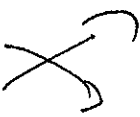




MEMORANDUM

TO: President Edward T. Foote II

FROM:  David L. Wilson *DLW/bc*  
Chair, Faculty Senate

DATE: August 22, 1997

SUBJECT: Faculty Senate Legislation #96011(B) - Revisions to  
Undergraduate Honor Code


The Faculty Senate, at its meeting on April 28, 1997, voted to adopt the revised Undergraduate Honor Code (Faculty Senate Legislation #96011(B)). The text of the legislation is attached.

This legislation is forwarded to you for your action.

DLW/b

Attachment

cc: Provost Luis Glaser  
Dean William Sandler, Dean of Students

*7/1/97*  
*David,*  
*✓ approved.*  
*Thanks.*  


**TITLE I      GENERAL PROVISIONS****A. Purpose**

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

This Code is established for the undergraduate student body, to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, the student will never engage in falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

**B. Responsibility of the University Community**

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

**C. Jurisdiction**

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

**D. Faculty Cooperation**

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

UNDERGRADUATE HONOR CODE

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

**TITLE II      DEFINITIONS**

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

**TITLE III      VIOLATIONS**

**A. Policy Statement**

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

**B. Violations**

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3. Collusion - This is the act of working together on an academic undertaking for which a student is individually responsible. Examples include, but are not limited to, sharing information in labs which are to be done individually.

4. Disruption of Honor Council Procedures - This includes any other act not specifically covered that compromises the integrity of a student. Examples include, but are not limited to, failing to appear without good cause when requested by the Honor Council, failing to keep information about cases confidential, supplying false information to the Honor Council, and accusing a student of a violation of this Code in bad faith.

#### **TITLE IV THE HONOR COUNCIL AND THE SELECTION AND APPEALS COMMITTEE**

##### **A. The Honor Council**

###### **1. General**

- a) The Council's purpose is to investigate complaints, determine the facts in a given case and, upon finding a violation of this Code, assess appropriate penalties as provided in Title V(M).
- b) The University of Miami Undergraduate Honor Council derives its authority from the University.
- c) The Council shall consist of twenty-two (22) representatives from the undergraduate schools or colleges selected each year for a one-year term by the Selection and Appeals Committee.

###### **2. Appointment of the Council**

- a) Full-time undergraduate students in good standing (as defined in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council. (High school grade point average will be used for first semester freshmen.)
- b) Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college or to the office of the Dean of Students at a time designated by the Selection and Appeals Committee. Each Dean shall recommend to the Secretary at least five nominees in addition to the number of members currently serving from that school or college.
- c) The Selection and Appeals Committee shall interview the students and shall appoint 22 to serve on the Honor Council.

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- a) The Honor Council shall elect from its members a President and a Vice President.
- b) The President must have served at least one year as a member of the Council.
- c) The Vice President shall assume the responsibilities of the President when the President is unavailable.
- d) The President shall preside over meetings of the Council.
- e) The President and Vice President shall serve as members of hearing panels when appointed.

**4. Meetings**

- a) Meetings shall be called by the President.
- b) A quorum of the Council for the purpose of transacting affairs is a majority of the active members.

**5. Vacancies and Removal of Members**

- a) The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. If necessary, it may then seek additional nominations from the Dean of the school or college.
- b) Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

**B. The Selection and Appeals Committee**

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

### **C. The Secretary**

1. The Vice President for Student Affairs shall appoint a Secretary to the Council.
2. 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.

## **TITLE V PROCEDURES**

### **A. Policy Statement**

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

### **B. Complaint**

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

- 1) the name of the accused student, if known;
- 2) the facts giving rise to the alleged violation;
- 3) the names of any witnesses; and
- 4) such other factual information or documentation as may be useful in determining the truth of the charge made.

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

### **C. Hearing Panel Selection and Regulations**

1. Upon receipt of a complaint, the Secretary shall draft a charge which includes a brief description of the alleged violation. The Secretary shall select a five member hearing panel from among the members of the Honor Council and designate one panel member as the panel Speaker. The Secretary shall also designate as Investigators two additional members to investigate the complaint. Hearing panels shall be filled on a rotating and impartial basis, subject to review by the Selection and Appeals Committee on its own motion, or upon request of the President of the Honor Council. The Secretary shall supply the members of the panel with the name of the accused student and the nature of the activity to which the complaint relates.

2. Upon receipt of the notice, hearing panel members shall recuse themselves if they are aware of any personal bias or conflict of interest that may improperly affect their judgment, or if they are enrolled in the course section or other academic activity to which the complaint relates. If a hearing panel member does not offer voluntary recusal, a majority of the panel, excluding the challenged member, may remove that member for cause.

#### **D. Charge**

1. Following receipt of the complaint and designation of the hearing panel, the Secretary shall serve the accused student with a charge document, the names of the hearing panel members, and the hearing date, time, and location.
2. The accused student shall not be given names of a student witness or that of a student complainant prior to the hearing.
3. Service shall be by hand delivery or certified mail to the last local address the student provided the University.
4. The Secretary shall provide a copy of the charge to the complainant.
5. Within one day of the receipt of the names of hearing panel members, the accused student may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the panel member and shall notify the accused student of new panel members. The accused student then has the right to object to any new panel member following the procedures in this section.
6. Within one day of the receipt of the charge, the accused student may challenge the hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the hearing and shall notify the accused student, witnesses, and panel members of any change in date, time, or location.
7. If a student is charged with a violation of this Code less than two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation. If the procedures are not completed prior to graduation, the University reserves the right to delay graduation until the case is fully adjudicated.

**E. Investigation**

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

**F. Hearing Procedures**

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

**G. Plea**

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

1. If the accused student enters a plea of guilty when charged by the Secretary, the panel may elect not to hear witnesses or the complainant. After admitting the charge, the accused student shall have the opportunity to present evidence



of mitigating circumstances before the hearing panel retires to deliberate on a sanction.

2. If the accused student denies the charge, the student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove innocence.
3. If the accused student refuses to enter a plea or speak on his own behalf, the panel shall enter a plea of not guilty for the accused and proceed with the hearing. No inference of guilt may be drawn from the silence of the accused student.

#### **H. Witnesses**

1. The hearing panel shall hear from any witnesses involved in the case. The accused student will have the opportunity to question any witness.
  - a) Witnesses may refuse to answer a question if they believe the answer, if truthful, might incriminate them.
  - b) A student witness called by the panel may be sanctioned by the panel for refusing to appear without good cause. The panel shall determine if the witness's reasons constitute good cause.
2. The hearing panel may consider an affidavit or written statement against the accused student only if the person giving the affidavit or statement cannot appear in person to testify before the panel. Before any such document is considered, the accused student must have been advised of its content and the name of the person making the affidavit or statement three working days before the hearing. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

#### **I. Deliberation**

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

### **J. Finding of Guilt - Mitigation Hearing**

A student who enters a plea of guilty or is found guilty by the panel shall be given an opportunity to present evidence relevant to the determination of the penalty.

### **K. Finding of Not Guilty**

1. If the complaint is dismissed or the student is found not guilty, no record of any complaint against a student shall appear in the student's file, or other official University records.
2. If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the panel shall dismiss the complaint if it determines, by majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair decision in the case.

### **L. Affirmative Rights of the Accused Student**

1. The accused student has the right to question any witnesses and the complainant.
2. The accused student has the right to call witnesses and present evidence. A student may offer a written request to the panel that the panel call specific witnesses if those witnesses have previously refused to appear and are shown in the request to be material to the accused student's defense. The panel shall determine a witness's materiality based on the statement presented by the accused student.
3. The accused student has the right to remain silent and no inference may be drawn from this silence.
4. The accused student, if found guilty, has the right to review a written summary of the evidence upon which the finding of guilt and penalty were based. This summary shall be prepared by the Speaker of the hearing panel.

### **M. Penalties**

1. Penalties shall be based on the severity of the violation and shall consist of one or more of the following as defined in the Student Rights and Responsibilities Section of the Student Life Handbook and Daily Planner:
  - a) Expulsion from the University
  - b) Suspension from the University
  - c) Final Disciplinary Probation
  - d) Strict Disciplinary Probation
  - e) Disciplinary Warning
  - f) Reprimand

- g) University service
  - h) Other appropriate action as approved by the Honor Council
2. Failure to comply with any of the conditions of the penalties may result in additional charges.
  3. The panel may consider prior convictions in assessing penalties.

#### **N. Panel's Decision**

1. The panel's decision shall be made promptly after the hearing. However, when considering complaints involving more than one accused student, the panel may postpone judgment until the completion of the hearings for all students under the given complaint.
2. Notice of the decision shall be given to the accused student and the complainant. The accused student may elect to hear the decision of the panel in person at the conclusion of the panel's deliberations or elect to be notified of the decision at a later time by the Secretary.

### **TITLE VI APPEALS**

#### **A. Procedures**

1. Appeals by the student may only be taken from a hearing panel's decision finding guilt or from penalties arising from the violation.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be:
  - a. failure to follow the procedures of this Code constituted an error,
  - b. new evidence has been discovered, or
  - c. penalties are not commensurate with the offense.
4. The appeal must be submitted within three (3) days of receipt of the hearing summary.

#### **B. Hearing the Appeal**

1. The Selection and Appeals Committee shall have three days from the receipt of an appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing an appeal if the student makes a written request specifying the reasons for the extension.
3. A written summary of the evidence shall be provided to the Committee by the Secretary.

4. The Committee shall question the accused student and the Speaker of the hearing panel.
5. The Committee shall review the case and may:
  - a. affirm the hearing panel's decision,
  - b. reduce the penalty, or
  - c. refer the case back to the hearing panel for appropriate action.
6. The decision of the Committee shall be final.

## **TITLE VII PUBLICATION OF CONVICTION AND PENALTIES and AMENDMENT PROCEDURES**

### **A. Publication**

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

### **B. Amendment of this Code**

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


### **C. Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Fall 1997 Semester.

5/30/97

CAPSULE: Faculty Senate Legislation #96011(B) - Revisions to Undergraduate Honor Code

RESPONSE BY THE PRESIDENT: Approved DATE: 2/1/92

APPROVED: 

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: \_\_\_\_\_

EFFECTIVE DATE OF LEGISLATION: \_\_\_\_\_

NOT APPROVED AND REFERRED TO: \_\_\_\_\_

REMARKS (IF NOT APPROVED): \_\_\_\_\_

## **SYNOPSIS OF ACTIONS**

Taken by the  
**Executive Committee**  
University of Miami Board of Trustees  
November 17, 1998

**AUTHORIZED** administration to spend an additional \$300,000 for the completion of the 50% construction documents for the Batchelor Children's Center.

**APPROVED** amendments to the Faculty Charter regarding: Revisions to Undergraduate Honor Code; Rescission of Section B8 of the Bylaws, pertaining to Graduate School of International Studies; Establishment of the School of International Studies; Establishment of a Department of Geography in the School of International Studies; Transfer of the International Studies Program from the College of Arts and Sciences to the School of International Studies; Restructuring the Honors Program; Establishment of the Bachelor of Science in Information Technology Degree; Approval of the Center for Research on Sport in Society; Change in name for the Department of Geography, and Change in name and status of the "Advanced Diploma in Performance".

**AUTHORIZED** administration to enter into a contract with UNUM for long term care starting in 1999, with the understanding that full premium cost will be covered by faculty and staff.

