

Student Conduct

Scope: Who is Covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

Policy

Introduction

The Code of Student Conduct at Miami University is intended to foster and protect the central purpose of the University: the free and open exchange of ideas. ~~This Code applies to Miami's undergraduate and graduate students, and student organizations, including Greek organizations. Students are subject to this Code of Student Conduct beginning at summer orientation, during academic terms for which they are enrolled, during breaks between terms, during University holidays and vacations, and during periods of suspension.~~ The Code of Student Conduct outlines the rights and responsibilities of students, behaviors prohibited on and off campus, possible sanctions, and the procedural rights of students and student organizations.

The Code embraces several important values: the rights of free speech and peaceable assembly; the freedom of inquiry and the right to make constructive criticism; the central importance of honesty to ~~this~~the community; and the desire that all students participate on campus in an environment that respects differences of ~~culture, gender, religion, race,~~ age, ~~sexual orientation~~color, ability, gender identity or expression, genetic information, military status, national origin ~~and ability(ancestry), pregnancy, race, religion,~~ sex/gender, status as a parent or foster parent, sexual orientation or protected veteran status.

The University is deeply committed to maintaining a ~~disciplinary student conduct~~ process that fully protects the rights of the institution, and the ~~complainant (and alleged victim if~~

~~different from the complainant), and the accused student(s).~~ students involved. The University reserves the right to supplement or alter the procedures in this Code at any time the University deems appropriate to protect the constitutional rights of the parties or to comply with state and/or federal law.

We expect ~~every member~~ all members of our community to conduct ~~their affairs~~ themselves with integrity and high ethical standards. These expectations are best captured by the Miami Values Statement, adopted by the Miami University Board of Trustees in 2002:

“Miami University is a scholarly community whose members believe that a liberal education is grounded in qualities of character as well as of intellect. We respect the dignity of other persons, the rights and property of others, and the right of others to hold and express disparate beliefs. We believe in honesty, integrity, and the importance of moral conduct. We defend the freedom of inquiry that is the heart of learning and combine that freedom with the exercise of judgment and the acceptance of personal responsibility.”

These values are at the very heart of this Student Code of Conduct. When students deviate from these ideals, our primary goal is to assist students in better understanding, internalizing, and acting on these values. In short, this Code assumes that members of our community are of high character and are committed to a life of integrity. In this spirit, we are committed as a community to help those who made ~~poor decisions~~ “get back on track.” choices that result in a Code of Conduct violation to continue to work towards their educational and personal goals at Miami.

Students who have questions about the Code of Student Conduct should call the Office of Community Standards at (513) 529-1417. All references to University offices are deemed to be in reference to the most closely analogous offices at Miami University Hamilton (Student Services), and Miami University Middletown (Student Life), and the Voice of America Learning Center (Director’s Office).

The Code of Student Conduct

This Code applies to Miami’s undergraduate ~~and students,~~ graduate students, and student organizations, ~~including Greek organizations.~~ The Code of Student Conduct ~~primarily~~ prohibits misconduct on University premises (buildings or grounds owned, leased, operated, controlled, or supervised by the University), ~~including the Oxford campus, Miami University Dolibois European Center [see Appendix B], the Miami~~

University Hamilton campus, the Miami University Middletown campus, and the Voice of America Learning Center); ~~but may address~~). It also applies to misconduct in University programs and activities, regardless of location, and off-campus conduct when that negatively impacts the behavior or the presence of the individual, in the University's sole judgment, impairs, obstructs, or interferes with the mission, processes, or functions of Miami University campus community. Students ~~should be aware that Miami and student organizations are subject to this Code of Student Conduct beginning at summer orientation, during academic terms for which they are enrolled, during breaks between terms, during~~ University ~~reserves the right to review and take disciplinary action based on conduct occurring off campus or between academic holidays and vacations, and during~~ periods: of suspension. Additionally, while Miami University does not routinely monitor social networking media sites and other electronic media, students should be aware that behavior on such sites when reported to the University may be investigated and adjudicated.

If a student, or student organization, ~~fraternity or sorority~~ breaks a law that also violates ~~Miami University Standards~~ this Code of conduct Student Conduct, they may be held accountable by both civil authorities and the University. The University may at its sole discretion elect to pursue disciplinary action in the absence of criminal charges, at the same time as criminal charges are pending, or if the criminal charges involving the same incident are not complete, have been reduced or are dismissed.

~~Any student, student organization, fraternity or sorority that is found responsible for violating the Code will be assessed an administrative fee of \$50 per incident.~~

Organizational Responsibility

Student organizations (defined in the "Recognition of Student Organization" section of the policy "Student Organizations and Governance Bodies" section "Recognition of Student Organization" and), including fraternities and sororities (defined in the policy "Sororities and Fraternities" and), are subject to the same conduct standards as individual students.

~~Organizations are subject to this Code of Student Conduct at all times including, but not limited to, breaks between terms, during University holidays and vacations, and during periods of suspension of recognition.~~

An organization may be held responsible for a violation of University policy or rule when:

1. ~~one~~One or more of its officers, members, or authorized representatives acting as a member of the organization commit the violation; or
2. ~~the~~The misconduct occurs at an event that is sponsored, financed, or endorsed by an organization where it is reasonable to believe that the organization's members knew or should have known that one or more of the participants engaged in conduct that is in violation of this Code; or
3. ~~the~~The misconduct occurs on the premises owned, leased, or operated by the organization where it is reasonable to believe that the organization's members knew or should have known that one or more of the participants engaged in conduct that is in violation of this Code.

Standards of Conduct

In order to promote a safe and civil campus environment, Miami University expects each student, and student organization, ~~and fraternity and sorority~~ to follow ~~the standards~~this Code of ~~conduct~~Student Conduct. The severity of the offense, prior disciplinary history, whether an offense was committed against a person intentionally selected by reason of their sex ~~(including sexual harassment, sexual violence, sexual misconduct, domestic violence, dating violence, or stalking)~~, gender, race, color, religion, national origin, disability, age, sexual orientation, ~~gender identity~~ or expression, pregnancy, military status, or veteran status, and other relevant circumstances will be considered in determining the appropriate disciplinary action.

“1219” Procedures

Ohio Revised Code Sections 3345.22 and 3345.23 procedures are commonly referred to as “1219” proceedings. The initiation of a “1219” proceeding against a student does not prohibit the University from taking University disciplinary action against that same student under the Code for the same ~~conduct~~ that gave rise to the “1219” proceeding. ~~A student arrested for any of the defined offenses will automatically be subjected to the “1219” proceedings, which are summarized below.~~

After a hearing ~~which~~that will be held no more than five days after arrest (continuances may be granted, ~~which~~that may not exceed a total of ~~ten~~10 days), students arrested for one of the offenses defined in Ohio Revised Code 3345.23(D) are subject to immediate suspension from the University. Students convicted of any of the offenses enumerated in Ohio Revised Code 3345.23(D) are subject to automatic dismissal from Miami University.

Students suspended or dismissed under these “1219” procedures are not permitted on University property without the express permission of the President or the Board of Trustees. Students dismissed upon conviction may be ~~readmitted~~re-admitted or admitted to any other Ohio tax-supported college or university, at the discretion of the college or university’s board of trustees, but only after the lapse of one calendar year following dismissal and only upon terms of strict Disciplinary Probation (see Ohio Revised Code 3345.22 and 3345.23 for full text of the statutes and see Appendix C of the *Code of Student Conduct* for list of defined offenses of violence).

