

MEMORANDUM

To: Edward T. Foote II, President

From: *X* Steven Green  
Chair, Faculty Senate

Date: 29 March 2001

Subject: Faculty Senate Legislation #2000-16(B) – Graduate Student Honor Code

4/3

*Steve, I appreciate.  
Thanks!*

*Best,  
SG*

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The Faculty Senate, at its 28 March 2001 meeting, voted to approve the attached text as a newly established Graduate Student Honor Code.

This legislation is now forwarded to you for your action.

SG/kl

cc: ↓ Luis Glaser, Provost  
↓ Steven Ullmann, Dean of the Graduate School

**CAPSULE:** Faculty Senate Legislation #2000-16(B) – Graduate Student Honor Code

RESPONSE BY THE PRESIDENT: Approves DATE: 2/3

OFFICE OR INDIVIDUAL TO IMPLEMENT: Provost

APPROVED: \_\_\_\_\_

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

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

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

UNIVERSITY OF MIAMI  
GRADUATE STUDENT HONOR CODE

March 28, 2001

Purpose

In the spring of 2001, at the request of the Graduate Student Body Government, the Graduate Student Honor Code, hereinafter referred to as "Code," was ratified by The Graduate Student Senate, approved by the Graduate Council and the Faculty Senate and by the President of the University.

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

TITLE I.      DEFINITIONS

1.      "Accused" refers to a student or students charged with a violation of this Code.
2.      "Chair" refers to the Hearing Panel Chair.
3.      "Code" refers to the Graduate Student Honor Code
4.      "Council" refers to the Graduate Student Honor Council.
5.      "Day(s)" refers to University working days only.
6.      "GSA" refers to the Graduate Student Association.
7.      "Panel" refers to the Panel selected to hear a complaint.
8.      "Secretary" refers to the Honor Council secretary or designee.
9.      "Student" refers to any full-time or part-time University of Miami graduate student who is not enrolled either in the School of Law or in the MD program. Students who are dual enrolled are subject to the Graduate Student Honor Code while attending non-law and/or non-MD courses.

TITLE II.     GENERAL PROVISIONS

A.      Responsibility of the University Community

All graduate students are responsible for reading, understanding, and upholding this Code. Students are expected to warn fellow students who do not appear to be observing proper ethical standards and to report violations of this Code. To fulfill the responsibilities of membership in the University community, faculty, students, and all other members of the community should report violations of this Code.

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B. Jurisdiction

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

C. Choice of Procedure

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

D. Faculty Role

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

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

TITLE III. VIOLATIONS

A. Policy Statement

All forms of academic dishonesty are prohibited, whether related to a written or oral examination, a thesis, term paper, mode of creative expression, computer-based work, or other academic undertaking. Academic dishonesty includes attempting or agreeing to commit to any of the violations listed below and assisting another student to commit any such violation. In determining what constitutes academic dishonesty, a student should be guided by the purposes of this Code, common sense, and information provided by the faculty member.

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B. Violations

1. Cheating--An act intended to deceive. Cheating includes all actions, devices, and deceptions used in an attempt to cheat. Examples include, copying answers from another student's exam, using a cheat sheet, and getting aid or assistance from another person with respect to academic assignments.
2. Plagiarism--Representing the words or ideas of someone else as one's own. Examples include failing to cite direct quotes properly and failing to give credit for someone else's ideas or materials.
3. Misrepresentation--Lying to or otherwise deceiving a member of the faculty, staff, or administration for personal benefit, the benefit of another, to enhance one's grade, or to meet other academic requirements.
4. Collusion--Working together on an academic undertaking for which a student is individually responsible. Examples include sharing information on lab projects when the projects are to be done individually.
5. Falsification of Data or Records--Tampering with, manipulating, or otherwise deceptively altering research or University information. It can apply to inappropriate manipulation of equipment. Data or records subject to this rule include documents, reports, and records that do not accurately represent the work performed.
6. Fabrication--Making up research results or other university information.
7. Disruption of Honor Council Procedures--Examples include, 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, accusing a student of a violation of this Code in bad faith and any attempt to compromise, threaten, or intimidate any individual associated with an Honor Council proceeding.
8. Unauthorized or Inappropriate Use of University Computing Facilities--Unauthorized or inappropriate use of University computing facilities are those as stated explicitly in Information Technology Policy Number: AO46.