**APPROVED** the establishment of the quasi-endowment fund for the School of Continuing Studies.

**AFFIRMED** and reaffirmed the sense of the Executive Committee that it supports President Foote's recommendation to grandfather current employees to retain tuition remission and that the administration should respect Faculty Senate's processes in regards to tuition remission.

Committee's recommendations, which include distribution of the report to deans and chairs for discussions with faculty.

#### Progress Report from the Ad Hoc Internet Committee

The Senate Chair gave a brief report on the Committee's activities. In the absence of Professor Knoblock, who is chair of the Ad Hoc Internet Committee, Professor Wilson said that the Committee is looking into three issues regarding internet use: 1) issues related to academic freedom; 2) improving access for faculty and students; and 3) technical matters. The Committee recently has developed a draft document that will come before the Senate for action, and is available on the internet.

#### Revisions to the Undergraduate Honor Code

Professor DeSantis reported on the progress of the Ad Hoc Committee to Revise the Undergraduate Honor Code. She then asked Dean Sandler, Dean of Students, to explain the new changes in the Honor Code. He introduced John Kulik, outgoing President, and Kristen Averyt, incoming President of the Honor Council. Dean Sandler stated that the Student Government Senate had approved the document on April 23, 1997. Several editorial suggestions were made to improve the document. It was *moved* and seconded to adopt the document. The *motion carried*. In response to a query about the number of cases heard each year, Mr. Kulik responded that there have been between 15 and 20 cases each year during his tenure as President.

Since there was no old business brought forward for discussion, the Chair closed the old Senate. He thanked the present Senators, and especially those leaving the Senate, for their help in governing the University. President Foote also thanked the officers and Senate for their service during the past year. He welcomed the new Senators and said he looked forward to working with them.

The meeting recessed and the 1997-98 Senate reconvened for the purpose of electing officers.

5/20/77

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3. Service shall be by hand delivery or certified mail to the last local address the student provided the University.
4. The Secretary shall provide a copy of the charge to the complainant.
5. Within one day of the receipt of the names of hearing panel members, the accused student may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the panel member and shall notify the accused student of new panel members. The accused student then has the right to object to any new panel member following the procedures in this section.
6. Within one day of the receipt of the charge, the accused student may challenge the hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the hearing and shall notify the accused student, witnesses, and panel members of any change in date, time, or location.
7. If a student is charged with a violation of this Code less than two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation. If the procedures are not completed prior to graduation, the University reserves the right to delay graduation until the case is fully adjudicated.

**E. Investigation**

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

**F. Hearing Procedures**

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

**G. Plea**

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

1. If the accused student enters a plea of guilty when charged by the Secretary, the panel may elect not to hear witnesses or the complainant. After admitting the charge, the accused student shall have the opportunity to present evidence

of mitigating circumstances before the hearing panel retires to deliberate on a sanction.

2. If the accused student denies the charge, the student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove innocence.
3. If the accused student refuses to enter a plea or speak on his own behalf, the panel shall enter a plea of not guilty for the accused and proceed with the hearing. No inference of guilt may be drawn from the silence of the accused student.

#### **H. Witnesses**

1. The hearing panel shall hear from any witnesses involved in the case. The accused student will have the opportunity to question any witness.
  - a) Witnesses may refuse to answer a question if they believe the answer, if truthful, might incriminate them.
  - b) A student witness called by the panel may be sanctioned by the panel for refusing to appear without good cause. The panel shall determine if the witness's reasons constitute good cause.
2. The hearing panel may consider an affidavit or written statement against the accused student only if the person giving the affidavit or statement cannot appear in person to testify before the panel. Before any such document is considered, the accused student must have been advised of its content and the name of the person making the affidavit or statement three working days before the hearing. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

#### **I. Deliberation**

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

## **J. Finding of Guilt - Mitigation Hearing**

A student who enters a plea of guilty or is found guilty by the panel shall be given an opportunity to present evidence relevant to the determination of the penalty.

## **K. Finding of Not Guilty**

1. If the complaint is dismissed or the student is found not guilty, no record of any complaint against a student shall appear in the student's file, or other official University records.
2. If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the panel shall dismiss the complaint if it determines, by majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair decision in the case.

## **L. Affirmative Rights of the Accused Student**

1. The accused student has the right to question any witnesses and the complainant.
2. The accused student has the right to call witnesses and present evidence. A student may offer a written request to the panel that the panel call specific witnesses if those witnesses have previously refused to appear and are shown in the request to be material to the accused student's defense. The panel shall determine a witness's materiality based on the statement presented by the accused student.
3. The accused student has the right to remain silent and no inference may be drawn from this silence.
4. The accused student, if found guilty, has the right to review a written summary of the evidence upon which the finding of guilt and penalty were based. This summary shall be prepared by the Speaker of the hearing panel.

## **M. Penalties**

1. Penalties shall be based on the severity of the violation and shall consist of one or more of the following as defined in the Student Rights and Responsibilities Section of the Student Life Handbook and Daily Planner:
  - a) Expulsion from the University
  - b) Suspension from the University
  - c) Final Disciplinary Probation
  - d) Strict Disciplinary Probation
  - e) Disciplinary Warning
  - f) Reprimand



- g) University service
  - h) Other appropriate action as approved by the Honor Council
2. Failure to comply with any of the conditions of the penalties may result in additional charges.
  3. The panel may consider prior convictions in assessing penalties.

#### **N. Panel's Decision**

1. The panel's decision shall be made promptly after the hearing. However, when considering complaints involving more than one accused student, the panel may postpone judgment until the completion of the hearings for all students under the given complaint.
2. Notice of the decision shall be given to the accused student and the complainant. The accused student may elect to hear the decision of the panel in person at the conclusion of the panel's deliberations or elect to be notified of the decision at a later time by the Secretary.

### **TITLE VI APPEALS**

#### **A. Procedures**

1. Appeals by the student may only be taken from a hearing panel's decision finding guilt or from penalties arising from the violation.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be:
  - a. failure to follow the procedures of this Code constituted an error,
  - b. new evidence has been discovered, or
  - c. penalties are not commensurate with the offense.
4. The appeal must be submitted within three (3) days of receipt of the hearing summary.

#### **B. Hearing the Appeal**

1. The Selection and Appeals Committee shall have three days from the receipt of an appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing an appeal if the student makes a written request specifying the reasons for the extension.
3. A written summary of the evidence shall be provided to the Committee by the Secretary.

UNDERGRADUATE HONOR CODE

4. The Committee shall question the accused student and the Speaker of the hearing panel.
5. The Committee shall review the case and may:
  - a. affirm the hearing panel's decision,
  - b. reduce the penalty, or
  - c. refer the case back to the hearing panel for appropriate action.
6. The decision of the Committee shall be final.

**TITLE VII PUBLICATION OF CONVICTION AND PENALTIES and  
AMENDMENT PROCEDURES**

**A. Publication**

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

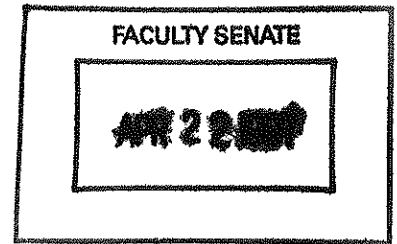
**B. Amendment of this Code**

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

**C. Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Fall 1997 Semester.

5/30/97



April 21, 1997

TO: Dr. David L. Wilson  
Chairman, Faculty Senate

FROM: William W. Sandler, Jr. *WWS*  
Dean of Students

SUBJECT: Revised Undergraduate Student Honor Code

I have enclosed the revised Student Honor Code which was requested by the Faculty Senate in the spring of 1996. Throughout the school year I met with Lydia DeSantis, Eugene Clasby, Mary Coombs, John Kiluk, President of the Honor Council, Samith Sandadi, Vice President of the Honor Council, and Jonathan Brill, the current Student Body President. We went through the entire Honor Code, making revisions so that it is now a more readable document.

We are prepared to present the revised Honor Code at the next Faculty Senate meeting. I have forwarded fifty copies of the revised Undergraduate Honor Code to the Faculty Senate Office. If you have any questions concerning this matter, do not hesitate to call me at 284-5353.

WWS/ghs

Enclosure

Dean of Students  
P.O. Box 248106  
Coral Gables, Florida 33124-5570  
305-284-5353

## **TITLE I GENERAL PROVISIONS**

### **A. Purpose**

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

This Code is established for the undergraduate student body, to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, the student will never engage in falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

### **B. Responsibility of the University Community**

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

### **C. Jurisdiction**

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

### **D. Faculty Cooperation**

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

2. During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty 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, provide any document, list of witnesses, or other information deemed relevant to the alleged offense. This information shall be in writing and shall be filed with the Secretary.

## **TITLE II DEFINITIONS**

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

## **TITLE III VIOLATIONS**

### **A. Policy Statement**

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

### **B. Violations**

1. Cheating - *This term implies an intent to deceive. It includes all actions, devices and deceptions used in the attempt to cheat. Examples include copying answers from another student's exam and using a cheat sheet or crib notes in an exam.*
2. Plagiarism - *Plagiarism is representing the words or ideas of someone else as your own. Examples include, but are not limited to, failing to properly cite direct quotes and failing to give credit for someone else's ideas.*

3. Collusion - *This is the act of working together on an academic undertaking for which a student is individually responsible. Examples include, but are not limited to, sharing information in labs which are to be done individually.*

4. Disruption of Honor Council Procedures - *This includes any other act not specifically covered that compromises the integrity of a student. Examples are failing to appear without good cause when requested by the Honor Council, failing to keep information about cases confidential, supplying false information to the Honor Council and accusing a student of a violation of this Code in bad faith.*

#### **TITLE IV THE HONOR COUNCIL AND THE SELECTION AND APPEALS COMMITTEE**

##### **A. The Honor Council**

###### **1. General**

- a) The Council's purpose is to investigate complaints, determine the facts in a given case and, upon finding a violation of this Code, assess appropriate penalties as provided in Title V(H).
- b) The University of Miami Undergraduate Honor Council derives its authority from the University.
- c) The Council shall consist of twenty-two (22) representatives from the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee.

###### **2. Appointment of the Council**

- a) Full time undergraduate students in good standing (as defined in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council (High school grade point average will be used for first semester freshmen).
- b) Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college or to the office of the Dean of Students at a time designated by the Selection and Appeals Committee. *Each Dean shall recommend to the Executive Secretary at least five nominees in addition to the number of members currently serving from that school or college.*
- c) The Selection and Appeals Committee shall interview the students and shall appoint 22 to serve on the Honor Council.
- d) The Committee shall attempt to include at least one representative from each undergraduate school or college on the council.

**3. Officers of the Honor Council**

- a) The Honor Council shall elect from its members a President and a Vice President.
- b) The President must have served at least one year as a member of the Council.
- c) The Vice President shall assume the responsibilities of the President when the President is unavailable.
- d) The President shall preside over meetings of the Council.
- e) The President and Vice President shall serve as members of hearing panels when appointed.

**4. Meetings**

- a) Meetings shall be called by the President.
- b) A quorum of the Council for the purpose of transacting affairs is a majority of the active members.

**5. Vacancies and Removal of Members**

- a) The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. If necessary, it may then seek additional nominations from the Dean of the school or college.
- b) Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

**B. The Selection and Appeals Committee**

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

### C. The Secretary

1. The Vice President for Student Affairs shall appoint a Secretary to the Council.
2. 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.