Related Form(s)

Not Applicable.

Additional Resources and Procedures

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2023

Responsible Officer

Director, Office of Community Standards

Legal Authority

Ohio Revised Code

Compliance Policy

Yes

Revision History

Edited July 2018; Amended 2019

Reference ID

- Student Handbook 2.0
- Graduate Student Handbook 1.6

Reviewing Bodies:

Student Life Council

Prohibited Conduct

Scope: Who is covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

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~~Miami University considers the following~~A student may be suspended or dismissed for a single violation. Multiple violations or additional violations of the Code of Student Conduct may result in more severe sanctions.

~~More than one sanction may be imposed for a single violation.* A single act may constitute a violation of more than one~~conduct unacceptable. This list is intended to clarify behavior that is regulation. Being under the influence of drugs or alcohol will not permitted. Additionally, Miami University encourages students to live~~diminish nor~~excuse a violation of the Student Conduct Regulations.

~~The standard used to determine responsibility is a “preponderance” standard. The standard is met by the Code of Love~~information that has the most convincing force; the greater weight of credible information. We consider all the information presented at the hearing (including any incident report, statements from the accused student(s) and Honor~~the complainant, if applicable, and to go above and beyond simply avoiding the statements of witnesses or others with knowledge). A student is found responsible for violating the Code of Student Conduct if he or she accepts responsibility for the violation or the information demonstrates by a preponderance of the available information that the person is responsible. A presumption of responsibility should not be made as the~~

result of allegations. A Student Conduct Hearing is an educational meeting—not a legal proceeding.

Interfering with a University Function (101)

Actions that interfere with, obstruct, or disrupt University functions are prohibited. University's functions, on or off campus, are defined to include teaching, research, administration, disciplinary proceedings, University activities, public safety, and public service functions. This prohibition extends to non-university functions when held on University premises. (See the policy "Right of Expression of Students" guaranteeing the right of expression of students).

Dishonesty (102)*

Students are expected to act with honesty and integrity in all matters and at all times. Failing to act with honesty and integrity at any time or in any matter is prohibited. Dishonest conduct listed below, including, but not limited to: knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university or related documents by actions such as forgery, alteration, or improper transfer; submission of information known by the submitter to be false is prohibited.

**If the student has been found responsible for a previous act of academic dishonesty or for previously violating the Dishonesty section of the Code of Student Conduct, the minimum sanction will be suspension for a minimum of either fall or spring semester and may also include summer or winter term (Note that a student may not be suspended solely for either summer and/or winter term).*

Violations (103)

Title IX – Sexual Misconduct, Interpersonal Violence and Sexual Harassment (103A) – See Appendix A. Title IX Violations-Definitions of the Code of Student Conduct.

Sexual Misconduct (103A)

Any sexual act directed against another person, without their consent, including instances where the person is incapable of giving consent is prohibited. Sexual Misconduct includes sexual assault, sexual exploitation and indecent exposure.

Interpersonal Violence (103A)

Stalking, dating violence and domestic violence are prohibited.

Sexual Harassment (103A)

Sexual Harassment is prohibited. Students are responsible for knowing and complying with the University's Title IX Protocol-Sexual Misconduct Policy and Procedures for Students, which can be found in the Title IX Protocol policy.

Copies of the Title IX Protocol-Sexual Misconduct Policy and Procedures for Students are available in the Office of Community Standards, Women's Center, Office of the Dean of Students, the Miami University Police, the Oxford Police Department, and the Sexual Assault Prevention Program Office.

Note: An accused student, who after having a hearing for a violation of "Sexual Misconduct", or "Interpersonal Violence", or "Sexual Harassment", is found not responsible, may be found responsible and sanctioned for a violation of "Endangering Health or Safety".

Endangering Health or Safety (103B)

Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.

Damage, Theft, Trespass, or Unauthorized Use of Property (104)

Intentional or reckless conduct that results in damage (including tampering or defacing), theft, trespass, or unauthorized use of property of the University or of any other person or entity is prohibited. The unauthorized use of University property for personal gain is also prohibited. Students may not use University property for any activity prohibited by federal, state, or local law or this Code.

Alcohol (105)

1. Fermented alcoholic beverages (e.g. beer, wine, cider, mead or sake)
2. Distilled Liquors (e.g. vodka, gin, rum, tequila, whiskey, scotch, brandy)

Intoxication and Prohibited Use of Liquor (105A)

1. Intoxication or exhibiting negative behavior associated with intoxication after consuming alcohol
2. Underage possession or consumption of distilled liquor
3. Furnishing distilled liquor to any person under 21 or permitting any person under 21 to consume distilled liquor in your residence (e.g., residence hall room or off-campus residence)

Prohibited Use of Fermented Alcohol/Open Container (105B)

1. Underage possession or consumption of fermented alcohol
2. Furnishing fermented alcohol to any person under 21 or permitting any person under 21 to consume fermented alcohol in your residence (e.g., residence hall room or off-campus residence)
3. If age 21 or over, possession of alcohol in an unauthorized location

Because of Miami University's commitment to the responsible consumption of alcohol, mandatory minimum penalties will be imposed upon a finding of a violation of this policy.

The University will notify by email or regular U.S. mail the parents of students under the age of 21 who have been found responsible for violating the Code of Student Conduct regarding the use or possession of alcohol or drugs.

A student who after having a hearing for a violation of "Intoxication and Prohibited Use of Liquor (105A) (1)", is found not responsible, may be found responsible for a violation of "Intoxication and Prohibited Use of Liquor (105A) (2)" or "Prohibited Use of Fermented Alcohol/Open Container (105B) (1)". See policy "Sanctions" section "Penalties for Alcohol Violations" for penalties (see policy "Alcohol and University Property" for the Policy on Alcohol Use).

A student who after having a hearing for a violation of the section of this policy "Prohibited Use of Fermented Alcohol/Open Container (105B)", is found not responsible may be found responsible for a violation of the section of this policy "Complicity (114)".

Drug Use (106)

Prohibited Use of Drugs (106A)

The use, offer for sale, sale, distribution, possession, or manufacture of any controlled substance or drug except as expressly permitted by law is prohibited. The use, offer for sale, sale, distribution, possession, or manufacture of chemicals, products, or materials for the purpose of use as an intoxicant except as expressly permitted by law is also prohibited.

Possession of Drug Paraphernalia (106B)

Possession of drug paraphernalia is also prohibited. Drug paraphernalia includes any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

A student who after having a hearing for a violation of either part of “Drug Use” is found not responsible may be found responsible for a violation of “Complicity”.

Weapons (107)

Possession or use of a dangerous weapon, device or substance including firearms, explosive devices, dangerous chemicals, knives, fireworks, compressed air guns, pellet guns, stun or zip guns, Tasers, BB guns, and paint ball guns unless authorized by the Miami University Police Department even if otherwise permitted by law, is prohibited. Use or misuse of weapons, devices, or substances in a manner that causes or threatens serious harm to the safety or security of others is also prohibited.

Discrimination/Harassment (108)

Discrimination or harassment in University education programs on the basis of age, disability, sex, race, color, religion, national origin, disability, age, sexual orientation, gender identity or expression, pregnancy, military status, or protected veteran status is particularly repugnant to the mission of Miami University and is prohibited. [\(See the “Policy Prohibiting Harassment and Discrimination”\)](#).

Note: Reports of Sexual Harassment are addressed under the section of this policy titled "Sexual Harassment".

