Formal Hearing. The

Honor Council, at its Formal Hearing, found student 1 guilty of violating the Honor Code and set a penalty of final disciplinary probation.

Appeal:

The Selection and Appeals Committee reduced the penalty of final disciplinary probation to that of reprimand. Furthermore, the chairperson of the Selection and Appeals Committee met with the Associate Dean of the School of Nursing to further discuss the case.

Case 87-007

Facts:

In this case, a senior Business student was accused of violating the Honor Code based on the allegations of a complaint filed by a professor in the College of Arts and Sciences. The student was accused specifically of submitting a plagiarized paper to a lecturer in the English Department that had been assigned as part of a plea bargaining arrangement for allegedly cheating on a previous quiz.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student admitted the charge and was placed on strict disciplinary probation, following his presentation of mitigating evidence regarding the nature of the offense.

Case 87-008

Facts:

A sophomore Business student was accused of violating the Honor Code based on a complaint filed by the Assistant Dean in the School of Business Administration. The student was accused of attempting to cheat on a make-up examination administered by a professor of management. Specifically, he possessed at the time of taking the test a blank blue book containing five cheat sheets full of material xeroxed from the course textbook, and written on the reverse side by the student.

Preliminary Hearing:

At its Preliminary Hearing, the Honor Council found probable cause to believe that a violation of the Honor Code had taken place. The student plead guilty to a charge, and was suspended from the University for two summer sessions.

Case 87-009

Facts:

Eleven Engineering students were accused of violating the Honor Code based on a complaint filed by a professor in the Department of Mathematics and Computer Science. Specifically, the students were accused of cheating on an examination, as evidenced by the presence of suspicious similarities among their answers.

Preliminary Hearing:

The Council found probable cause to believe that all 11 students cheated on the examination, by copying answers off of each others' papers. Three students admitted the charge and were placed on final disciplinary probation. The remaining cases proceeded to Final Hearing.

Final Hearing:

At the Final Hearing, six students were found not guilty of violating the Honor Code as charged, in the absence of clear and convincing evidence to support the finding of guilt. Two students were found guilty as charged and were suspended from the University.

Appeal:

The two students who were suspended had their penalties reduced to that of final disciplinary probation.

Case 87-010

Facts:

A junior student from the College of Arts and Sciences was accused of violating the Honor Code, based on a complaint filed by a professor in the College of Arts and Sciences. The student was accused of submitting for a grade a paper containing plagiarized material. Specifically, his term paper contained pages that were

copied from a textbook. Furthermore, the student failed to properly footnote or give credit to such sources in his paper.

Preliminary Hearing:

At its Preliminary Hearing, the Honor Council found probable cause that a violation of the Honor Code had taken place. The student admitted such charge and was suspended from the University for one year.

Case 87-011

Facts:

Two sophomore students from the College of Arts and Sciences and one junior student from the College of Engineering were accused of violating the Honor Code based on a complaint filed by a professor in the Department of Mathematics and Computer Science. The students were accused of submitting as assignments to the course professor, computer programs which contained plagiarized material, and/or material prepared and presented in a dishonest way.

Preliminary Hearing:

At the Preliminary Hearing, the Honor Council found no probable cause to believe that the students had committed a violation of the Honor Code, and therefore all three cases were dismissed.

Case 88-001

Facts:

A senior Business student was accused of violating the Honor Code based on a complaint filed by an Assistant Dean in the School of Business. Specifically, the student was accused of submitting to the University's Law School, a letter regarding his graduation from the University's School of Business, which fraudulently purported to be both prepared by and signed by an employee of the University.

Preliminary Hearing:

The Honor Council, at its Preliminary Hearing, found no probable cause to believe that, even if committed, this action would constitute a violation of the Honor Code. Because actions of this nature are expressly dealt with in the Student Code of Conduct, the action was referred to the office of the Dean of Student Personnel for further consideration.

Case 88-002

Facts:

A senior in the Physical Therapy Program was accused of violating the Honor Code, based on the allegations of a complaint filed by a professor in the Division of Physical Therapy. The student was accused of altering an examination after it was graded, and resubmitting the altered material for regrading.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student denied the charge and the case proceeded to a Final Hearing.

Final Hearing:

At its Final Hearing, the Honor Council found clear and convincing evidence that the student had violated the Honor Code. The Honor Council suspended the student from the University for the 1988 Spring Semester.

Appeal:

The Selection and Appeals Committee reduced the penalty of suspension for one semester to that of final disciplinary probation.