## TITLE V PROCEDURES

### Policy Statement

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

### 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 complaint to the Secretary. The complaint shall include a statement of:

- 1) the name of the accused student, if known;
- 2) the facts giving rise to the alleged violation;
- 3) the names of any witnesses; and
- 4) such other factual information or documentation as may be useful in determining the truth of the charge made.

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

### B. Hearing Panel Selection and Regulations

1. *Upon receipt of a complaint, the Secretary shall draft a charge which includes a brief description of the alleged violation. The Secretary shall select a five member Hearing Panel from among the members of the Honor Council and designate one Panel Member as the Panel Speaker. The Secretary shall also designate as Investigators two additional members to investigate the complaint.* Hearing Panels shall be filled on a rotating and impartial basis, subject to review by the Selection and Appeals Committee on its own motion, or upon request of the President of the Honor Council. The Secretary shall supply the members of the Panel with the name of the accused student and the nature of the activity to which the complaint relates.



2. Upon receipt of the notice, Hearing Panel members shall recuse themselves if they are aware of any personal bias or conflict of interest that may improperly affect their judgment, or if they are enrolled in the course section or other academic activity to which the complaint relates. If a Hearing Panel member does not offer voluntary recusal, a majority of the Panel, excluding the challenged member, may remove that member for cause.

### C. Charge

1. Following receipt of the Complaint and designation of the Hearing Panel, the Secretary shall serve the accused student with a charge document, the names of the Hearing Panel members, and the Hearing date, time, and location.
2. The accused student shall not be given names of a student witness or that of a student complainant prior to the hearing.
3. Service shall be by hand delivery or certified mail to *the last local address the student provided the University*.
4. The Secretary shall provide a copy of the charge to the Complainant.
5. Within *one* day of the receipt of the names of Hearing Panel members, the accused student may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel Member and shall notify the accused student of new Panel Members. The accused student then has the right to object to any new Member following the procedures in this section.
6. *Within one day of the receipt of the charge, the accused student may challenge the Hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the Hearing and shall notify the accused student, witnesses, and Panel Members in any change in date, time, or location.*
7. If a student is charged with a violation of this Code less than two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation. If the procedures are not completed prior to graduation, the University reserves the right to delay graduation until the case is fully adjudicated.

**D. Investigation**

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

**E. Hearing Procedures**

1. The Hearing shall be held in private and the proceedings are confidential.
2. The accused student, the Secretary, the complainant and all witnesses must attend the Hearing. In addition to those required by the Council to attend, the accused student may choose a University of Miami undergraduate student to attend and assist the accused. This advisor may not speak on behalf of the accused student.
3. If the accused student enters a plea of guilty when charged by the Secretary, the Panel may elect not to hear witnesses or the complainant.
4. It is not the function of the Panel to act as prosecutor of the case against the accused student, but to examine all evidence in order to ascertain the truth of the matter.
5. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall resolve the matter by majority vote of the members present.
6. The Hearing Panel may, at any time, conform the charge to the evidence received, provided the accused student is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

**Presentation of Information**

7. *The speaker of the Panel shall commence the hearing by reading the charge and any statements received from the complainant.*
8. *The Investigator's shall give a report of their findings. The Panel and the accused student may then question the Investigators. The Investigators shall remain at the hearing as resources for the Panel, but shall not participate in deliberations or vote with the Panel.*

### Plea

9. *The accused student may then admit or deny the charge, in whole or in part. Accused students must always speak for themselves.*
  - i. *If the accused student admits the charge, the Panel shall receive evidence of mitigating circumstances before retiring to deliberate on a sanction.*
  - ii. *If the accused student denies the charge, the student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove innocence.*
  - iii. *If the accused student refuses to enter a plea or speak on his own behalf, the Panel shall enter a plea of not guilty for the accused and proceed with the Hearing. No inference of guilt may be drawn from the silence of the accused student.*

### Witnesses

10. The Hearing Panel shall hear from any witnesses involved in the case. The accused student will have the opportunity to question any witness.
11. The Hearing Panel may consider an affidavit or written statement against the accused student only if the person giving the affidavit or statement cannot appear in person to testify before the Panel. Before any such document is considered, the accused student must have been advised of its content and the name of the person making the affidavit or statement three working days before the hearing. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

### Deliberation

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

### Mitigation Hearing - Finding of Guilt

14. A student who enters a plea of guilty or is found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.

**Dismissal - No Finding of Guilt**

15. If the complaint is dismissed or the student is found not guilty, no record of any complaint against a student shall appear in the student's file, or other official University record.
16. *If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the panel shall dismiss the complaint if it determines, by majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair decision in the case.*

**F. Witnesses**

1. *A witnesses may refuse to answer a question if they believe the answer, if truthful, might incriminate them.*
2. A student witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witness's reasons constitute good cause.

**G. Affirmative Rights of the Accused Student**

1. The accused student has the right to question any witnesses and the complainant.
2. The accused student has the right to call witnesses and present evidence. A student may offer a written request to the Panel that the Panel call specific witnesses for him if those witnesses have previously refused to appear and are shown in the request to be material to the accused student's defense. The Panel shall determine a witness' materiality based on the statement presented by the accused student.
3. The accused student has the right to remain silent and no inference may be drawn from this silence.
4. The accused student, if found guilty, has the right to review a written summary of the evidence upon which the finding of guilt and penalty were based. This summary shall be prepared by the speaker of the Hearing Panel.

**H. Penalties**

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

**I. Panel's Decision**

1. The Panel's decision shall be made promptly after the Hearing. *However, when considering complaints involving more than one accused student, the panel may postpone judgement until the completion of the hearings for all students under the given complaint.*
2. Notice of the decision shall be given to the accused student and the complainant. The accused student may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations or elect to be notified of the decision at a later time by the Secretary.

**TITLE VI APPEALS**

**A. Procedures**

1. Appeals by the student may only be taken from a panel's decision finding guilt or from penalties arising from the violation.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be:
  - i. failure to follow the procedures of this Code constituted an error,
  - ii. new evidence has been discovered, or
  - iii. penalties not commensurate with the offense.
4. The appeal must be submitted within three (3) days of receipt of the hearing summary.

## **B. Hearing the Appeal**

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

## **TITLE VII PUBLICATION OF CONVICTION AND PENALTIES and AMENDMENT PROCEDURES**

### **A. Publication**

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

### **B. Amendment of this Code**

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

### **C. Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Fall 1997 Semester.



MEMORANDUM

February 5, 1997

To: Dr. Lydia DeSantis  
Dr. Eugene Clasby  
Dean Mary Coombs  
John Kiluk  
Samith Sandadi  
Jonathan Brill

From: William W. Sandler Jr. *WS*  
Honor Council Executive Secretary

Subject: Revisions to the Undergraduate Student Honor Code

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Enclosed is a revised copy of the University of Miami Undergraduate Student Honor Code. I am requesting that we again meet within the next two weeks to review the changes and make additional corrections to policy.

Please call me if you have any questions about the document prior to the meeting.

**Honor Council**  
Office of the  
Dean of Students  
P.O. Box 248106  
Coral Gables, Florida 33124-5570  
305-284-5353

## **TITLE I      PURPOSE**

### **A.    PURPOSE**

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

This code is established for the undergraduate student body, to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

### **B.    RESPONSIBILITY of the UNIVERSITY COMMUNITY**

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

### **C.    JURISDICTION**

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

### **D.    FACULTY COOPERATION**

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



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

## **TITLE II      DEFINITIONS**

1. *"day(s)" refers to University working days only.*
2. *"the Secretary" means the Honor Council Executive Secretary or their designee.*
3. *"President, Vice President, etc." refers to Honor Council officers unless otherwise indicated by a full title. i.e.. Vice President for Student Affairs.*
4. *"accused" refers to a student or students charged with a violation of this Code.*
5. *"student" means any University of Miami undergraduate or group of undergraduates.*
6. *"the Committee" refers to the Selection and Appeals Committee.*

## **TITLE III      VIOLATIONS**

### **A. Policy Statement**

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

### **B. Violations**

1. *Cheating - This act implies an intent to deceive. It includes all actions, devices and deceptions used in the attempt to commit this act. Examples include, but are not limited to, copying answers from another student's exam and using a cheat sheet or crib notes in an exam.*

2. Plagiarism - *Plagiarism is representing the words or ideas of someone else as your own. Examples include, but are not limited to, failing to properly cite direct quotes and failing to give credit for someone else's ideas.*

3. Collusion - *This is the act of working together on an academic undertaking for which a student is individually responsible. Examples include, but are not limited to, sharing information in labs which are to be done individually.*

4. Academic Dishonesty - *This includes any other act not specifically covered that compromises the integrity of a student or intrudes, violates, or disturbs the academic environment of the University Community. Examples are attempting or agreeing to commit, or assisting in or facilitating the commission of, any scholastic dishonesty violation, failing to appear or testify without good cause when requested by the Honor Council, failing to keep information about cases confidential, supplying false information to the Honor Council and accusing a student of a violation of this Code in bad faith.*

#### **TITLE IV    THE HONOR COUNCIL AND THE SELECTION AND APPEALS COMMITTEE**

##### **A.    The Honor Council**

###### **1.    General**

- a)    The Council's purpose is to investigate complaints, determine the facts in a given case and, upon finding a violation of this Code, assess appropriate penalties as provided in Title V(H).
- b)    The University of Miami Undergraduate Honor Council is a standing committee deriving its authority from the University.
- c)    The Council shall consist of twenty-two (22) representatives from the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee.
- d)    The Committee shall attempt to include at least one representative from each undergraduate school or college on the council.

**2. Appointment of the Council**

- a) Full time undergraduate students in good standing (as defined in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council (High school grade point average will be used for first semester freshmen).
- b) Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college or to the office of the Dean of Students at a time designated by the Selection and Appeals Committee. *Each Dean shall recommend to the Executive Secretary at least five applicants in addition to the members currently serving from that school or college.*
- c) The Selection and Appeals Committee shall interview the students and shall appoint 22 to serve on the Honor Council.

**3. Officers of the Honor Council**

- a) The Honor Council shall elect from its members a President and a Vice President.
- b) The President must have served at least one year as a member of the Council. The President shall preside over meetings of the Council and serve as a member of hearing panels when appointed.
- c) The Vice President shall assume the responsibilities of the President when the President is unavailable.

**4. Meetings**

- a) Meetings shall be called by the President.
- b) A quorum of the Council for the purpose of transacting affairs is a majority of the members serving.

**5. Vacancies and Removal of Members**

- a) The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. It may then seek additional nominations from the Dean.
- b) Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

**B. The Selection and Appeals Committee**

**1. General**

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

**C. The Executive Secretary**

1. The Vice President for Student Affairs shall appoint a Secretary to the Council.
2. 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.

**TITLE V PROCEDURES**

**Policy Statement**

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

**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 complaint to the Secretary. The complaint shall include a statement of:

- 1) the name of the student charged, if known;
- 2) the facts giving rise to the alleged violation;
- 3) the names of any witnesses; and
- 4) such other factual information or documentation as may be useful in determining the truth of the charge made.

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

**B. Hearing Panel Selection and Regulations**

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

**C. Charge**

1. Following receipt of the Complaint and designation of the Hearing Panel, the Secretary shall prepare a charge that includes a brief description of the alleged violation. The Secretary shall then serve the student charged with a copy of the charge and the names of the Hearing Panel members.
2. The accused shall not be given names of a student witness or that of a student complainant prior to the hearing.
3. Service shall be by hand delivery or certified mail *to the last local address the student provided the University.*
4. The Secretary shall provide a copy of the charge to the Complainant.
5. Within *one* day of the receipt of the names of Hearing Panel members, the student charged may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel Member and shall notify the accused of new Panel Members. The accused then has the right to object to any new Member following the procedures in this section.