Hazing (109)

Coercing another, including the victim, to do any act of initiation into, or as a condition of participation in, a student organization, fraternity or sorority, or activity that causes or creates a substantial risk of causing physical or mental harm to any person is prohibited. (See Appendix D of the Code of Student Conduct for examples and discussion).

Note: Because of Miami University's commitment to maintaining an environment free from hazing, mandatory minimum penalties will be imposed upon a finding of violation of this policy.

Violation of University Rules or Law (110)

Violation of other published university rules, policies, standards, guidelines, or violations of federal, state, or local law.

Failure to Comply (111)

Failure to comply with the directions of law enforcement, emergency personnel or authorized University officials, in the performance of their duties, including failure to identify oneself when requested.

Abuse of Technology (112)

~~A. Violation~~ Theft or other abuse of University computing resources is prohibited. Students are responsible for knowing and abiding by the regulations outlined in the Responsible Use of Computing Resources Policy.

~~B. Any policy.~~ Abuse of Technology also includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his or her prior knowledge, or without his or her effective consent when such a recording is reasonably likely to cause injury. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, classroom, or restroom.

Alcohol Violations

~~A.1. Intoxication and/or Prohibited Use of Liquor: Distilled liquors (e.g. vodka, gin, rum, tequila, whiskey, scotch, brandy)~~

~~1. Intoxication or exhibiting negative behavior associated with intoxication after consuming alcohol~~

~~2.1. Underage possession or consumption of distilled liquor~~

~~3.1. Furnishing distilled liquor to any person under 21 or permitting any person under 21 to consume distilled liquor in your residence (e.g., residence hall room or off-campus residence)~~

~~B. Prohibited Use of Fermented Alcohol/Open Container: Fermented alcoholic beverages (e.g. beer, wine, cider, mead or sake)~~

~~1. Underage possession or consumption of fermented alcohol~~

~~2.1. Furnishing fermented alcohol to any person under 21 or permitting any person under 21 to consume fermented alcohol in your residence (e.g., residence hall room or off-campus residence)~~

~~3. If age 21 or over, possession or consumption of alcohol in an unauthorized location~~

~~Because of Miami University's commitment to the responsible consumption of alcohol, mandatory minimum sanctions will be imposed upon a finding of a violation of this policy.~~

~~The University may notify by email or regular U.S. mail the parents of students under the age of 21 who have been found responsible for violating the Code of Student Conduct regarding the use or possession of alcohol or drugs.~~

~~A student who after having a hearing for a violation of "Intoxication and/or Prohibited Use of Liquor", is found not responsible, may be found responsible for a violation of "Prohibited Use of Fermented Alcohol/Open Container". See "Sanctions" section of the "Penalties for Alcohol Violations" policy for penalties (see "Alcohol and University Property" for the Policy on Alcohol Use).~~

Disorderly Conduct (113)

Conduct which is disorderly, lewd, or indecent or which breaches the peace is prohibited. Disorderly or disruptive conduct which unreasonably interferes with university activities or with the legitimate activities of another is prohibited.

Complicity (114)

Conspiracy to commit, solicitation of another to commit, aiding or abetting the commission of, or attempting to commit any violation of this Code-

is Prohibited Conduct. This includes, but is not limited to, being present in a residence hall room or with a group of persons where the prohibited use of alcohol or drugs is occurring.

~~A student who after having a hearing for any violation of this Code is found not responsible may be found responsible for a violation of the section of the policy "Complicity" policy.~~

Damage and/or Theft of Property

~~A. Intentional or negligent conduct that results in damage (including tampering or defacing) of property of the University or of any other person or entity.~~

~~B. Taking the property or services of the University or of any other person or entity without consent.~~

Discrimination/Harassment

~~Discrimination or harassment in University education programs on the basis of age, color, disability, gender identity or expression, genetic information, military status, national origin (ancestry), pregnancy, race, religion, sex/gender, status as a parent or foster parent, sexual~~

~~orientation or protected veteran status.~~ **Retaliation (115)**

~~Retaliation is strictly prohibited. Any retaliatory action or conduct by any person (See the "Policy Prohibiting Harassment and Discrimination").~~

~~Note: Reports of Sexual Harassment are addressed under the section of this policy titled "Sexual Harassment".~~

Dishonesty

~~A. Misuse or falsification of university or related documents by actions such as forgery, alteration, or improper transfer (including a student ID card).~~

~~B. Submission of information to a University faculty or staff member known by the student to be false, such as knowingly making a false accusation of misconduct or knowingly reporting a false emergency.~~

~~If the student has been found responsible for a previous act of academic dishonesty or for previously violating the Dishonesty section of the Code of Student Conduct, the minimum sanction will be suspension for a minimum of either fall or spring semester and may also include summer or winter term (Note that a student may not be suspended solely for either summer and/or winter term).~~

~~Disorderly Conduct~~

~~A. Conduct that is disorderly, indecent or that breaches the peace.~~

~~B. Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of another.~~

~~Drug Violations~~

~~A. Unlawful possession and/or consumption of any controlled substance or drug except as expressly permitted by law; lawful possession or consumption of medical marijuana is prohibited on campus.~~

~~B. Possession of drug related paraphernalia except as expressly permitted by law.~~

~~C. The abuse, misuse, sale, or distribution of prescription or over the counter medication.~~

~~D. The use, offer for sale, sale, distribution, possession, or manufacture of chemicals, products, or materials for the purpose of use as an intoxicant except as expressly permitted by law.~~

~~The University may notify by email or regular U.S. mail the parents of students under the age of 21 who have been found responsible for violating the Code of Student Conduct regarding the use or possession of alcohol or drugs.~~

~~Endangering Health or Safety~~

~~Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.~~

~~Failure to Comply~~

~~Failure to comply with the directions of law enforcement, emergency personnel, or authorized University officials in the performance of their duties, including failure to identify oneself when requested.~~

~~Hazing~~

~~Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any student organization, athletic team, or other student group or activity, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Failure to intervene, prevent or report any act of hazing may also constitute a violation.~~

~~Note: Because of Miami University's commitment to maintaining an environment free from hazing, mandatory minimum penalties will be imposed upon a finding of violation of this policy.~~

~~Interfering with a University Function~~

~~Actions that interfere with, obstruct, or disrupt University functions.~~

~~A. University functions, on or off campus, include but are not limited to teaching, research, administration, disciplinary proceedings, University programs or activities, public safety, and public service functions.~~

~~B. This prohibition also extends to non-university functions when held on University premises. (See the "Right of Expression of Students" policy guaranteeing the right of expression of students).~~

~~Possessing/Providing False Identification~~

~~A. Possession, use, and/or attempted use of false identification.~~

~~B. Manufacture, distribution, or sale of false identification.~~

~~Retaliation~~

~~Any adverse action taken by a student or student organization~~ against a person who has filed a report, served as a witness, assisted, or participated in any investigation or in any University proceeding:

, is strictly prohibited. This protection against retaliation extends to any person who opposes acts of sexual harassment or discrimination, sexual misconduct, domestic violence, dating violence, or stalking, or who testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relative to harassment or discrimination.