Case 88-003

Facts:

A sophomore in the College of Arts and Sciences was accused of violating the Honor Code based on the allegations of a complaint filed by a professor in the Department of Anthropology. The student was accused of submitting an assignment to the professor that contained plagiarized material.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student was charged with violating the Honor Code, and then plead guilty to this charge. The Honor Council suspended the student from the University for one semester, namely the Spring Semester, 1988.

Appeal:

The student appealed the decision of the Honor Council based on the grounds of severity of penalty. The Selection and Appeals Committee, after conducting its Appeal Hearing, affirmed the decision of the Honor Council.

Case 88-004

Facts:

Two Engineering students, one a freshman and the other a junior, were accused of violating the Honor Code based on a complaint filed by a professor in the College of Engineering. The freshman student was accused of having the junior student take an exam for him.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. Both students were charged with violating the Honor Code and both plead guilty to the charges.

The freshman student was suspended from the University for one semester, retroactive to the Spring Semester, 1988, with a refund of all tuition and appropriate housing refunds, and the retroactive drop of all classes.

The junior student was suspended from the University for the Spring Semester, 1988, both Summer Sessions, and the Fall Semester, 1988, with a tuition refund and a retroactive drop of classes.

Appeal:

The Selection and Appeals Committee affirmed the penalty as to the freshman, and reduced the penalty for the junior to suspension for the Spring Semester 1988 and both Summer Sessions.

Case 88-005

Facts:

A junior in the School of Business was accused of violating the Honor Code based on a complaint filed by a student. The student was accused of cheating on an examination, more specifically looking at the other student's test paper during the examination and exchanging

hand signals with other class members.

Preliminary Hearing:

The Honor Council, after completing its Preliminary Hearing, found no probable cause to believe that a violation of the Honor Code had been committed by the student, and therefore dismissed the case.

Case 88-006

Facts:

Two Nursing students, one a junior and the other a senior, were accused of violating the Honor Code based on a complaint filed by a professor in the School of Nursing. The students were accused of cheating on an examination, more specifically transmitting answers to and/or copying answers from another student during the examination.

Preliminary Hearing

The Honor Council, after completing its Preliminary Hearing, found probable cause to believe that a violation of the Honor Code had taken place. Both students were charged with violating the Honor Code. Both students denied the charge and the case proceeded to a Final Hearing.

Final Hearing:

At the Final Hearing, the Honor Council found clear and convincing evidence that the students had committed a violation of the Honor Code as set forth above. The Honor Council then set the penalty. The students were placed on strict disciplinary probation.

Case 88-007

Facts:

Three Communication students, one sophomore and two juniors, were accused of violating the Honor Code based on a complaint filed by a professor in the School of Communication. The students were accused of submitting an assignment to the professor that contained materials prepared and/or presented in a dishonest way.

Preliminary Hearing:

As to student No. 1, a junior, the Honor Council found no probable cause to believe that a violation of the Honor Code had been committed by the student, and therefore dismissed the case.

As to student No. 2, a junior, the Honor Council found probable cause to believe that a violation of the Honor Code had taken place. The student was charged with violating the Honor Code. His charge was conformed to two counts:

- 1) Violating the professional ethics that are obtained in journalism, and
- 2) fabrication of data.

The Honor Council suspended the second count and the student plead guilty to the first count. The Honor Council then set the penalty as suspension for the 1988 Summer Sessions and Fall Semester, 1988.

As to student No. 3, a sophomore, the Honor Council found probable cause to believe that a violation of the Honor Code had taken place. The student was charged with violating the Honor Code. The student plead guilty to the charge and the Honor Council set the penalty as suspension for the 1988 Summer Sessions.

Appeal:

Student No. 2 appealed and the Selection and Appeals Committee affirmed the suspension, but reduced its duration to the 1988 Summer Sessions.

Case 88-008

Facts:

A sophomore Engineering student was accused of violating the Honor Code based on the allegation of a complaint filed by a professor in the Department of Economics in the School of Business. The student was accused of representing himself as being a professor in the Economics Department to a publishing company in order to acquire test banks that accompany text books for classes in which he was currently enrolled. It was further alleged that these materials were sent by UPS to the student's room on campus.

The Council received a notarized admission of guilt from a freshman Business student regarding the aforementioned charges.

Preliminary Hearing:

The Honor Council, after completing its preliminary hearing, found no probable cause to believe that a violation of the Honor Code had taken place with regards

to the Engineering student, based upon the written, notarized admission of guilt submitted by the Business student. The case against the Business student, therefore, was dismissed.

The Honor Council found probable cause to believe that a violation of the Honor Code had taken place, with regard to the Engineering Student.

The Honor Council suspended the student for one summer session, and placed the student on final disciplinary probation for the remainder of the student's academic career at the University.