6. *Within one day of the receipt of the charge, the accused may challenge the Hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the Hearing and shall notify the accused student, witnesses, and Panel Members in any change in date, time, or location.*
7. If a student is charged with a violation of this Code within two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation. If the procedures are not completed prior to graduation, the University reserves the right to delay graduation until the case is fully adjudicated.

#### **D. Investigation**

The Investigators shall investigate the complaint and prepare findings for presentation to the Hearing Panel. *They should interview the student charged, the complainant, the faculty member, if any, responsible for the course or other activity to which the charges relate, and any other potential witnesses. They should also review all documentary evidence available including any statement of the faculty member and shall make such inquiry as appropriate.*

#### **E. Hearing Procedures**

1. The Hearing shall be held in private. Witnesses may attend only to present their testimony. Hearing panel members, witnesses, and others involved in the hearing shall not discuss the case with anyone outside the hearing.
2. The student charged, the Secretary, the complainant and all witnesses must attend the Hearing. In addition to those required by the Council to attend, a University of Miami undergraduate student advisor may attend and assist the accused. This advisor may not speak on behalf of the accused.
3. If a student enters a plea of guilty when charged by the Secretary, the Panel may elect to not hear witnesses or the complainant.
4. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence in order to ascertain the truth of the matter.
5. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by majority vote of the members present.

6. The Hearing Panel may, at any time, conform the charge to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

### **Presentation of Information**

7. *The speaker of the panel shall commence the hearing by reading the charge and any statements received from the complainant. The Panel shall hear a report of the investigation. The Investigators shall remain in the hearing as resources for the Panel, but shall not participate in deliberations or vote with the Panel. The Panel and the accused student may then question the investigators.*
8. The Hearing Panel may consider an affidavit or written statement against the student charged only if the person giving the affidavit or statement cannot appear in person to testify before the Panel. Before any such document is considered, the student charged must have been advised of its content and the name of the person making the affidavit or statement three working days before the hearing. The student must also be given an opportunity to rebut any fact or inference which might be drawn therefrom.

### **Plea**

9. *The accused may then admit or deny the charge, in whole or in part. The accused must always speak for themselves.*
  - i. *If the accused admits the charge the Panel shall receive mitigating circumstances before retiring to deliberate on a sanction.*
  - ii. *If the accused student denies the charge, the student shall have the opportunity to question the complainant and witnesses and submit statements or evidence to prove their innocence.*
  - iii. *If the accused refuses to enter a plea or speak on his own behalf, the Panel shall enter a plea of not guilty for the accused and proceed with the Hearing. No inference of guilt may be drawn from the silence of the accused.*

**Deliberation**

10. When the Panel is satisfied it has heard all evidence in a case it shall request summary statements before it retires to deliberate to determine guilt based on clear and convincing evidence. A super-majority vote (4 out of 5) is required to find the accused guilty.
11. The Panel shall not consider prior convictions under this Code in deciding guilt.

**Mitigation Hearing - Finding of Guilt**

12. A student who enters a plea of guilty or is found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.

**Dismissal - No Finding of Guilt**

13. If the complaint is dismissed or the student is found not guilty, no record of any Complaint against a student shall appear in the student's file, or other official University record.
14. *If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the panel shall dismiss the complaint if it determines, by majority vote of those present, that the passage of time has materially prejudiced its ability to reach a fair decision in the case.*

**F. Witnesses**

1. *A witness may refuse to answer a question if the answer, if truthful, might incriminate the witness.*
2. A student witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witness's reasons constitute good cause.

**G. Affirmative Rights of the Accused**

1. The accused has the right to question any witnesses and the complainant even if the complainant is unavailable.



2. The accused has the right to call witnesses and present evidence in their defense. A student may offer a written request to the Panel that the Panel call specific witnesses for him if those witnesses have previously refused to appear and are shown in the request to be material to the accused student's defense. The Panel shall determine a witnesses' materiality based on the statement presented by the accused.
3. The accused has the right to remain silent and no inference may be drawn from this silence.
4. The accused, if found guilty, has the right to review a written summary upon which the finding of guilt and penalty were based

#### **H. Penalties**

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

#### **I. Panel's Decision**

1. The Panel's decision shall be made promptly after the Hearing. *However, when considering complaints involving more than one accused student, the panel may postpone judgement until the completion of the hearings for all students under the given complaint.*
2. Notice thereof shall be given to the Student and Complainant. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations or elect to be notified of the decision at a later time by the Secretary.

3. In reporting its decision to the student charged, the Panel shall not give reasons for the decision.

## TITLE VI            APPEALS

### A. Procedures

1. Appeals by the student may only be taken from a plea of guilty or from a Panel decision finding the charged student guilty of a violation of this Code.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be :
  - i. that the failure to follow the procedures of this Code constituted an error,
  - ii. that new evidence has been discovered, or
  - iii. that the penalties set were not commensurate with the offense.
4. The Appeal statement must be submitted within three (3) days of receipt by the student of the Panel's decision.

### B. Hearing the Appeal

1. The Selection and Appeals Committee shall have three days from the receipt of an Appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing if the student makes a written request specifying the reasons for the extension.
3. A negative determination by the Committee shall result in dismissal of the Appeal. If an appeal is to be heard, the Committee shall provide a copy of the appeal to the Secretary.
4. The Secretary's summary shall include the evidence upon which the Panel determined guilt and penalty.
5. The Committee shall review the record and may:
  - i. affirm the Panel's decision,
  - ii. reduce the penalty, or
  - iii. refer the case back to the Hearing Panel for appropriate action.

6. The decision of the Committee shall be final.

## **TITLE VII    PUBLICATION OF CONVICTION AND PENALTIES and AMENDMENT PROCEDURES**

### **A.    Publication**

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

### **B.    Amendment of this Code**

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

### **C.    Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Spring 1997 Semester.

The Chair indicated that a continuation of the discussion raised by Professor Hurwitz would take place in the Internal Matters segment of the meeting.

#### Academic Standards

The Chair introduced Mr. Paul Orehovec, Dean of Enrollments, to report on the accomplishments achieved by the interaction of the faculty and administration during the summer and early fall. Professor Stephen Cantrell, Chair of the Academic Standards Committee, Professor Steven Green, Chair of the Senate Budget Committee, Provost Glaser, Vice Provost Steven Ullmann and Mr. Orehovec met to formulate a model that would help to increase the SAT scores of incoming students. The model includes additional scholarships in the form of 3/4 tuition waivers, 1/3 tuition waivers and a reduction in the recruitment of selectivity 5 students. According to Professor Cantrell, a joint meeting of the Academic Standards Committee and the Budget Committee was held recently and the implementation of the proposal was unanimously endorsed. The Chair commented that these accomplishments are the result of cooperation between Senate committees and the administration and it is hoped that this will become a model to advance the common goals of the University. Professor Green said that the costs of approximately \$400,000 per year associated with the model are considered reasonable and that the administration is committed to achieving the goals put forward in the proposal. Professor Yacoub requested a range for each of the points in the proposal. In response, Mr. Orehovec gave the following information: 39 more F1 selectivity students; 12 additional F3 selectivity students; and 11 fewer F5 selectivity students. Based on the proposed model, these figures would significantly increase the SAT.

#### Amendment to the Honor Code

Professor DeSantis presented an oral update on the amendments to the student honor code. She expects a draft of the proposed amendments to be ready at the end of this month. The draft would then be reviewed by the Student Government and the Faculty Senate.

#### Charter Amendment re Research, Educator & Librarian Faculty - (First Reading)

Professor Yacoub explained the rationale for the proposed change to Charter A2.4. It was *moved* and seconded to delete the phrase "the same or" from Section A2.4 (a) (1) in each paragraph dealing with Research, Educator and Librarian Faculty. The *motion carried unanimously*. Approval of the amendment would prevent individuals in the three categories from being able to vote on other individuals who are at the same rank, in terms of reappointment of such individuals, which is a privilege other tenure-track faculty do not

### **Uniformity in Employee Benefits**

Mr. David Lieberman, Senior Vice President for Business and Finance, gave a progress report relating to certain differences in benefits between medical clinical faculty and other faculty members. The examination of benefits will be completed during the summer with a final report in the fall.

### **Proposed Amendment to Library Faculty Bylaws**

The Chair summarized the background of a proposed amendment to the Library Bylaws in Richter Library. Professor Oxman, chair of an ad hoc committee to review the proposal, indicated the committee's recommendation to approve the request. The *motion to approve carried*. It was *moved* and seconded to waive the second reading. The *motion carried*. Professor Green questioned when the Senate would receive a report on the guidelines for tenure in the library since it differs substantially from other schools. The Chair announced that he had recently received such a report from the Library's committee and that the report will be distributed to the Senate in the fall.

### **Amendment to the Honor Code**

Professor Lydia DeSantis, Chair of the Student Affairs Committee, noted that last semester the committee had reviewed the Honor Code following indications from Dean William Sandler that he and Student Government had some concerns about the process. The code had not been reviewed since its inception in 1986. The Student Affairs Committee recommended that procedural changes be implemented on a trial basis. The changes were reviewed again in April and the committee's recommendation is that the changes in the Honor Code be accepted by the Senate. Dean Sandler then distributed a more recent revision of the Honor Code and pointed out several of the changes. Since the document was rather lengthy, it was *moved* and seconded to defer discussion of the issue to the first Senate meeting of the fall. The *motion to defer carried*. When the minutes of April 29 are distributed, it was agreed to include a revised copy of the Honor Code.

### **Other Matters**

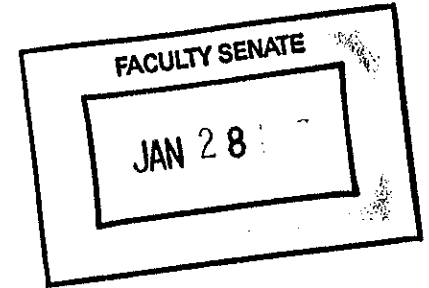
Professor Green brought forward two changes under consideration by the administration, which could be viewed as a reduction in benefits, regarding the Faculty Retirement Plan. First, faculty must select a vehicle, i.e., an insurance company or a trustee mutual fund account, to receive their faculty retirement plan contributions. In the event a faculty member fails to do so, the University will now deposit those funds with TIAA-CREF in an



CDFH

Supplemental material  
for meeting on 1/30/97

MEMORANDUM



To: Faculty Senate Committee on Academic Standards

From: Perri Lee Roberts, Director, Honors Program *plr*

Sj: Restructuring of the Honors Program

Date: January 27, 1997

In discussion with the Faculty Senate Academic Standards Sub-Committee on the Honors Program, the following proposed changes to the Honors Program were discussed and met with general approval.

1. Admission to General Honors
  - a) Currently invitations to the General Honors Program are extended to 15% of the entering freshmen class.  
  
*Proposed change:* Increase the selectivity ratio to 5%.
  - b) Currently freshmen and sophomores may be admitted to the Honors Program if they have a 3.3 or higher cumulative GPA, transfer students may apply if they have a 3.3 or higher cumulative GPA and have earned no more than 60 credits toward graduation.  
  