~~Title IX—Sexual Misconduct, Interpersonal Violence and Sexual Harassment~~

~~A. Sexual Misconduct~~

~~1. Sexual assault: any sexual act directed against another person, without their consent, including instances where the person is incapable of giving consent.~~

~~a. Non-consensual sexual intercourse: any sexual penetration however slight, with any body part or object by any person upon any person without consent (commonly referred to as rape.) Non-consensual sexual intercourse includes rape, incest, and statutory rape.~~

~~b. Non-consensual sexual contact: any intentional sexual touching, with any body part or object by any person upon any person without consent including forcible fondling. Non-consensual sexual contact includes the touching of any body part for sexual gratification, without consent or where the person is incapable of giving consent because of age or temporary or permanent mental incapacity.~~

~~2. Sexual exploitation: taking non-consensual, unjust or abusive sexual advantage of another person.~~

~~3. Indecent exposure: the exposure of the private or intimate parts of the body in a lewd manner in public or in private when the respondent may be readily observed.~~

~~B. Consent for Sexual Conduct~~

1. ~~Consent is when a person agrees or gives permission to another person to engage in certain sexual acts.~~

a. ~~—~~

a. ~~What is consent?~~

- ~~Consent is a knowing and voluntary verbal or non-verbal agreement between both parties to participate in each and every sexual act.~~
- ~~Consent to one sexual act does not imply consent to other or all sexual acts.~~
- ~~Conduct will be considered “non-consensual” if no clear consent, verbal or non-verbal, is given. The absence of “no” does not mean “yes.”~~
- ~~A person has the right to change one’s mind at any time. In other words, consent can be withdrawn at any point, as long as the person clearly informs the other party of the withdrawal.~~
- ~~Taking drugs or consuming alcohol does not relieve the obligation to obtain consent.~~
- ~~A person is not required to physically or otherwise resist an aggressor.~~

b. ~~Effective Consent~~

- ~~Effective consent can be given by words or actions so long as the words or actions create a mutual understanding between both parties regarding the conditions of the sexual activity. Ask: “Do both of us understand and agree regarding the who, what, where, when, why, and how this sexual activity will take place?”~~
- ~~When a person affirmatively demonstrates that (1) they do not want to have sex, (2) they want to stop any sort of sexual act or (3) they do not want to go any further, the other party must stop completely. Continued pressure after that point can be coercive.~~

~~c.—Consent in Relationships~~

- ~~▪—Current or past sexual relationships or current or past dating relationships are not sufficient grounds to constitute consent.~~
- ~~▪—Regardless of past experiences with other partners or a current partner, consent must be obtained.~~
- ~~▪—Consent can never be assumed, even in the context of a relationship. A person has the right to say “no” and has the right to change their mind at any time.~~

~~d.—A person cannot legally give consent (no matter what they might say) when:~~

- ~~▪—The person is substantially impaired due to alcohol or drugs, incapacitated or unconscious.~~
- ~~▪—The person’s ability to resist or consent is substantially impaired because of a physical or mental condition.~~
- ~~▪—The person was coerced due to force, threat of force or deception or when the person was beaten, threatened, isolated or intimidated.~~

~~C.—Interpersonal Violence~~

~~1.—Dating violence: an act of violence committed by a person who is or has been in a social relationship of an intimate or romantic nature with the victim. The existence of such a relationship shall be determined based on consideration of the following factors:~~

- ~~a.—Length of relationship~~
- ~~b.—Type of relationship~~
- ~~c.—Frequency of interaction between the persons involved in the relationship~~

~~2.—Domestic violence: an act of violence committed by a current or former spouse or intimate partner of the victim or a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner or~~

person similarly situated, or by a parent with whom the victim shares a child in common.

~~3. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. For the purpose of this definition:~~

~~a. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.~~

~~b. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~

~~c. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.~~

~~D. Sexual Harassment:~~

~~In the employment context, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.~~

~~In the educational context, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the University's educational programs and activities.~~

~~Copies of the Title IX Protocol Sexual Misconduct Policy and Procedures for Students are available in the Office of Community Standards, Women's Center, Dean of Students Office, the Miami University Police Department, the Oxford Police Department, and the Sexual Assault Prevention Program Office. For additional information see Appendix A.~~

A respondent, who after having a hearing for a violation of “Sexual Misconduct”, or “Interpersonal Violence”, or “Sexual Harassment”, is found not responsible, may be found responsible and sanctioned for a violation of “Endangering Health or Safety.”

~~Trespass or Unauthorized Use of Facilities~~

- ~~A. Unauthorized entry or attempted entry, forcible or not, into any facility.~~
- ~~B. Unauthorized use of University property for personal gain.~~
- ~~C. Use of University property for any activity prohibited by federal, state, or local law or this Code.~~

Violation of Sanctions (116)

Violation of any terms of disciplinary restrictions, probation, or suspension is prohibited. Failure to satisfactorily complete sanctions is a violation of University policy.

Violation of University Policy (117)

Students are expected to follow all University policies, procedures, and regulations. Failure to follow University policies, procedures, or regulations is prohibited. Such policies, procedures, and regulations include but are not limited to:

1. Residence Hall Contracts and Guide to Residence Hall Living Rules and Regulations;
2. Signs, Posters, and Banners; Solicitation and Political Canvassing Regulations (see the following two policies: “Signs, Posters, and Banners” and “Solicitation, Political Canvassing, Sales Projects, and Raffles”);
3. Smoke- and Tobacco-Free Environment Policy;
4. The Miami Bulletin-General Edition;
5. Recreational Sports Rules and Regulations;
6. Housing, Dining, Recreation, and Business Services Rules and Regulations.

Unauthorized Use of University Keys or Access Cards (118)

The unauthorized use, distribution, duplication, or possession of any access device including keys or access cards issued for any University building, laboratory, facility, or room is prohibited.

~~Violation of Law~~

~~Conduct that would constitute a violation of federal, state, or local law.~~

~~Violation of Regulations for On-Campus Living~~

~~Conduct that would constitute a violation of Miami University's *Regulations for On-Campus Living*.~~

~~Violation of Sanctions~~

- ~~A. Violation of any terms of disciplinary restrictions, probation, or suspension.~~
- ~~B. Failure to satisfactorily complete sanctions.~~
- ~~C. Violation of a mediated resolution agreement.~~

~~Violation of University Policy~~

~~Conduct that would constitute a violation of any University policy and/or procedure.~~

~~Weapons~~

- ~~A. Storage, possession, or use of a dangerous weapon, device, or substance including, but not limited to: firearms, explosive devices, dangerous chemicals, knives, fireworks, compressed air guns, pellet guns, stun or zip guns, Tasers, BB guns, and paintball guns, unless authorized by the Miami University Police Department, even if otherwise permitted by law. The possession of pepper spray for personal protection is permitted.~~
- ~~B. Misuse of pepper spray in a manner that causes or threatens serious harm to the safety or security of others. As required by Ohio Revised Code Section 2923.1210, this section does not prohibit a student who has been issued a valid~~

~~concealed handgun license from transporting or storing a firearm or ammunition when both of the following conditions are met:~~

- ~~1. Each firearm and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle;~~
- ~~2. The vehicle is in a location where it is otherwise permitted to be.~~

Related Form(s)

Not Applicable.

Additional Resources and Procedures Websites

[The Miami Bulletin-General Edition](#)

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2023

Responsible Officer

Director, Office of Community Standards

Legal Authority

Ohio Revised Code 3345.21

Compliance Policy

Yes

Revision History

~~Amended July 2018; Amended July 2019~~

-

Reference ID

Student Handbook 2.1

Reviewing Bodies

- Student Life Council
- Administrative

Sanctions

Scope: Who is Covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

Policy

Sanctions may be imposed individually or in combination with one another. Suspension or dismissal may be imposed for a single violation. Multiple violations or additional violations of the Code of Student Conduct may result in more severe sanctions.