TITLE IV. HONOR COUNCIL

A. The Honor Council

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1. General

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

2. Members

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

3. Business Meetings

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

4. Vacancies and Removal of Members

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

5. The Secretary

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

TITLE V. HONOR COUNCIL HEARING PROCEDURES

A. Policy Statement

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

B. Complaint

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

- 1. The name of the accused, if known
- 2. The facts underlying the alleged violation
- 3. The names of any witnesses
- 4. Such other factual information or documentation as may be useful in determining the truth of the complaint

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

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C. Panel Selection and Regulations

1. Upon receipt of a complaint, the Secretary shall draft a charge that includes a brief description of the alleged violation.
2. Six members shall serve on a Hearing panel.
  - a) Two members of the Panel shall be Council member students selected by the Secretary. One must be from the campus from which the complaint was received.
  - b) Four members of the Panel shall be Graduate Faculty members selected by the Dean of the Graduate School. At least three of these four members shall be chosen from the Honor Council members.
  - c) One of the four Graduate Faculty members on the Panel shall be a knowledgeable member of the relevant professional community who can provide expertise in the academic area that will be the subject of the hearing.
  - d) One of the four Graduate Faculty members on the Panel shall be from the campus from which the complaint was received.
  - e) The Secretary shall designate one member of the Panel as Chair. The Chair will be non-voting.
3. Upon receipt of the notice, Panel members shall recuse themselves if they are aware of any personal bias or conflict of interest that may affect their judgment or if they are enrolled in the course section or other academic activity to which the complaint relates. If a Panel member is challenged on this basis, a majority of the Panel, excluding the challenged member, may remove that member for cause.

D. Charge

1. Following receipt of the complaint and designation of the Panel, the Secretary shall serve the accused with a charge document, a notice of the rights of the accused, the names of the Panel members, and the hearing date, time, and location.
2. The accused shall not be given the name of a student witness or of a student complainant prior to the hearing.
3. Service to the accused shall be by hand delivery or certified mail to the last local address the student provided the University.
4. The Secretary shall provide a copy of the charge to the complainant.



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

E. Investigation

An administrative staff member of the Office of the Dean of Students shall investigate the complaint and present the results of that investigation to the Panel. The investigator should interview the accused, the complainant, the faculty member, if any, responsible for the course or other activity to which the complaint relates, and any other possible witnesses. The investigator should also review all documentary evidence available, including any statements from the faculty member, and make appropriate additional inquiries.

F. Hearings

1. The hearing shall be held in private and the proceedings shall be confidential.
2. The accused, the Secretary, the complainant, and all witnesses must attend the hearing. The accused may choose a University of Miami student, faculty, or staff to attend and assist him/her. This advisor may not speak on behalf of the accused during the proceeding.

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

G. Plea

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

H. Witnesses

1. The Panel shall hear from any witnesses involved in the case. The accused will have the opportunity to question any witness. Witnesses may refuse to

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answer a question if they believe the answer might incriminate them as it relates to the Honor Code or to possible criminal proceedings. A student witness called by the Panel may be sanctioned by the Panel for refusing to appear without good cause. The Panel shall determine if the witness's reasons constitute good cause.

2. The Panel may consider an affidavit or written statement against the accused only if the person giving the affidavit or statement has good cause to justify the inability to appear in person to testify before the Panel. The Panel may not consider any such document unless they have advised the accused of its content and the name of the person making the affidavit or statement three working days before the hearing. They must also give the accused an opportunity to rebut any fact contained therein or inference that might be drawn therefrom.
3. All evidence that is pertinent to the matter under consideration may be heard, whether or not it would be admissible in a court of law.
4. Irrelevant evidence shall be excluded, whether or not it would be admissible in a court of law.

I. Deliberation

1. When the Panel is satisfied that it has heard all available evidence in a case, the accused and complainant will be allowed to make closing statements before the Panel retires to deliberate. The Panel shall find the accused guilty only if it finds clear and convincing evidence of guilt. A majority vote is required to find the accused guilty and to assess a penalty.
2. The burden of proof in a hearing shall be on the Dean of Students Office. In reaching its decision on guilt or innocence, the Panel shall consider only the evidence or information presented at the time of the hearing.

J. Finding of Guilt--Mitigation Hearing

An individual who enters a plea of guilty or whom the Panel has found guilty shall be given an opportunity to present evidence relevant to the determination of the penalty.

K. Dismissal and Finding of Not Guilty

1. The Panel shall dismiss the complaint before hearing evidence if it determines, by majority vote of those present, that the passage of substantial time between the alleged violation and the filing of the

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complaint has materially prejudiced its ability to reach a fair decision in the case.

2. If the Panel dismisses the complaint or finds the student not guilty, no record of any complaint shall appear in the student's file or other official University record.
3. If the student is found not guilty and a failing grade or an incomplete has been given as a result of the charge, the Panel may suggest that the faculty member review the grade.

L. Rights of the Accused

1. The accused has the right to question any complainant and the witnesses.
2. The accused has the right to call witnesses and to present evidence. An accused may make a written request that the Panel call specific witnesses if those witnesses have refused to appear. If the Panel believes the witnesses requested are material in the defense of the accused this request will be honored. The Panel shall determine a witness's materiality based on the statement the accused presents.
3. If the accused remains silent, no inference may be drawn from this silence.
4. The accused, if found guilty, has the right to review the written summary of the evidence upon which the finding of guilt and penalty are based. The Chair of the Panel shall prepare the summary.