*Proposed change:* Students may be admitted to the Honors Program if they have a 3.5 or higher cumulative GPA and have earned no more than 60 credits toward graduation.
2. Retention and Requirements for Graduation with General Honors
  - a) To graduate with General Honors, a student must have at least 24 credits, and have an overall GPA of 3.0. Twelve of the credits must be in courses 200

Faculty Senate Committee on Academic Standards  
Restructuring of the Honors Program

level or above. No more than 12 credits in the student's major may be counted toward the 24 credits in General Honors.

*Proposed Change:* To graduate with General Honors, a student must have at least 24 credits, and have an overall GPA of 3.5 with no grade lower than a B- in an honors course. Twelve of the credits must be in courses 200 level or above. No more than 12 credits in the student's major may be counted toward the 24 credits in General Honors.

- b) Currently to remain in the Honors Program, a student must maintain an overall average of 3.0 and complete at least 2 Honors courses per academic year.

*Proposed Change:* To remain in the Honors Program a student must maintain an overall average of 3.4 and complete 4 Honors courses per academic year, thereby completing their Honors course work by the end of their sophomore year; the student would then be encouraged to pursue departmental honors in their major.

enclosures: Requirement brochure  
1996/97 bulletin page

PLR.restruct.hon

## HONORS PROGRAMS

In 1957 the faculty of the University of Miami established the General Honors Program to provide an academically challenging course of study for outstanding students. The program was later expanded by the addition of departmental honors. Students who satisfactorily complete the requirements for general and/or departmental honors are graduated with "General Honors" and/or "Departmental Honors"; the award is noted on the graduate's diploma and official transcript.

### GENERAL HONORS PROGRAM

Over the past three decades since its foundation, the Honors Program has grown. The program now offers approximately 200 courses and sections each semester at the introductory through advanced levels, in a wide variety of fields in all colleges and schools of the University. In general, Honors courses are small classes taught as seminars with emphasis on interactive learning and discussion.

### ADMISSION TO GENERAL HONORS

Invitations to General Honors are extended to approximately 15% of the entering freshman class on the basis of their outstanding scholastic achievement in high school and their high scores on the college entrance examination. A student of any undergraduate school or college is eligible for consideration as a member of the Honors Program.

Freshmen and sophomores may be admitted to the Honors Program if they have achieved a 3.3 or higher cumulative grade point average in their college courses. Transfer students may apply if they have a 3.3 or higher cumulative grade point average *and* have earned no more than 60 credits towards graduation. Inquiries should be made directly to the Honors Program office. All applicants should note that admission to the University of Miami must precede admission to the Honors Program.

### RETENTION AND REQUIREMENTS FOR GRADUATION IN GENERAL HONORS

To remain in the Honors Program a student must maintain an overall academic average of 3.0 and complete at least two Honors courses per academic year.

To graduate with General Honors, a student must satisfy at least 24 credits in General Honors courses and have an overall grade point average of 3.0. Twelve of the 24 credits must be in courses at the 200 level or above. No more than 12 credits in the student's major may be counted toward the 24 credits in General Honors.

### WITHDRAWAL, DISMISSAL, AND REINSTATEMENT IN GENERAL HONORS

Students may withdraw from the program at any time at their discretion. They should notify the Honors Office in writing of their intention to withdraw. Honors students' grade point averages and general performance are reviewed each academic year. Any student who fails to maintain the required cumulative grade point average or fails to take the required number of Honors credits will be excused from the program. Students may re-enter the program when their grade point average has been raised to a 3.0; however, students must inform the Honors Office of the improved average and of their interest in re-entering the program.

### DEPARTMENTAL HONORS PROGRAM

Among the departments offering approved programs for honors study at the junior-senior level for both majors and elective students are accounting, biochemistry and molecular biology, biology, computer information systems, economics, engineering, English, finance, history, management, management science, marketing, microbiology and immunology, music, philosophy, political science, psychology, and religious studies. Admission into the program is by invitation, but any student who believes himself or herself qualified may apply to the Chairman or the Departmental Honors Advisor of the major department, preferably during the sophomore or early junior year. Upon successful completion of the required program and with approval by the faculty of the department, the notation "Departmental Honors in . . ." is included in the candidate's diploma and transcript.

Departmental Honors Programs are designed primarily to provide a opportunity for the superior student to intensify and deepen his or her knowledge of the major, to permit closer associations with professors in the student's area of concentration, and to prepare the student for research, thesis preparation, and other work at the graduate level in the major areas.

Minimal requirements established by the Honors Office for graduation with Departmental Honors are:

1. an over-all average of at least 3.3;
2. six credit hours or more in independent study, senior thesis, or designated advanced or special honors courses specified by the department, with grades of at least "B";
3. an average in the major of at least 3.5.

Some departments specify additional requirements; the prospective Departmental Honors student should confer with the Honors Advisor within the department about specific requirements.



*Refer to Fall*

**TITLE I                      PURPOSE**

**A. PURPOSE**

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

This code is established for the undergraduate student body, to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

**B. RESPONSIBILITY of the UNIVERSITY COMMUNITY**

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

**C. JURISDICTION**

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

**D. FACULTY COOPERATION**

1. This Code preserves the prerogatives of the University and its faculty. Nothing in this Code shall interfere with the faculty's right to assign grades. Instructors shall be informed of the final outcome of any Honor Council proceedings relating to work for which they are responsible.
2. During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty 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 the receipt of the initial charge.

## TITLE II            DEFINITIONS

1. "day(s)" refers to University working days only.
2. "his" refers generically to a person and is not intended to be gender specific.
3. "the Secretary" means the Honor Council Executive Secretary or his designee.
4. "President, Vice President, etc." refers to Honor Council officers unless otherwise indicated by a full title. i.e., Vice President for Student Affairs.
5. "accused" relates to a student or students charged with a violation of this Code.
6. "student" means any University of Miami undergraduate or group of undergraduates.
7. "the Committee" refers to the Selection and Appeals Committee.

## TITLE III            VIOLATIONS

### A. Policy Statement

All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty 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.

It is impossible to specify every type of conduct that constitutes academic misconduct. A student should be guided by the purposes of this Code, common sense, and should seek to clarify what the instructor regards as proper academic conduct.

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The Secretary or his designee shall have the authority to interpret, set, and enforce violations of this Code.

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4. **Academic Dishonesty** - This includes any other act not specifically covered that compromises the integrity of a student or intrudes, violates, or disturbs the academic environment of the University Community. Examples are attempting or agreeing to commit, or assisting in or facilitating the commission of, any violation, failing to appear or testify without good cause when requested by the Honor Council, failing to keep information about cases confidential, supplying false

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#### 3. Officers of the Honor Council

- a) The Honor Council shall elect from its members a President and a Vice President.
- b) The President must have served at least one year as a member of the Council. The President shall preside over meetings of the Council, and serve as a voting member of hearing panels when appointed according to the provisions of this Code.

- c) The Vice President shall act in the President's stead when the latter is absent.

#### **4. Meetings**

- a) Meetings shall be called by the President when necessary, or, if its President is unavailable, by the Vice President.
- b) A majority of the members serving shall constitute a quorum of the Council for the purpose of transacting affairs.

#### **5. Vacancies and Removal of Members**

- a) The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. It may then seek additional nominations from the Dean.
- b) Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

### **B. The Selection and Appeals Committee**

#### **1. General**

A Selection and Appeals Committee is hereby established consisting of the Executive Vice President and Provost, the Vice President for Student Affairs, or their designee, 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.

#### **2. Appointment of the Executive Secretary**

- a) The Vice President for Student Affairs shall appoint a Secretary to the Council.
- b) 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.

## **TITLE V            PROCEDURES**

### **Policy Statement**

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

**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 an executed complaint to the Secretary. The Complaint shall state:

- 1) the name of the student charged, if known;
- 2) the facts giving rise to the alleged violation;
- 3) the names of any witnesses;
- 4) and shall provide such other factual information or documentation as may be useful in determining the truth of the charge made.

Complainants should refrain from including their opinions or information not relevant to the instant incident.

**B. Hearing Panel Selection and Regulations**

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

**C. Charge**

1. Following receipt of the Complaint and designation of the Hearing Panel, the Secretary shall serve the student charged with a copy of the charge and the names of the Hearing Panel members.
2. The accused shall not be given names of student witnesses **OR THAT OF A STUDENT COMPLAINANT PRIOR TO THE HEARING.**
3. Service shall be by hand delivery or certified mail *to the last local address the student provided the University.*
4. The Secretary shall provide a copy of the charge to the Complainant.
5. Within *one* day of the receipt of the Panel Members List, the student charged may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel Member and shall notify

the accused of new Panel Members. The accused then has the right to object to any new Member following the procedures in this section.

6. *Within one day of the receipt of the charge, the accused may challenge the Hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the Hearing and shall notify the accused student and Panel Members.*
7. If a student is charged with a violation of this Code within two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation.

#### D. Investigation

The Investigators shall investigate the violation and prepare findings for presentation to the Hearing Panel. **THEY SHOULD INTERVIEW THE STUDENT CHARGED, THE COMPLAINANT, THE FACULTY MEMBER RESPONSIBLE FOR THE COURSE OR OTHER ACTIVITY TO WHICH THE CHARGES RELATE, AND ANY OTHER POTENTIAL WITNESS. THEY SHOULD ALSO REVIEW ALL DOCUMENTARY EVIDENCE AVAILABLE, INCLUDING ANY STATEMENT OF THE FACULTY AND SHALL MAKE SUCH INQUIRY AS APPROPRIATE.**

#### E. Hearing Procedures

1. The Hearing shall be held in private. Witnesses may attend only to present their testimony. No person involved in the hearing shall discuss the case with anyone outside the hearing.
2. The student charged, the Secretary, the complainant and all witnesses must attend the Hearing, unless the Student enters a plea of guilty when charged. In addition to those required by the Council to attend, a University of Miami undergraduate student advisor may attend and assist the accused. This advisor may not speak on behalf of the accused.
3. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence in order to ascertain the truth of the matter.

#### Presentation of Information

4. **THE SPEAKER OF THE PANEL SHALL COMMENCE THE HEARING BY READING THE CHARGE AND ANY STATEMENTS RECEIVED FROM THE COMPLAINANT.** The Panel shall first hear a report of the investigation. *The Investigators shall remain in the hearing as resources for the Panel, but do not participate in deliberations or vote with the Panel. The Panel and the accused student shall then question*

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PROPOSED UNDERGRADUATE HONOR CODE FOR SY 1996-97 APRIL 1, 1996

*the investigators.*

5. 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.

### **Plea**

6. *The accused may then admit or deny the charge, in whole or in part. The accused must always speak for himself.*
  - i. *If the accused admits the charge the Panel shall receive mitigating circumstances before retiring to deliberate on a sanction.*
  - ii. *If the accused denies the charge he shall have the ability to question the complainant and witnesses and submit statements or evidence to prove his innocence.*
  - iii. *If the accused refuses to enter a plea or speak on his own behalf, the Panel shall enter a plea of not guilty for the accused and proceed with the Hearing. No inference of guilt may be drawn from this silence.*

### **Deliberation**

7. When the Panel is satisfied it has heard all evidence in a case it shall request summary statements before it retires to deliberate to determine guilt based on clear and convincing evidence. A super-majority vote (4 out of 5) is required to find the accused guilty.
8. The Panel shall not consider prior convictions under this Code in deciding guilt.