No sanction will be imposed until all appeals are completed ~~(see the policy “Appeals”)-~~ policy). Failure to complete a sanction will result in a hold on the student’s ability to register for subsequent semesters or additional disciplinary sanctions. Student organizations ~~and fraternities and sororities~~ will not be reinstated until all sanctions are completed.

Students should be aware that disciplinary records may be reviewed by others within the University and may have adverse consequences for those seeking leadership opportunities, the second-year residency exemption and/or enrollment in study abroad opportunities.

Registration for subsequent semesters may be withheld until the student completes all required sanctions.

Dismissal and Suspension/Revocation of Recognition

Dismissal is a sanction, ~~which that~~ permanently separates the student from the University without any opportunity to re-enroll in the future.

Suspension is a sanction that terminates the student's enrollment for a specified period of time. The Dean Office of ~~Students or designee~~ Community Standards will determine the effective date of the suspension (either at the conclusion of the disciplinary conduct process or at the close of the current semester/term) for a minimum of either fall or spring semester and may also include summer and/or winter term. (Note that a student may not be suspended solely for either summer and/or winter term.)

Suspension of a student organization ~~or fraternity or sorority~~ is a revocation (withdrawal) of University recognition. During a period of revocation, a student organization ~~or fraternity or sorority~~ forfeits all the rights and privileges afforded to them by University policy. A student organization, ~~fraternity or sorority~~ whose recognition has been revoked must petition for reinstatement of recognition. Conditions for reinstatement of recognition will typically be outlined in the original sanction.

Conditions of Suspension and Dismissal

A student who has been dismissed or suspended from the University is denied all privileges afforded a student and must vacate campus ~~at a time determined by the Dean of Students or designee. In addition, students.~~ Students who are dismissed or suspended may not enter any Miami University campus/or other University property at any time for any reason in the absence of the express written consent of the Dean of Students or designee. To seek such permission, a suspended or dismissed student must file a written petition with the Office of ~~Community Standards for entrance for a limited, specific purpose.~~ Community Standards for entrance for a limited, specific purpose. During the period of suspension or dismissal, a student may not attend classes (either in person or online), or participate in University-related activities, whether they occur on or off campus. All assigned educational sanctions must be completed prior to the conclusion of suspension; otherwise the suspension will remain in effect. Presence on campus in violations of sanctions could result in arrest. Academic credit earned elsewhere during a period of suspension will not be accepted in transfer. A student who has been suspended must petition apply for re-enrollment. Incomplete grades may not be removed during periods of suspension or dismissal.

Disciplinary- Probation

Disciplinary ~~Probation~~ indicates the ~~probation~~ is formal notice that a student's behavior or pattern of a student, student organization, fraternity or sorority has resulted in behavior was unacceptable. During the probation period, students should demonstrate a ~~sanction that is close~~ willingness and ability to respect and comply with the standards of behavior outlined in this Code. Continued misconduct of any kind during the probation period may result in suspension, ~~it~~ or dismissal. Disciplinary Probation is imposed for a definite period of time and may include ~~disciplinary restrictions.~~ additional sanctions. A student or representatives of an organization, ~~fraternity or sorority~~ on probation may be required to meet periodically with a person designated by the Office of Community Standards.

Disciplinary Restrictions

~~Disciplinary Restrictions~~ Additional Sanctions

Sanctions may be imposed with or without suspension, revocation of recognition, or probation. ~~Disciplinary Restrictions~~ Sanctions include but are not limited to:

1. ~~restrictions~~ Restrictions from participating in co-curricular activities (including intercollegiate athletics, ~~extracurricular activities, and residence life activities~~);
2. ~~restrictions in the right~~ Restriction of access to campus facilities, including residence halls;
3. ~~monetary~~ Monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. ~~required~~ Required University service;
5. ~~no contact/restraining orders~~;
6. ~~denial of financial assistance from programs funded by the University~~;
7. ~~5. _____~~ removal Removal from or reassignment of University housing;
8. ~~6. _____~~ required Required attendance at educational/assessment programs, ~~such as anger management workshops and comprehensive substance abuse assessments~~;
9. ~~administrative hold on access to specified University documents~~;

~~10.7. ___loss___~~ Loss of University privileges including, but not limited to, parking and computing/email resources;

~~8. ___revocation___~~ Restriction of access to university-controlled space or resources;

~~11. ___Planning___~~ of the right to the use of University facilities, University funding, or other privileges for a defined period of time;

~~12.9. ___planning of and/or___~~ attendance at educational programming;

~~13.10. ___prohibition___~~ Prohibition of participation in or sponsorship of social, intramural, or other activities or events.;

~~11. ___Penalties___~~ Attendance at a conduct follow-up meeting(s);

~~12. Participation in community service activities.~~

Sanctions for Alcohol- Violations

Intoxication and Prohibited Use of Liquor

Minimum Penalties

~~Minimum Penalties:~~

~~1.A. ___First Offense. The minimum penalty for a first offense is mandatory attendance~~ Attendance at a four-hour substance abuse education program and a minimum fee of \$200 ~~to from~~ the student for the program ~~as well as mandatory participation.~~ Participation in a comprehensive substance abuse assessment and a minimum fee of \$250 to the student for the assessment. Further intervention and an opportunity to participate in group sessions may be recommended by the counselor. There will be no additional fee to the student for participation in the group sessions at the Student Counseling Service.

~~2. ___Second Offense. Second Offense. Suspension from the University, either immediately or at the close of the current semester/term, for a minimum of either fall or spring semester and may also include summer and/or winter term. (Note that a student may not be suspended solely for either summer and/or winter term.)~~

~~If a student is suspended as a result of alcohol violations and subsequently returns to Miami University, another violation of the alcohol policy may result in dismissal.~~

~~Registration for subsequent semesters will be withheld until the student complies with the penalties assessed for the first offense. If a student has been officially found to have committed an alcohol offense and two calendar years have elapsed without a subsequent finding for such an offense, a prior offense will be considered in determining the current penalty but the minimum penalty is not mandatory. For multiple violations of the Student Conduct Regulations, additional penalties may be warranted and imposed in accordance with normal University disciplinary procedures.~~

~~*Good Samaritan Policy*—*In the event the student incurs an alcohol violation during the twelve-month period following the Good Samaritan report, the prior file may be reviewed as part of the sanctioning process but will not be counted as a prior alcohol offense for the purpose of imposing mandatory minimum sanctions.*~~

B. Suspension from the University.

Prohibited Use of Fermented Alcohol ~~/~~ Open Container

Minimum Penalties:

Minimum Penalties:

~~1.A.~~ 1.A. First Offense.—The minimum penalty for a first offense is required attendance at a two-hour substance abuse program designed to acquaint students with their civil and legal responsibilities as well as the personal and career implications of alcohol and other substance abuse. There will be a minimum fee of \$150 to the student for the program.

~~2.B.~~ 2.B. Second Offense.—The minimum penalty for a second offense is mandatory participation in a comprehensive substance abuse assessment and a minimum fee of \$250 to the student for the assessment. Further intervention and an opportunity to participate in group sessions may be recommended by the counselor. There will be no additional fee to the student for participation in the group sessions at the Student Counseling Service.