Case 88-009

Facts:

Two students in the School of Business, one a junior and one a sophomore, were accused of violating the Honor Code based on the allegations of a complaint filed by a professor in the Department of Economics. The students were accused of cheating on a test by giving and/or receiving unauthorized aid on an Economics 211 final examination. It should be noted that the test answer sheets of both students contained the same answers to all 50 questions, including 25 identical wrong answers.

Preliminary Hearing:

The Honor Council, after completing its preliminary hearing, found no probable cause to believe that a violation of the Honor Code had taken place on the part of the sophomore. The Honor Council then dismissed the case as against the sophomore student.

The Honor Council found probable cause to believe that the junior student had violated the Honor Code. The charge was conformed to that of cheating on the Economics 211 final examination by receiving unauthorized aid. The student then plead guilty to this charge. The Honor Council suspended the student from the University for one summer session and one semester, effectively immediately. The student will be placed on final disciplinary probation if and when the student returns to the University.

Case 88-010

Facts:

A freshman in the School of Business was accused of violating the Honor Code pursuant to a complaint filed by a professor in the Department of Economics. The student

was accused of cheating on a test, specifically by possessing unauthorized "crib" notes during the final examination.

Preliminary Hearing:

The Honor Council, after completing its preliminary hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student admitted the charge. The Honor Council suspended the student from the University for one summer session and one semester. The student was then placed on final disciplinary probation upon his return for the remainder of the student's academic career at the University.

Case 88-011

Facts:

A sophomore student in the School of Communication was accused of violating the Honor Code pursuant to a complaint filed by a professor in the News/Editorial Program. The student was accused of submitting as a final reporting project in CNJ 216 to the course professor, materials prepared and/or presented in a dishonest way. Specifically, it was alleged that the final reporting project contained substantial amounts of plagiarized material.

Preliminary Hearing:

The Honor Council, after completing its preliminary hearing, found probable cause to believe that a violation of the Honor Code had taken place. The student then plead guilty to the charge. The Honor Council suspended the student from the University for one calendar year, effective immediately.

Appeal:

The student appealed the decision of the Honor Council based on the grounds of severity of penalty. The Selection and Appeals Committee, after conducting its Appeal Hearing, affirmed the decision of the Honor Council.

Honor Code file F
#7018



MEMORANDUM

December 16, 1985

Edward T. Foote II
President

*Archives
Sent to [unclear]
[unclear]*

TO: Undergraduate Deans
FROM: Edward T. Foote II *EF*
SUBJECT: University-wide Honor Code
COPIES: Other Members, Long Range Planning Committee

Enclosed is a working draft of a proposal to institute a University-wide honor code governing all undergraduates at the University of Miami. Please review this proposal with your faculties, and others as may be appropriate, just as soon as convenient.

Please recall that a committee co-chaired by Jim Ash and Bill Butler, comprising representatives of the faculty (including the Faculty Senate), student government, and our legal counsel has produced this draft. The committee has been busy all semester. Its work has included careful study of honor systems at other universities. If adopted, such a code would replace existing academic ethics codes in the colleges and schools.

You will note that the attached draft preserves the prerogative of the faculty to assign grades, places the administrative responsibility for enforcing such a code in the hands of a Student Honor Council (a feature of virtually all the honor systems elsewhere in American higher education), and has simple appeals procedures by which the University's administration may amend the action of the Student Honor Council.

If we are to implement a University-wide code for next fall, the Faculty Senate must give the matter two separate readings, and students would hold a referendum by April. This timetable means that Dr. Butler and Dr. Ash need responses to the attached document from undergraduate schools by January 20, 1986, in order to make the necessary changes in the draft for February action by the Faculty Senate.

ac
Attachment

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, and collusion.

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.
- c) "Collusion" means the unauthorized collaboration with another person in preparing written work offered for credit.
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.
- B. The Honor Code covers all written and oral examinations, term papers, and any other academic work done at the University by a student under the jurisdiction of the Council.
- C. Determination of jurisdiction of the Council will be made by the Selection and Appeals Committee.

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 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.

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 is 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 days after discovery of the alleged violation of the Honor Code excluding officially recognized University holiday and vacation periods. The Secretary of the Council shall notify the accused in writing within one week of the receipt of an accusation.

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 the issue of guilt or innocence.
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 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, 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 innocence or 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.
6. The accuser and all witnesses shall be present during the proceedings only to present their testimony. Witnesses and other persons involved in a hearing shall not discuss the case with anyone outside the hearing proceedings either prior to, during, or after the hearing, except with the persons comprising the Fact-Finding Subcommittee prior to the hearing. Any violation of this provision by a student will be a violation of the Honor Code. Violation of this

provision by a faculty member will be brought to the attention of the appropriate academic dean in writing by the Council.