### **Mitigation Hearing - Finding of Guilt**

9. A student found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.
10. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by majority of vote of the members present.
11. The Hearing Panel may, at any time, conform the charge to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

### **Dismissal - No Finding of Guilt**

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

April 29, 1996

13. 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.

#### **F. Witnesses**

1. A witness may refuse to answer a question if the answer, if truthful, would incriminate the witness.
2. A witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witness's reasons constitute good cause.

#### **G. Affirmative Rights of the Accused**

1. The accused has the right to be confronted by his accuser.
2. The accused has the right to question any witnesses and the Complainant.
3. The accused has the right to a review of the Panel's determinations and findings.
4. The accused has the right to call witnesses and present evidence in his defense. A student may offer a written request to the Panel that the Panel call specific witnesses for him if those witnesses previously refuse to appear and are shown in the request to be material to the accused student's defense. The Panel shall determine a witnesses' materiality based on the statement presented by the accused.
5. The accused has the right to remain silent and no inference may be drawn from his silence.
6. **THE ACCUSED HAS THE RIGHT TO CONFER WITH THE STUDENT DEFENSE REPRESENTATIVE, EMPLOYED BY THE SCHOOL OF LAW, PRIOR TO THE HEARING, BUT NOT DURING THE HEARING.**

#### **H. Penalties**

1. Penalties shall be based on the severity of the violation and shall consist of one or more of the following as defined in Student Rights and Responsibilities:
  - (a) Reprimand
  - (b) Disciplinary Warning
  - (c) Strict Disciplinary Probation
  - (d) Final Disciplinary Probation



- (e) Suspension from the University
  - (f) Expulsion from the University
  - (g) University service or any other reasonable sanction.
2. The Panel may consider prior convictions in assessing penalties.

**I. Panel's Findings and Determinations**

1. The Panel's decision shall be made promptly after the Hearing. **HOWEVER, WHEN CONSIDERING COMPLAINTS INVOLVING MORE THAN ONE ACCUSED STUDENT, THE PANEL MAY POSTPONE JUDGMENT UNTIL THE COMPLETION OF THE HEARINGS FOR ALL STUDENTS UNDER THE GIVEN COMPLAINT.**
2. Notice thereof shall be given to the Student and Complainant. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations or elect to be notified by the Secretary later.
3. In reporting its decision to the student charged, the Panel shall not give reasons for the decision.

**TITLE VI APPEALS**

**A. Procedures**

1. Appeals by the student may only be taken from a plea of guilty or from a Panel decision finding the student charged guilty of a violation of this Code.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds and reasons for the appeal.
3. The only grounds for appeal shall be :
  - i. that the failure to follow the procedures of this Code constituted an error,
  - ii. that new evidence has been discovered, or
  - iii. that the penalties set were not commensurate with the offense.
4. The Appeal statement must be submitted within three (3) days of receipt by the student of the Panel's finding.

**B. Hearing the Appeal**

1. The Selection and Appeals Committee shall have three days from the receipt of an Appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing if the student makes a written request specifying the reasons for the extension.

3. A negative determination on either the grounds or timeliness shall result in dismissal of the Appeal. If an appeal is to be heard, *the Committee shall provide a copy of the appeal to the Secretary. A summary of the Hearing will be provided to the Committee.*
4. *The Secretary's summary shall include the findings upon which the Panel determined guilt and penalty.*
5. The Committee shall review the record and may affirm the decision of the Panel or reduce the penalty. The decision of the Committee shall be final.
6. 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 to the Panel for appropriate action, or reduce the penalty. The Committee's decision shall be final.

## TITLE VII PUBLICATION OF CONVICTION AND PENALTIES and AMENDMENT PROCEDURES

### A. Publication

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

### B. Amendment of this Code

1. The Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.
2. Please be advised that this Honor Code document as written is subject to change. Please contact the Secretary for information regarding any changes.

### C. Effective Date

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Fall 1996 Semester.

**MEMORANDUM**

April 18, 1996

**To:** Clarissa Alvarez  
Faculty Senate

**From:** William W. Sandler, Jr. *WS*  
Dean of Students and  
Honor Council Executive Secretary

**Re:** New Undergraduate Honor Code

Please attach this memo as a cover to the proposed Undergraduate Honor Code, dated April 1, 1996. Substantively, this version is the same as the present one with improvements and additions italicized. Procedurally, this version will streamline the process and lessen the time commitment on all parties, including faculty members.

This new Code reflects defects in the current system that have been identified over the Honor Council's nine year history. Next year, for the tenth anniversary, the Council will be the best trained, best qualified Council in the University's history. Each returning member will have experienced every aspect of an Honor Council case and will be operating under a new, improved Honor Code.

Honor Council  
Office of the  
Dean of Students  
P.O. Box 248106  
Coral Gables, Florida 33124-5570  
305-284-5353

## Honor Code Improvements

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- **Structure & Appearance**
  - » Included glossary of terms
  - » Defined violations and included examples
  - » Defined Complaint elements
  - » Changed Articles to Titles in outline format
  - » Combined common themes

Undergraduate Honor Council

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## Honor Code Improvement Effects

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- **Procedures**
  - » Improved efficiency by streamlining Hearing times.
  - » Improved effectiveness by eliminating investigator's vote and by better defining violations and rights of the accused.
  - » User friendly.

Undergraduate Honor Council

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# Undergraduate Honor Code

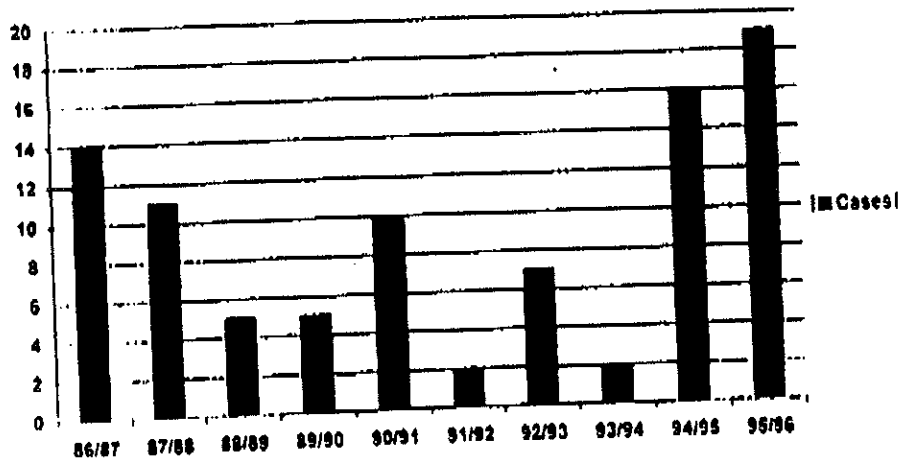
A Presentation on the proposed  
Undergraduate Honor Code for  
SY 1996-97

Undergraduate Honor Council

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## Honor Council Cases 1986-1996



Undergraduate Honor Council

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**TITLE I                      PURPOSE**

**A.    PURPOSE**

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

This code is established for the undergraduate student body, to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

**B.    RESPONSIBILITY of the UNIVERSITY COMMUNITY**

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

**C.    JURISDICTION**

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

**D.    FACULTY COOPERATION**

1. This Code preserves the prerogatives of the University and its faculty. Nothing in this Code shall interfere with the faculty's right to assign grades. Instructors shall be informed of the final outcome of any Honor Council proceedings relating to work for which they are responsible.
2. During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty 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 the receipt of the initial charge.

## TITLE II            DEFINITIONS

1. "day(s)" refers to University working days only.
2. "his" refers generically to a person and is not intended to be gender specific.
3. "the Secretary" means the Honor Council Executive Secretary or his designee.
4. "President, Vice President, etc." refers to Honor Council officers unless otherwise indicated by a full title. i.e., Vice President for Student Affairs.
5. "accused" relates to a student or students charged with a violation of this Code.
6. "student" means any University of Miami undergraduate or group of undergraduates.
7. "the Committee" refers to the Selection and Appeals Committee.

## TITLE III            VIOLATIONS

### A. Policy Statement

All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty 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.

It is impossible to specify every type of conduct that constitutes academic misconduct. A student should be guided by the purposes of this Code, common sense, and should seek to clarify what the instructor regards as proper academic conduct.

### B. Enforcement Authority

*The Secretary or his designee shall have the authority to interpret, set, and enforce violations of this Code.*

### C. Violations

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

*information to the Honor Council and accusing a student of a violation of this Code in bad faith.*

## **TITLE IV THE HONOR COUNCIL AND THE SELECTION AND APPEALS COMMITTEE**

### **A. The Honor Council**

#### **1. General**

- a) The Council's purpose is to investigate complaints, determine the facts given in a case and upon finding a violation of this Code assess appropriate penalties as provided in Title V(H).
- b) The University of Miami Undergraduate Honor Council is a standing committee deriving its authority from the University.
- c) The Council shall consist of twenty-two (22) representatives from the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee.
- d) The Council should include at least one representative from each undergraduate school or college.

#### **2. Appointment of the Council**

- a) Full time undergraduate students in good standing (within the meaning expressed in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council.
- b) Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college at a time designated by the Selection and Appeals Committee. *Each Dean shall recommend to the Executive Secretary at least five applicants in addition to the members currently serving from that School or College.*
- c) The Selection and Appeals Committee shall interview students nominated by the Deans and from those interviewed, shall appoint 22 students to serve on the Honor Council.

#### **3. Officers of the Honor Council**

- a) The Honor Council shall elect from its members a President and a Vice President.
- b) The President must have served at least one year as a member of the Council. The President shall preside over meetings of the Council, and serve as a voting member of hearing panels when appointed according to the provisions of *this Code*.



- c) The Vice President shall act in the President's stead when the latter is absent.

#### **4. Meetings**

- a) Meetings shall be called by the President when necessary, or, if its President is unavailable, by the Vice President.
- b) A majority of the members serving shall constitute a quorum of the Council for the purpose of transacting affairs.

#### **5. Vacancies and Removal of Members**

- a) The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. It may then seek additional nominations from the Dean.
- b) Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

### **B. The Selection and Appeals Committee**

#### **1. General**

A Selection and Appeals Committee is hereby established consisting of the Executive Vice President and Provost, the Vice President for Student Affairs, or their designee, 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.

#### **2. Appointment of the Executive Secretary**

- a) The Vice President for Student Affairs shall appoint a Secretary to the Council.
- b) 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.

## **TITLE V PROCEDURES**

### **Policy Statement**

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

## 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 an executed complaint to the Secretary. The Complaint shall state:

- 1) the name of the student charged, if known;
- 2) the facts giving rise to the alleged violation;
- 3) the name of any witnesses;
- 4) and shall provide such other factual information or documentation as may be useful in determining the truth of the charge made.

Complainants should refrain from including their opinions or information not relevant to the instant incident.

## B. Hearing Panel Selection and Regulations

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

## C. Charge

1. Following receipt of the Complaint and designation of the Hearing Panel, the Secretary shall serve the student charged with a copy of the charge and the names of the Hearing Panel members.
2. The accused shall not be given names of student witnesses.
3. Service shall be by hand delivery or certified mail *to the last local address the student provided the University.*
4. The Secretary shall provide a copy of the charge to the Complainant.
5. Within *one* day of the receipt of the Panel Members List, the student charged may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel Member and shall notify the accused of new Panel Members. The accused then has the right to object to any new Member following the procedures in this section.

6. *Within one day of the receipt of the charge, the accused may challenge the Hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the Hearing and shall notify the accused student and Panel Members.*
7. If a student is charged with a violation of this Code within two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation.