C. Third Offense.—Suspension from the University, ~~either immediately or at~~

~~3. Good Samaritan Policy — *In the close of the current semester/term, for a minimum of either fall or spring semester and may also include summer and/or winter term. (Note that a event the student may not be suspended solely for either summer and/or winter term.) incurs an alcohol violation following a Good Samaritan report, the*~~

prior file may be reviewed as part of the sanctioning process but will not be counted as a prior alcohol offense for the purpose of imposing mandatory minimum sanctions.

~~If a student is suspended as a result of alcohol violations and subsequently returns to Miami University, another violation of the alcohol policy may result in dismissal.~~

~~Registration for subsequent semesters will be withheld until the student complies with the penalties assessed for the first or second offenses. If a student has been officially found to have committed an alcohol offense and two calendar years have elapsed without a subsequent finding for such an offense, a prior offense will be considered in determining the current penalty, but the minimum penalty is not mandatory. For multiple violations of the Student Conduct Regulations, additional penalties may be warranted and imposed in accordance with normal University disciplinary procedures.~~

~~Multiple Alcohol Violations~~

~~The minimum penalty for any combination of three alcohol violations is suspension from the University; either immediately or at the close of the semester/term for a minimum of either fall or spring semester and may also include summer and/or winter term. (Note that a student may not be suspended solely for either summer and/or winter term.)~~

~~Sanctions for Alcohol Violations by Student Organizations and Fraternities and Sororities~~

Minimum Penalties:

- ~~4.A.~~ First Offense. The minimum penalty for a first offense is required attendance of members of the organization at a two-hour substance abuse program designed to acquaint organization members with their civil and legal responsibilities as well as the personal and organizational implications of alcohol and other substance Programs must be pre-approved by the Office of Community Standards. Attendance requirements will be established by the Office of Community Standards.
- ~~2.B.~~ Second Offense. No less than two semesters of ~~Disciplinary Probation~~disciplinary probation and one or more of the following ~~Disciplinary Restrictions~~sanctions:

- ~~3.1.~~ No events with alcohol for a time period to be specified by the Office of Community Standards;
- ~~4.2.~~ Evidence of a risk management plan for organization sponsored events—if applicable, provide proof of national organization involvement in the development of or approval of the risk management plan;
- ~~5.3.~~ Denial of the ability to host events for a time period to be specified by the Office of Community Standards;
- ~~6.4.~~ Additional substance abuse education as specified by the Office of Community Standards;
- ~~7.5.~~ Restriction of access to University controlled space or resources;
- ~~8.6.~~ Community service approved by the Office of Community Standards;
- ~~9.7.~~ Required meeting(s) with an appropriate University official; or
- ~~10.8.~~ Restriction from participation in University-sponsored events.

~~11.C.~~ Third Offense. ~~Revocation of recognition, either immediately or at the close of the semester/term for a minimum of either fall or spring semester and may also include summer and/or winter term. (Note that a student organization, fraternity, or sorority may not be suspended solely for either summer and/or winter term.)~~ Disciplinary Probation for a minimum of two semesters following the period of revocation of recognition will also be imposed Suspension from the University.

~~If at least three calendar years have elapsed from the date of the last incident, a prior offense will be considered in determining the sanction, but does not require the imposition of the minimum sanction.~~

Penalties If at least three calendar years have elapsed from the date of the last incident, a prior offense will be considered in determining the sanction, but does not require the imposition of the minimum sanction.

Sanctions for Dishonesty- Violations

Minimum **Penalties** Sanctions:

First Offense

~~A. The minimum penalty for a first offense is completion. Completion~~ of an ethics and integrity education program and a minimum fee of \$200 to the student for the program.

~~B. Second Offense*~~ Suspension from the University.

~~Suspension from the University, either immediately or at the close of the current semester/term for a minimum of either fall or spring semester and may also include summer and/or winter term. (Note that a student may not be suspended solely for either summer and/or winter term.)~~

~~If the student has been found responsible for a previous act of academic dishonesty or for previously violating Section 102 (the Dishonesty) policy of the Code of Student Conduct, the automatic sanction will be suspension for at least one semester.~~

~~If a student is suspended as a result of dishonesty violations and subsequently returns to Miami University, another violation of the dishonesty policy may result in dismissal.~~

~~Registration for subsequent semesters will be withheld until the student complies with the penalties assessed for the first offense.~~

Written Reprimand

Written reprimand is an official notification that the behavior of the student, or student organization, ~~fraternity or sorority~~ has been unacceptable. Authorized staff members of the Office of Community Standards or the Dean of Students Office may issue a written reprimand without a hearing for violation of regulations. Written reprimands will be placed in the official disciplinary file.

Summary Suspension

Summary Suspension without Prior Notice or Hearing

When the Dean of Students or designee has reasonable cause to believe that the student's or student organization's, ~~fraternity's or sorority's~~ presence on University premises or as a University-related or registered student organization activity poses an immediate and significant risk of substantial harm to the safety or security of themselves, others, or to property, the student, or student organization, ~~fraternity or sorority~~ may be immediately suspended from all or any portion of University premises,

University-related activities or registered student organization activities. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of the disciplinary process. The student, or student organization, ~~fraternity or sorority~~ may, within three working days of the imposition of the suspension, petition the Dean of Students or designee for reinstatement. The petition must be in writing and must include supporting documentation or evidence that the student, or student organization, ~~fraternity or sorority~~ does not pose, or no longer poses, a significant risk of substantial harm to the safety or security of themselves, others, or to property. A decision on such petition will be made without undue delay by the Dean of Students or designee.

Summary Suspension with Notice and Hearing

The Dean of Students or designee may summarily suspend a student, or student organization, ~~or fraternity or sorority~~; prohibit the same from any or all appropriate portions of University premises, University- related activities, or registered student organization, ~~fraternity or sorority~~ activities; and/or permit the student, or student organization, ~~or fraternity or sorority~~ to remain only under specified conditions during the disciplinary process if the Dean of Students determines that the student's, or student organization's, ~~or fraternity's or sorority's~~ continued presence endangers themselves, others, or property.

The Dean of Students or designee will notify the student, or student organization, ~~fraternity or sorority~~ of the reasons that the summary suspension is being considered and provide the student, or student organization, ~~fraternity or sorority~~ with an appropriate opportunity to meet with the Dean of Students or designee prior to the decision. The parties are entitled to bring anone advisor and one support person to the meeting. The role of the advisor and support person is only to be present; they will not be provided documentation or permitted to interject during the hearing. If an advisor is found to be unreasonably interfering with the hearing, they may be asked to leave. The purpose of the meeting is to address:

1.A. _____ the reliability of the information concerning the conduct of the student, or student organization, ~~fraternity or sorority~~; and

2.B. _____ whether or not the conduct and surrounding circumstances reasonably indicate_ conduct that endangers the health or safety of any person or creates a reasonable fear of such action. Sexual misconduct, interpersonal violence-_ and sexual harassment constitute endangering behavior.

Sanctions for Organizational Hazing-Violations

Minimum ~~Penalties~~Sanctions

First Offense

The minimum penalty for a first offense shall include at least two of the following sanctions:

- ~~1.A.~~ evidenceEvidence of a risk management plan for organization-sponsored events; if applicable, provide proof of national organization involvement in the development of or approval of the risk management plan;
- ~~2.B.~~ denialDenial of the ability to recruit new members for a time period to be specified by the Office of Community Standards;
- ~~3.C.~~ educationEducation as specified by the Office of Community Standards;
- ~~4.D.~~ restrictionRestriction of access to University controlled space and resources;
- ~~E.~~ Suspension for a minimum of five years, in cases where it has been determined that student health or safety was at risk due to hazing;
- ~~5.F.~~ Disciplinary Probationprobation for a period of no less than two semesters;
or
- ~~6.~~ suspension for a minimum of one semester; or
- ~~7.G.~~ anyAny other disciplinary restrictionssanctions permitted under the Disciplinary Restrictions"Additional Sanctions" section.

