

UNIVERSITY OF MIAMI UNDERGRADUATE STUDENT HONOR CODE

TITLE I: INTRODUCTION

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 that 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 SELECTIONS 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 SELECTIONS 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 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.

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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.

F. PRESENTATION OF INFORMATION

1. 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.
2. 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 that might be drawn there from.

G. PLEA

1. The accused may then admit or deny the charge, in whole or in part. The accused must always speak for themselves.
 - a. If the accused admits the charge the Panel shall receive mitigating circumstances before retiring to deliberate on a sanction.
 - b. 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.
 - c. 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.

H. DELIBERATION

1. 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.
2. The Panel shall not consider prior convictions under this Code in deciding guilt.

I. MITIGATION HEARING – FINDING OF GUILT

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.

J. DISMISSAL – NO FINDING OF GUILT

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 record.
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.

K. 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.

L. 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

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 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.

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 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:
 - a. That the failure to follow the procedures of this Code constituted an error,
 - b. That new evidence has been discovered, or
 - c. 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. 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.
3. The Secretary's summary shall include the evidence upon which the Panel determined guilt and penalty.
4. The Committee shall review the record and may:
 - a. Affirm the Panel's decision,
 - b. Reduce the penalty, or
 - c. Refer the case back to the Hearing Panel for appropriate action.
5. 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.