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 innocence or guilt, and where appropriate, any penalty.
2. The Hearing Panel members shall not consider prior convictions under this Code in deciding innocence or 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 the decision of guilt or innocence.

3. The Hearing Panel's decision of guilt or innocence, 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 innocent, 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. The assessment of a grade by a faculty member shall not be considered a penalty for academic dishonesty under this Code.

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 school days of the decision of the Hearing Panel, to the Selection and Appeals Committee. 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. Faculty will retain the right to apply appropriate academic sanctions for dishonesty in their classes. However, the faculty member shall specifically inform the student if a sanction is imposed or a grade is assessed for reasons of academic dishonesty.
- B. The accused student may appeal a case handled directly by a faculty member first to the student's academic department chair, then to the academic dean, and, if necessary, finally to the Faculty Senate Committee on Student Affairs.
- C. Faculty members are requested to defer the assessment 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 have the right to draft and implement procedural regulations 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.

12/17/85

Honor Council Cases

	<u>1986/87</u>	<u>1987/88</u>	<u>Total</u>
Cases	14	11	25
Students	28	17	45
Arts & Sciences	6	1	7
Business	6	6	12
Communication	0	4	4
Education	0	1	1
Engineering	14	3	17
Nursing	2	2	4
 Violations			
Cheating on examination	5	5	10
Cheating - plagiarism	4	3	7
Exchange money for taking class	2	0	2
Impersonating another student	1	1	2
Selling examination	1	0	1
Obtaining teacher's manual	1	1	2
Forging grad. letter	0	1	1
 Results			
Suspended	5	9	14
Final disciplinary probation	7	1	8
Strict disciplinary probation	1	2	3
Disciplinary warning	2	0	2
Reprimand	1	0	1
Dismissed - lack of evidence	5	4	9
Dismissed - student not guilty	6	0	6
Referred to another office	1	1	2

1986/87 Honor Council Cases

<u>Case #</u>	<u>No. Students</u>	<u>Violation</u>	<u>Penalty/Result</u>	<u>Appeal</u>
86-001	1	Cheating on test	Suspension	
86-002	1	Cheating on test	Final disciplinary probation	
86-003	1	Teacher's manual	Suspension	Affirmed
87-001	1	Cheating on test	Final disciplinary probation	Modified
87-002	1	Taking class for money	Suspended	
87-003	1	Paid to take class	Referred	
87-004	2	Impersonating each other	Disciplinary warning	
87-005	1	Sell exam	Final disciplinary probation	
87-006	2	Plagiarism	Reprimand/dismissed	Modified
87-007	1	Plagiarized paper	Strict disciplinary probation	
87-008	1	Cheating on test	Suspended	
87-009	11	Cheating on exam	3 dis. prob. 6 not guilty 2 fin. dis. prob.	Modified

87-010

1

Plagiarized
paper

Suspended

87-011

3

Plagiarized
computer
program

Dismissed

1987/88 Honor Council Cases

<u>Case #</u>	<u>No. Students</u>	<u>Violation</u>	<u>Penalty/Result</u>	<u>Appeal</u>
88-001	1	Forging grad. letter	Referred	
88-002	1	Altering exam	Disciplinary probation	Modified
88-003	1	Plagiarism	Suspension	Affirmed
88-004	2	Taking test for other student	Suspension	1 Modified 1 affirmed
88-005	1	Cheating on exam	Dismissed	
88-006	2	Cheating on exam	Strict disciplinary probation	
88-007	3	Dishonest phone survey	1 Dismissed 1 suspended 1 suspended	Modified
88-008	2	Ordering teacher's manual	1 Dismissed 1 suspended	
88-009	2	Cheating on test	1 Dismissed 1 suspended	
88-010	1	Cheating on test	Suspended	
88-011	1	Plagiarism	Suspended	Affirmed

Honor Code Amendments

Changes proposed during the 12/14/87 Senate meeting

- 1) Article VI, Section C(3) - approved
- 2) Article VII, Section B(1) - approved
- 3) Article VII, Section C(1) - addition approved
- 4) Article VII, Section C(2) - addition approved
- 5-A) Article VII, Section F(1) - consensus of Senate was that the language regarding "a qualified student advisor" should be moved from Section H3 to F1 since this would be the first occurrence of the term. Addition should read "In addition ..., a qualified student advisor, **who must be a full-time undergraduate student at the University of Miami**, and the secretary may attend." Section H3, sentence 3, would be revised to read, "The student charged shall have the right to be assisted by a student advisor; to present ...". - amendment approved
- 5-B) Article VII, Section F(1) - approved
- 6) Article VII, Section I(2) - approved