Second Offense

The minimum penalty for a second offense is revocation of recognition from the University; either immediately or at the close of the semester/term, for a ~~minimum of two semesters and may also include summer and/or winter term. Disciplinary Probation for at least two semesters following the reinstatement of recognition will also be imposed~~period to be determined by the Office of Community Standards.

~~If an organization, fraternity or sorority have been found to have committed a hazing offense and three calendar years have elapsed from the date of the incident without a~~

subsequent finding for such an offense, a prior offense will be considered in determining the current penalty, but the minimum penalty is not mandatory.

If at least three calendar years have elapsed from the date of the last incident, a prior offense will be considered in determining the sanction, but does not require the imposition of the minimum sanction.

Related Form(s)

Not Applicable.

Additional Resources and Procedures

Not applicable.

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2019

Responsible Officer

Director, Office of Community Standards

Legal Authority

Ohio Revised Code 3345.21

Compliance Policy

Yes

Revision History

Amended July 2018; Amended July 2019

Reference ID

Student Handbook 2.2

Governance Authority:

Student Life Council

Quick Links

- ~~Dismissal and Suspension/Revocation of Recognition~~
- ~~Conditions of Suspension and Dismissal~~
- ~~Disciplinary Probation~~
- ~~Disciplinary Restrictions~~
- ~~Penalties for Alcohol Violations~~
 - ~~Intoxication and Prohibited Use of Liquor~~
 - ~~Minimum Penalties:~~

- Prohibited Use of Fermented Alcohol / Open Container
 - Minimum Penalties:
- Multiple Alcohol Violations
- Sanctions for Alcohol Violations by Student Organizations and Fraternities and Sororities
 - Minimum Penalties:
- Penalties for Dishonesty Violations
 - Minimum Penalties:
 - First Offense
 - Second Offense*
- Written Reprimand
- Summary Suspension
 - Summary Suspension without Prior Notice or Hearing
 - Summary Suspension with Notice and Hearing
- Sanctions for Hazing Violations
 - Minimum Penalties:
 - First Offense
 - Second Offense
- Dismissal and Suspension/Revocation of Recognition
- Conditions of Suspension and Dismissal
- Disciplinary Probation
- Additional Sanctions
- Intoxication and Prohibited Use of Liquor Minimum Penalties
- Prohibited Use of Fermented Alcohol/Open Container
- Sanctions for Alcohol Violations by Student Organizations
- Sanctions for Dishonesty Violations
- Written Reprimand

- Summary Suspension
- Summary Suspension without Prior Notice or Hearing
- Summary Suspension with Notice and Hearing
- Sanctions for Organizational Hazing Violations

Procedures

Student Conduct Process

Scope: Who is covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

Policy

~~Report, Investigation and Notice~~

Report

~~Any person or organization~~The University is committed to a full and fair conduct process for every student and student organization. The University's conduct process generally takes 30-90 days depending upon the complexity of the matter. The Office of Community Standards conducts prompt and thorough investigations, typically within 30 days of receipt of the report; cases are typically heard within 30 days and any available appeals are typically resolved within 30 days. On occasion, a conduct case may make a written~~be delayed for reasons including the absence of parties or witnesses or the need to accommodate a student's disability. The timeline may also be affected by the winter or spring break periods and summer or winter terms.~~

The following processes apply to those involved in matters being addressed by the conduct process. The conduct process is initiated upon receipt of a report alleging a violation of that a student or student organization has engaged in conduct prohibited by this Code~~to the Office of Community Standards. The University may elect to treat a~~

police report or citation as a disciplinary report. Reports can be received from members of the Miami University community or external entities, including law enforcement and members of the general public. The Office of Community Standards ~~or designee,~~ after reviewing a report, may initiate the conduct process outlined in this Code.

Notice of Complaint

If information is presented in a report received by the Office of Community Standards that suggests a violation occurred, an investigation will provide the accused student(s), student organization, fraternity or sorority a copy of the ~~be~~ conducted as appropriate/required and a conduct hearing held as appropriate. Any student or student organization (hereinafter referred to as the respondent) who has been charged with an alleged violation of this Code will receive written notice of any investigation, any disciplinary hearing and notice of the hearing authority that will hear the matter (see section "Hearings").

Written notification of an investigation or hearing, if no investigation is conducted, will include:

- A copy of the signed report ~~received by the Office of Community Standards upon which the charges are based;~~
- A copy of the Code of Student Conduct;
- The specific sections of this Code allegedly violated and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the conduct process;
- A statement that the student may be accompanied by an advisor and support person of their choice throughout any investigation and the conduct process;
- A statement that the complainant and respondents may request to inspect and review evidence;
- A statement informing the parties that it is a violation of the "Dishonesty" section of the Code to knowingly make false statements or knowingly submitting false information during any investigation or disciplinary process under this Code;
- The potential sanction(s);

- The hearing option(s) available to the respondent and, if appropriate, instructions regarding selection of the hearing option; and
- The date, time, and location of the investigatory interview or hearing as appropriate.

Investigation and Review

When a report is received by the Office of Community Standards that alleges a Title IX violation(s) or a violation of this Code on the part of a student organization, an investigation will be initiated. The Office of Community Standards reserves the right to appoint an external investigator. The Office of Community Standards reserves the right to initiate an investigation as a result of any report received.

The investigation is designed to provide a prompt, fair, and impartial investigation of the report. Investigations will consist of interviews with the complainant, respondent, and relevant witnesses. Witness names may be suggested by the complainant and respondent. The investigator may interview additional witnesses or acquire documentation/evidence on their own initiative. Absent extraordinary circumstances, the parties will receive the written notice at least five (5) business days before they are interviewed by the investigator.

The complainant and the respondent have the right to be accompanied by ~~an~~one advisor and one support person, including an attorney or advocate, to any ~~related~~interview, meeting or proceeding. The role of the advisor and support person is only to be present to advise or support; they will not be provided documentation or permitted to interject during the meeting. If the advisor or support person is determined to be unreasonably interfering with the investigation, they may be asked to leave.

Investigation

~~Reports alleging Title IX or Endangering Health or Safety violations will be investigated by the Office of Community Standards. Other reports of Code violations will be investigated as necessary by the Office of Community Standards. An investigation is designed to provide a prompt, fair and impartial investigation of the report. Once a decision is made to pursue an investigation, the University will provide written notice to both parties, which will include a description of the parties involved, the specific sections of the policy allegedly violated, the specific alleged misconduct, and the date(s) and location(s) of the misconduct. Expectations for Complainants and Accused Persons will be provided to both parties.~~

~~Absent extraordinary circumstances, the parties will receive the written notice at least three (3) business days before they are interviewed by the investigator~~

Credibility determinations will not be made based on a person's status as a complainant, respondent or witness.

The complainant will not be required to discuss issues directly with the ~~accused~~respondent. The investigator will contact all parties and witnesses to establish interview times and locations. Contact between the parties will be limited to necessity.