#### **D. Investigation**

The Investigators shall investigate the violation and prepare findings for presentation to the Hearing Panel.

#### **E. Hearing Procedures**

1. The Hearing shall be held in private. Witnesses may attend only to present their testimony. No person involved in the hearing shall discuss the case with anyone outside the hearing.
2. The student charged, the Secretary, the complainant and all witnesses must attend the Hearing, unless the Student enters a plea of guilty when charged. In addition to those required by the Council to attend, a University of Miami undergraduate student advisor may attend and assist the accused. This advisor may not speak on behalf of the accused.
3. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence in order to ascertain the truth of the matter.

#### **Presentation of Information**

4. The Panel shall first hear a report of the investigation. *The Investigators shall remain in the hearing as resources for the Panel, but do not participate in deliberations or vote with the Panel. The Panel and the accused student shall then question the investigators.*
5. 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.

#### **Plea**

6. *The accused may then admit or deny the charge, in whole or in part. The accused must always speak for himself.*

- i. *If the accused admits the charge the Panel shall receive mitigating circumstances before retiring to deliberate on a sanction.*
- ii. *If the accused denies the charge he shall have the ability to question the complainant and witnesses and submit statements or evidence to prove his innocence.*
- iii. *If the accused refuses to enter a plea or speak on his own behalf, the Panel shall enter a plea of not guilty for the accused and proceed with the Hearing. No inference of guilt may be drawn from this silence.*

### **Deliberation**

7. When the Panel is satisfied it has heard all evidence in a case it shall request summary statements before it retires to deliberate to determine guilt based on clear and convincing evidence. A super-majority vote (4 out of 5) is required to find the accused guilty.
8. The Panel shall not consider prior convictions under this Code in deciding guilt.

### **Mitigation Hearing - Finding of Guilt**

9. A student found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.
10. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by majority of vote of the members present.
11. The Hearing Panel may, at any time, conform the charge to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

### **Dismissal - No Finding of Guilt**

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

### **F. Witnesses**

1. *A witness may refuse to answer a question if the answer would incriminate the witness.*
2. A witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witness's reasons constitute good cause.

### **G. Affirmative Rights of the Accused**

1. The accused has the right to be confronted by his accuser.

2. The accused has the right to question any witnesses and the Complainant.
3. The accused has the right to a review of the Panel's determinations and findings.
4. The accused has the right to call witnesses and present evidence in his defense. A student may offer a written request to the Panel that the Panel call specific witnesses for him if those witnesses previously refuse to appear and are shown in the request to be material to the accused student's defense. The Panel shall determine a witnesses' materiality based on the statement presented by the accused.
5. The accused has the right to remain silent and no inference may be drawn from his silence.

#### **H. Penalties**

1. Penalties shall be based on the severity of the violation and shall consist of one or more of the following as defined in Student Rights and Responsibilities:
  - (a) Reprimand
  - (b) Disciplinary Warning
  - (c) Strict Disciplinary Probation
  - (d) Final Disciplinary Probation
  - (e) Suspension from the University
  - (f) Expulsion from the University
  - (g) University service or any other reasonable sanction.
2. The Panel may consider prior convictions in assessing penalties.

#### **I. Panel's Findings and Determinations**

1. The Panel's decision shall be made promptly after the Hearing.
2. Notice thereof shall be given to the Student and Complainant. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations or elect to be notified by the Secretary later.
3. In reporting its decision to the student charged, the Panel shall not give reasons for the decision.

### **TITLE VI APPEALS**

#### **A. Procedures**

1. Appeals by the student may only be taken from a plea of guilty or from a Panel decision finding the student charged guilty of a violation of this Code.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds and reasons for the appeal.

3. The only grounds for appeal shall be :
  - i. that the failure to follow the procedures of this Code constituted an error,
  - ii. that new evidence has been discovered, or
  - iii. that the penalties set were not commensurate with the offense.
4. The Appeal statement must be submitted within three (3) days of receipt by the student of the Panel's finding.

#### **B. Hearing the Appeal**

1. The Selection and Appeals Committee shall have three days from the receipt of an Appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend the time for filing if the student makes a written request specifying the reasons for the extension.
3. A negative determination on either the grounds or timeliness shall result in dismissal of the Appeal. If an appeal is to be heard, *the Committee shall provide a copy of the appeal to the Secretary. A summary of the Hearing will be provided to the Committee.*
4. *The Secretary's summary shall include the findings upon which the Panel determined guilt and penalty.*
5. The Committee shall review the record and may affirm the decision of the Panel or reduce the penalty. The decision of the Committee shall be final.
6. 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 to the Panel for appropriate action, or reduce the penalty. The Committee's decision shall be final.

### **TITLE VII PUBLICATION OF CONVICTION AND PENALTIES and AMENDMENT PROCEDURES**

#### **A. Publication**

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

**B. Amendment of this Code**

1. The Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.
2. Please be advised that this Honor Code document as written is subject to change. Please contact the Secretary for information regarding any changes.


**C. Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of the beginning of the Fall 1996 Semester.



MEMORANDUM

To: Prof. Lydia DeSantis  
Prof. Mary Coombs  
Prof. Eugene Clasby

From: Kamal Yacoub   
Chair, Faculty Senate

Date: May 20, 1996

Subject: Honors Code Amendments

As was discussed at our last Faculty Senate meeting, the Student Affairs division in conjunction with student government proposed certain amendments to the existing Honor Code. During Senate debate, it was agreed to appoint a Senate ad hoc Committee to consider these amendments and present to the Senate an amended code ready for Senate action next fall.

This is to ask you to serve on such an ad hoc Committee. I ask that Lydia chairs the Committee and arrange for meetings with the appropriate person or persons from the Dean of Students Office.

Thank you for your help.

KY/ca

cc: Professor David Wilson, Faculty Senate Chair elect



Miami



1995-96

Student Life Handbook and Daily Planner

# Undergraduate 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

A. 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:

- (1) attempting or agreeing to commit, or assisting in or facilitating the commission of, any of the above violations;
- (2) 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 I.5
- (3) supplying false information to the Honor Council; and
- (4) accusing a student of a violation of this Code in bad faith.

B. 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 22 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 given in a 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 designee, 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.

## UNDERGRADUATE HONOR CODE (cont.)

### 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 18 students and four alternates 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 1986-1987, must have served at least one year as a member of the Council. The President shall preside over meetings of the Council and 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 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 nominations from the Dean.

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

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 judgement, or if they are enrolled in the course section or other academic activity to which the complaint relates. If a Hearing Panel member does not offer voluntary recusal, a majority of the Panel, excluding the challenged member, may remove that member for cause.

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



## UNDERGRADUATE HONOR CODE (cont.)

### 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. The accused shall not be given names of student witnesses, nor that of a student complainant, unless there is 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.

2. Within three 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.

### 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 the 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 charges relate, and any other potential witness. They should also review all documentary evidence available, including any statement of the faculty described in Section D above, and shall make such other inquiry as is appropriate.

## **F. Preliminary Hearing**

1. Within seven 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 the student, a qualified student advisor, who must be a full-time undergraduate student at the University of Miami, 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 of 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.

If substantial time has elapsed between the occurrence of the alleged violation and the filing of the complaint, the Panel shall dismiss the complaint if it determines by majority of 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, 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 has been filed.

## **H. The Formal Hearing**

1. Within 10 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.

## UNDERGRADUATE HONOR CODE (cont.)

2. The Chair of the Panel shall commence the hearing by reading the charge, 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 a student advisor; 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 majority of 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 charge to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.



2. The panel shall find a student guilty only on the basis of clear and convincing evidence on 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.

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 one or more of the following:

- (a) Reprimand;
- (b) Public 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.4,5, 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 Students Rights and Responsibilities Section A.1.c.2,3);
- (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.

## UNDERGRADUATE HONOR CODE (cont.)

### Article VIII: Appeals

A. 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.

B. 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 for appropriate action, or reduce the penalty. The decision of the Committee shall be final.

C. 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 to the Panel for appropriate action, or reduce the penalty. The Committee's decision shall be final.

### Article IX: Other Procedures

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

B. 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.

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

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



Article X: Publication of Conviction 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

A. 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.

B. 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.

C. No record of any Complaint against a student shall appear in the 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.

Please be advised that this Honor Code document as written is subject to change. Please contact the Office of the Vice President for Student Affairs for information regarding any changes.



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,*

*approved*

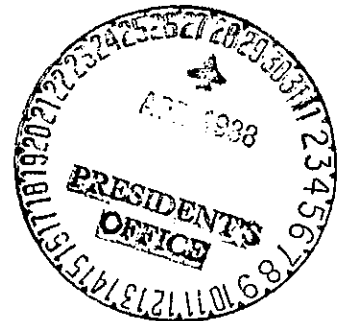
*277*

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: 4/29/88

APPROVED: Yes 377

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: Provost

EFFECTIVE DATE OF LEGISLATION: \_\_\_\_\_

NOT APPROVED AND REFERRED TO: \_\_\_\_\_

REMARKS (IF NOT APPROVED): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Old code



**MEMORANDUM**

February 21, 1996

To: Dr. Lydia DeSantis  
Faculty Senate Committee on Student Affairs

From: William W. Sandler, Jr. *WWS*  
Dean of Students

Re: Undergraduate Honor Code

Attached please find the draft of the recommended changes to the Undergraduate Honor Code. These recommendations come from the Honor Council. These revisions embody the modifications the Faculty Senate Committee on Student Affairs agreed upon and some new updates which appear as strike-through text and in italics. We have sent a copy to Undergraduate Student Government and to Dr. William R. Butler, Vice President for Student Affairs.

If you have any questions, please do not hesitate to contact me.

**Honor Council**  
Office of the  
Dean of Students  
P.O. Box 248106  
Coral Gables, Florida 33124-5570  
305-284-5353



## **TITLE I            PURPOSE**

### **A. PURPOSE**

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

This code is established for the undergraduate student body, to protect the academic integrity of the University of Miami, to encourage consistent ethical behavior among undergraduate students, and to foster a climate of fair competition. While a student's commitment to honesty and personal integrity is assumed and expected, this Code is intended to provide an added measure of assurance that, in fulfilling the University's requirements, a student's work will never involve falsification, plagiarism, or other deception regarding the true nature of the materials presented. Each student is responsible for completing the academic requirements of each course in the manner indicated by the faculty.

### **B. RESPONSIBILITY of the UNIVERSITY COMMUNITY**

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

### **C. JURISDICTION**

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

### **D. FACULTY COOPERATION**

1. This Code preserves the prerogatives of the University and its faculty. Nothing in this Code shall interfere with the faculty's right to assign grades. Instructors shall be informed of the final outcome of any Honor Council proceedings relating to work for which they are responsible.
2. During a pending proceeding, faculty members are requested to provide documents relevant to the proceedings. The faculty 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 the receipt of the initial charge.

## **TITLE II            DEFINITIONS**

1. "day(s)" refers to University working days only.
2. "his" refers generically to a person and is not intended to be gender specific.
3. "the Secretary" means the Honor Council Executive Secretary or his designee.
4. "President, Vice President, etc." refers to Honor Council officers unless otherwise indicated by a full title. i.e.. Vice President for Student Affairs.
5. "accused" relates to a student or students charged with a violation of this Code.
6. "student" means any University of Miami undergraduate or group of undergraduates.
7. "the Committee" refers to the Selection and Appeals Committee.