M. Penalties

1. Penalties for an Honor Code violation shall be based on the severity of the violation and may consist of one or more of the following:
  - a) Expulsion from the University:  
Permanent dismissal from the University without a right to future readmission under any circumstances. A student who has been expelled is also barred from campus visiting privileges.
  - b) Suspension from the University:  
Mandatory separation from the University for a period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to the approval of the University. During the period of suspension, the student is

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

- c) **Disciplinary Probation:**  
A disciplinary sanction serving notice to a student that his/her behavior is in serious violation of University standards. For the time period indicated in the sanction any further violation of University policies and regulations may result in Suspension or Expulsion from the University even if the second violation, standing alone, might result in a lesser penalty.
- d) **Disciplinary Warning:**  
A disciplinary sanction serving notice to a student that his/her behavior has not met University standards. This sanction remains in effect until the conclusion of a designated number of semesters of attendance after which it is removed from the student's file.
- e) **Fines:**  
Penalty fees payable to the University as directed by the adjudicating body for violation of certain regulations. Such fines are additional to any administrative charges imposed by the University.
- f) **Restitution:**  
Payment made for damages or losses to the University, as directed by the adjudicating body.
- g) **Restriction or Revocation of Privileges:**  
Temporary or permanent loss of privileges including, but not limited to, the use of a particular University facility or campus, visitation privileges, and parking privileges. All recommendations of restriction or revocation of privileges must be approved by the Dean of Students.
- h) **Revocation of a degree:**  
Where good cause such as fraud, deceit, or error is shown and the student is afforded a hearing under this Code a student's degree may be withdrawn.
- i) **Counseling Intervention:**  
When a student's behavior indicates that counseling may be beneficial, the student may be referred to the Counseling Center. The University reserves the right to withdraw a student whose continuation in school, in the University's judgment, is detrimental to the health or safety of the student or others.
- j) **University Service.**

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k) Other Action:

Disciplinary action not specifically defined in this section but approved by the Dean of Students. Students placed on Disciplinary Probation, or Disciplinary Warning may be required as a condition of probation to attend follow up counseling sessions or present educational workshops. Examples include loss of the privilege of representing the University or of participating in extra curricular activities.

N. MAINTENANCE AND RETENTION OF DISCIPLINARY RECORDS

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

i) Disciplinary Warning--maintained for specified number of academic semesters in which the student is in attendance.

ii) Disciplinary Probation--maintained for two years after student graduates or withdraws from the University.

iii) Suspension and Expulsion--maintained indefinitely.

iv) After the time periods specified above, the Office of the Dean of Students will remove the record of disciplinary action from its files. However, other offices within the institution may have knowledge or records that indicate that a student has been subject to disciplinary action.

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

O. Panel's Decision

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

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TITLE VI. ADMINISTRATIVE HEARING

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

TITLE VII. APPEALS

A. Selection and Appeals Committee

The Selection and Appeals Committee consists of the Vice President for Student Affairs, the Dean of the Graduate School, and a graduate student representative appointed by the President of the Graduate Student Association. The student representative may not be a member of the Honor Council.

B. Procedures

1. Appeals may only be taken from a Panel's decision finding guilt or from penalties arising from the violation only the accused may appeal.
2. Appeals shall be in writing and addressed to the Selection and Appeals Committee and must list specific grounds for the appeal.
3. The only grounds for appeal shall be
  - a) Failure to follow the procedures of this Code,
  - b) newly discovered evidence,
  - c) excessive penalty the offense
4. The appeal must be submitted within three (3) days of receipt of the hearing summary to the Graduate Student Honor Code Selection and Appeals Committee, 244 Ashe Building.

C. Appellate Hearings

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1. The Selection and Appeals Committee shall have three days from the receipt of an appeal to decide whether it is timely and based upon proper grounds. If these criteria are met, the Selection and Appeals Committee or their appointees shall reconvene.
2. The Selection and Appeals Committee may extend the time for filing if the student submits a written request specifying the reasons for the extension.
3. The Secretary provides the hearing summary to the Selection and Appeals Committee.
4. The Selection and Appeals Committee shall question and hear from the accused and the Chair of the Panel.
5. The Selection and Appeals Committee may:
  - a) Affirm the Panel's decision;
  - b) Reduce the penalty;
  - c) Refer the case back to the Panel for appropriate action; or
  - d) Dismiss the matter (which shall result in removal of charges from all University records)
6. The decision of the Selection and Appeals Committee shall be final.

TITLE VIII. PUBLICATION OF CONVICTION AND PENALTIES AND  
AMENDMENT PROCEDURES

A. Publication

1. A report of each hearing shall be published in the appropriate newspaper and announced at the next Graduate Council meeting without revealing personally identifiable information concerning the student(s) or faculty members(s) involved.
2. The Secretary of the 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 approval of the Faculty Senate, the Graduate Council, the Executive Council of the GSA, and the Graduate Student Association.



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C. Effective Date

This version of the University of Miami Graduate Honor Code is effective upon approval by the Faculty Senate and the President of the University.

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