## TITLE III VIOLATIONS

### A. Policy Statement

All forms of scholastic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Scholastic dishonesty 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.

It is impossible to specify every type of conduct that constitutes academic misconduct. A student should be guided by the purposes of this Code, common sense, and should seek to clarify what the instructor regards as proper academic conduct.

### B. Enforcement Authority

The Secretary or his designee shall have the authority to interpret, set, and enforce violations of this Code.

### C. Violations

1. Cheating - This act implies a fraudulent intent to deceive. It includes all actions, devices and deceptions used in the attempt to commit this act. Examples include, but are not limited to, copying answers off another student's exam and using a cheat sheet or crib notes in an exam.
2. Plagiarism - "Plagiarism is presenting as one's own *the* words, work, or opinions of someone else. It is dishonest since the plagiarist offers as his own, for credit, the language, information, or thought for which he deserves no credit." (~~Source: University of Miami Writing Center Module II, page 8~~). Examples include, but are not limited to, ~~failing to properly acknowledge the words of another and presenting another's ideas or presentation as one's own.~~
3. Collaboration - This is the act of working together on an academic undertaking for which a student is individually responsible. Examples include, but are not limited to, sharing information in labs which are to be done individually.
4. Academic Dishonesty - This includes any other act not specifically covered that compromises the integrity of a student or intrudes, violates, or disturbs the academic environment of the University Community. Examples are attempting or agreeing to commit, or assisting in or facilitating the commission of, any violation, failing to appear or testify without good cause when requested by the Honor Council, failing to keep information about cases confidential, supplying false information to the Honor Council and accusing a student of a violation of this Code in bad faith.

**TITLE IV    THE HONOR COUNCIL AND  
THE SELECTION AND APPEALS COMMITTEE**

**A.    The Honor Council**

**1.    General**

- a)    The Council's purpose is to investigate complaints, determine the facts given in a case and upon finding a violation of this Code assess appropriate penalties as provided in Title V(H).
- b)    The University of Miami Undergraduate Honor Council is a standing committee deriving its authority from the University.
- c)    The Council shall consist of twenty-two (22) representatives from the undergraduate schools or colleges selected each year for a one year term by the Selection and Appeals Committee.
- d)    The Council should include at least one representative from each undergraduate school or college.

**2.    Appointment of the Council**

- a)    Full time undergraduate students in good standing (within the meaning expressed in the University of Miami Bulletin) with a cumulative grade point average of 2.5 or better are eligible for membership on the Council.
- b)    Each year students may apply for initial appointment or re-appointment to the Council by submitting a written application to the Dean of their school or college at a time designated by the Selection and Appeals Committee. Each Dean shall recommend to the Executive Secretary at least five applicants in addition to the members *currently* serving from that School or College.
- c)    The Selection and Appeals Committee shall interview students nominated by the Deans and from those interviewed, shall appoint 22 students to serve on the Honor Council.

**3.    Officers of the Honor Council**

- a)    The Honor Council shall elect from its members a President and a Vice President.
- b)    The President must have served at least one year as a member of the Council. The President shall preside over meetings of the Council, and serve as a voting member of hearing panels when appointed according to the provisions of this Code.

- c) The Vice President shall act in the President's stead when the latter is absent.

#### **4. Meetings**

- a) Meetings shall be called by the President when necessary, or, if its President is unavailable, by the Vice President.
- b) A majority of the members serving shall constitute a quorum of the Council for the purpose of transacting affairs.

#### **5. Vacancies and Removal of Members**

- a) The Selection and Appeals Committee shall fill vacancies on the Council. In so doing, the Committee shall first consider the current year's nominees not previously appointed. It may then seek additional nominations from the Dean.
- b) Members of the Honor Council may be removed by the Selection and Appeals Committee on its own motion, or upon recommendation of the Council President, for failure to attend meetings or hearings, or for other good cause.

### **B. The Selection and Appeals Committee**

#### **1. General**

A Selection and Appeals Committee is hereby established consisting of the Executive Vice President and provost, the Vice President for Student Affairs, or their designee, 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.

#### **2. Appointment of the Executive Secretary**

- a) The Vice President for Student Affairs shall appoint a Secretary to the Council.
- b) 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.

## TITLE V                      PROCEDURES

### **Policy Statement**

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

### **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 an executed complaint to the Secretary. The Complaint shall state:

- 1) the name of the student charged, if known;
- 2) the facts giving rise to the alleged violation;
- 3) the name of any witnesses;
- 4) and shall provide such other factual information or documentation as may be useful in determining the truth of the charge made.

Complainants should refrain from including their opinions or information not relevant to the instant incident.

### **B. Hearing Panel Selection and Regulations**

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

### **C. Charge**

1. Following receipt of the complaint and designation of the Hearing Panel, the Secretary shall serve the student charged with a copy of the charge and the names of the Hearing Panel members.
2. The accused shall not be given names of student witnesses.
3. Service shall be by hand delivery or certified mail.

4. The Secretary shall provide a copy of the charge to the Complainant.
5. Within one day of the receipt of the Panel Members List, the student charged may challenge any member by submitting to the Secretary a written statement specifying why the panel member should not serve. The Secretary shall determine if just cause exists to remove the Panel Member and shall notify the accused of new Panel Members. The accused then has the right to object to any new Member following the procedures in this section.
6. Within one day of the receipt of the charge, the accused may challenge the Hearing date, time or location by providing the Secretary with a written request specifying the reasons for the request. The Secretary shall determine if the request provides a valid reason to alter the date, time or location of the Hearing and shall notify the accused student and Panel Members.
7. If a student is charged with a violation of this Code within two weeks prior to the student's graduation, the Secretary shall make every reasonable effort to conclude the procedures under this Code prior to the student's graduation.

#### **D. Investigation**

The Investigators shall investigate the violation and prepare findings for presentation to the Hearing Panel.

#### **E. Hearing Procedures**

1. The Hearing shall be held in private. Witnesses may attend only to present their testimony. No person involved in the hearing shall discuss the case with anyone outside the hearing.
2. The student charged, the Secretary, the complainant and all witnesses must attend the Hearing. In addition to those required by the Council to attend, a University of Miami undergraduate student advisor may attend and assist the accused. This advisor may not speak on behalf of the accused.
3. It is not the function of the Panel to act as prosecutor of the case against the student charged, but to examine all evidence in order to ascertain the truth of the matter.

#### **Presentation of Information**

4. The Panel shall first hear a report of the investigation. The Investigators shall remain in the hearing as resources for the Panel, but do not participate in deliberations or vote with the Panel. The Panel *and the accused student* shall then question the Complainant, the accused and any witnesses, including its investigators.

5. 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.

### **Plea**

6. The accused may then admit or deny the charge, in whole or in part. The accused must always speak for himself.
  - i. If the accused admits the charge the Panel shall receive mitigating circumstances from before retiring to deliberate on a sanction.
  - ii. If the accused denies the charge he shall have the ability to question the complainant and witnesses and submit statements or evidence to prove his innocence.
  - iii. If the accused refuses to enter a plea or speak on his own behalf, the Panel shall enter a plea of not guilty for the accused and proceed with the Hearing. No inference of guilt may be drawn from this silence.

### **Deliberation**

7. When the Panel is satisfied it has heard all evidence in a case it shall request summary statements before it retires to deliberate to determine guilt based on clear and convincing evidence. A super-majority vote (4 out of 5) is required to find the accused guilty.
8. The Panel shall not consider prior convictions under this Code in deciding guilt.

### **Mitigation Hearing - Finding of Guilt**

9. A student found guilty by the Panel shall be given an opportunity to present evidence relevant to the determination of the penalty.
10. If a question of policy or procedure not covered by this Code arises during the course of a hearing, the Panel shall determine the question by majority of vote of the members present.
11. The Hearing Panel may, at any time, conform the charge to the evidence received, provided the student charged is given an opportunity to respond. If the modification occurs during the Panel deliberations following a hearing, the hearing shall be reopened.

### **Dismissal - No Finding of Guilt**

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

### **F. Witnesses**



1. A witness may refuse to answer a question if the answer would incriminate the witness.
2. A witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witnesses reasons constitute good cause.

#### **G. Affirmative Rights of the Accused**

1. The accused has the right to be confronted by his accuser.
2. The accused has the right to question any witnesses and the Complainant.
3. The accused has the right to a review of the Panel's determinations and findings.
4. The accused has the right to call witnesses and present evidence in his defense. A student may offer a written request to the Panel that the Panel call specific witnesses for him if those witnesses previously refuse to appear and are shown in the request to be material to the accused student's defense. The Panel shall determine a witnesses' materiality based on the statement presented by the accused.
5. The accused has the right to remain silent and no inference may be drawn from his silence.

#### **H. Penalties**

1. Penalties shall be based on the severity of the violation and shall consist of one or more of the following as define in Student Rights and Responsibilities:
  - (a) Reprimand
  - (b) Disciplinary warning
  - (c) Strict Disciplinary probation for a set period of time
  - (d) Final Disciplinary probation for a set period of time
  - (e) Suspension from the University for a set period of time
  - (f) Expulsion from the University
  - (g) University service or any other reasonable sanction.  
~~Reasonability to be determined on review by the Selection & Appeals Committee if requested by the accused.~~
2. The Panel may consider prior convictions in assessing penalties.

#### **I. Panel's Findings and Determinations**

1. The Panel's decision shall be made promptly after the Hearing.

2. Notice thereof shall be given to the student and Complainant. The student charged may elect to hear the decision of the Panel in person at the conclusion of the Panel's deliberations or elect to be notified by the Secretary later.
3. In reporting its decision to the student charged, the Panel shall not give reasons for that decision.

## TITLE VI      APPEALS

### A. Procedures

1. Appeals by the student 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.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds and reasons for the appeal.
3. The only grounds for appeal shall be :
  - i. that the failure to follow the procedures of this Code constituted an error,
  - ii. that new evidence has been discovered, or
  - iii. that the penalties set were not commensurate with the offense.
4. The Appeal statement must be submitted within three (3) days of receipt by the student of the Panel's finding.

### B. Hearing the Appeal

1. The Selection and Appeals Committee shall have three days from the receipt of an Appeal to decide whether it is timely and based upon proper grounds.
2. The Committee may extend to *the* time for filing if the student makes *a* written request specifying the reasons for the ~~request~~ *extension*.
3. A negative determination on either the grounds or timeliness shall result in dismissal of the Appeal. If an appeal is to be heard, the Committee shall provide a copy of the appeal to the Secretary. ~~and request A summary of the record~~ *Hearing will be provided to the Committee.*
4. The Secretary's summary shall include the findings upon which the Panel determined guilt and penalty.
5. The Committee shall review the record and may affirm the decision of the Panel or reduce the penalty. The decision of the Committee shall be final.
6. *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 to the Panel for appropriate action, or reduce the penalty. The Committee's decision shall be final.*

## **TITLE VII PUBLICATION OF CONVICTION AND PENALTIES and AMENDMENT PROCEDURES**

### **A. Publication**

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

### **B. Amendment of this Code**

1. The Code may be amended solely by formal action of the President of the University following consultation with the students and the approval of the Faculty Senate.
2. Any member of the University Community may propose an amendment of this Code, in writing, to the Selection and Appeals Committee .
4. Please be advised that this Honor Code document as written is subject to change. Please contact the Secretary for information regarding any changes.

### **C. Effective Date**

This version of the University of Miami Undergraduate Honor Code is effective as of September 1, 1996.