~~The parties are entitled to the same opportunity to file a written statement, to submit information and to identify relevant witnesses. Either party may request additional or different interim measures as the investigation progresses.~~

~~At the conclusion of the investigation, the investigator will prepare a preliminary report summarizing the relevant evidence collected during the investigation. Each party will have five business days to review the report and provide any comment or response. Thereafter, the investigator will finalize the report and include a determination as to whether or not reasonable cause exists to believe a violation occurred, and what responses need to occur.~~

~~The purpose of the investigation is to ascertain whether reasonable cause exists, whether a violation occurred, and what responses need to occur. The standard of review used to determine responsibility on campus is a "preponderance" standard. This determination is based on the greater weight of the information and does not require a standard beyond a reasonable doubt.~~

During any stage of the investigation, if the investigator reasonably suspects that either party poses an imminent threat of harm or disruption to the campus community, the investigator will notify the Miami University Police and/or the Dean of Students, who may initiate the summary suspension process under the Code of Student Conduct to immediately remove the ~~party from~~party from campus and/or impose other restrictions.

The complainant and respondent are entitled to the same opportunity to file a written statement, to submit information, and to identify relevant witnesses. Either party may request additional or different interim supportive measures as the investigation progresses.

At the conclusion of an investigation, the investigator will prepare a preliminary report based on the information gathered during the investigation. Each party will have five business days to review the preliminary report and provide any comment or response.

Thereafter, the investigator will finalize the report and include a determination as to whether or not reasonable cause exists to believe a violation occurred, and what responses need to occur.

As part of the final investigation report, the investigator will make a recommendation regarding how to proceed with the case. The investigator will come to one of three conclusions:

1. Reasonable cause exists to believe that a violation has occurred and the case will move forward to a Procedural Review and then to a Community Standards Board hearing.
2. There is an inability to conclude that the information obtained establishes a reasonable cause to believe that a violation has occurred. The case will not move forward automatically to a hearing, but the complainant may initiate a complaint against the respondent independently.
3. No reasonable cause exists to believe that a violation has occurred. The case will not move forward to a hearing.

The parties will ~~simultaneously~~ be provided with a copy of the investigative report and notice regarding the hearing. The parties will be given timely and equal access to information that will be used during disciplinary ~~meetings and~~ hearings.

Notice

~~The Office of Community Standards or designee, after reviewing a report or on its own initiative, may initiate the disciplinary process by giving the accused written notice of the alleged violation(s) and proposed sanction. The University will not conduct a procedural review for alleged violations unless suspension or dismissal is a proposed sanction.~~

~~When suspension or dismissal is not the proposed sanction(s) the accused will be provided an opportunity for a hearing before Student Court or an administrative hearing officer.~~

~~The parties~~ **No Contact Directives**

The Dean of Students or designee may direct a student to have no contact with another individual for a specified period. No Contact Directives are issued when, in the judgment of the Dean of Students or designee, there is reason to believe that a directive would be in the best interest of the parties and/or the community for maintaining safety.

Such situations include, but are not limited to: harassment, threats, physical assault, stalking, domestic violence, dating violence, sexual misconduct, retaliation or other behaviors as indicated in the Code of Student Conduct. No Contact Directives will typically be issued as mutual and time-limited, meaning both parties involved are subject to the same restrictions for a specified period of time. No Contact Directives prohibit all forms of communication between designated students; direct or indirect, written, electronic, through a third party, or social media. Should a student fail to comply with a No Contact Directive, the student may be subject to disciplinary action for violating the Code of Student Conduct.

No Contact Directives are distinct and different from court-imposed restraining orders or protective orders as they only apply to enrolled students. A No Contact Directive is a University action and is not recognized by city, county or state law as a legal action. If a student wishes to pursue a civil protection order, they must make the request through an appropriate court.

A No Contact Directive may be requested at any time through the Office of the Dean of Students; however, it will only be issued after a formal request is filed through the Office of the Dean of Students, Office of Community Standards, or Title IX. Modification requests will be considered when submitted through the Office of the Dean of Students and accompanied by evidence to support the request.

Alternative Dispute Resolution (This process is not available in Title IX Matters)

The Alternative Dispute Resolution (ADR) process is designed to assist students in resolving conflict. This process can be used for a variety of types of conflict, including interpersonal disputes or disagreements as well as incidents in which a student has caused harm in their community and seeks to repair that harm. The Office of Community Standards will assess reports that are received to determine whether the matter is appropriate for ADR. The assessment will include consideration of the willingness of the involved students to participate in the process; the nature of the alleged misconduct, including whether there was alleged violence or threat of violence; and the prior conduct history, if any, of the involved students.

If the Office of Community Standards determines the matter may appropriately be resolved through alternative dispute resolution, it will attempt to resolve the matter

through an agreed upon resolution process. At a minimum, the components of the ADR process will be:

1. An acceptance of responsibility for the harm done to the complainant and/or community;
2. An agreement to fulfill any conditions/agreements that are developed as part of the process, including any minimum mandatory sanctions required by the Code;
3. The complainant and respondent being permitted to consult advisors with the understanding that the advisors may not be present during the mediated dispute resolution process;
4. If a mediated resolution is reached, it will be agreed to in writing by the respondent, the complainant and the Office of Community Standards and may not be appealed;
5. Failure to fulfill the resolution agreement may result in conduct charges for violation of sanctions;
6. If after beginning the process, the Office of Community Standards determines the process is no longer appropriate or no resolution agreement is likely to be reached, the Office of Community Standards may terminate the process and return the matter to the conduct process;
7. The provision that all matters discussed as part of the resolution process are confidential and nothing communicated as part of the process can be used in any subsequent disciplinary action arising from the disciplinary charge that was the subject of the terminated mediation. Confidentiality however, does not extend to threats of physical harm or incidents of actual violence that occur during the process.
8. An agreement not to subpoena any documents created as part of the Alternative Dispute Resolution Process in any pending or future administrative or judicial proceeding.

Hearings

Hearings are designed to provide a prompt, fair, and impartial resolution. The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the conduct process.

All hearings are closed to the public. The respondent and complainant have the right to be accompanied by ~~an~~one advisor, including an attorney or advocate, to any disciplinary related meeting or proceeding. and one support person to any student conduct hearing. The role of the advisor and the support person is only to be present; they will not be provided documentation or permitted to ~~interjects~~speak on behalf of the student during the interview, meeting or ~~proceeding~~hearing. If an advisor or support person is determined to be unreasonably interfering with the ~~disciplinary~~interview, meeting, or proceeding, they may be asked to leave.

~~Procedural Review~~

~~The purpose of the procedural review is to review the charge, provide an explanation of the disciplinary process, review options and inform the accused of potential and proposed sanction(s) for the alleged violation(s). In matters involving an alleged violation of Section 103, both the complainant and the accused will have a Procedural Review. If an accused fails to appear at the procedural review, the accused may be deemed to have committed the violation and the sanction(s) set forth may be imposed or the matter may be rescheduled for a hearing at the discretion of the Director of the Office of Community Standards.~~

~~An accused must, no later than two University working days from date of the Procedural Review or, if there is no Procedural Review, five days from receipt of the, select one of three options and return the Page Two Option Form to the Office of Community Standards.~~

The complainant and respondent are expected to attend the hearing. If the respondent fails to appear for the hearing and the absence is not excused, the hearing may proceed in their absence. Alternatively, at the election of the Office of Community Standards, a registration hold may be placed on the respondent's account until such time as the student conduct process is complete.

~~The options are:~~

- ~~1. Admit to the violations and agree to accept the recommended sanctions; or~~
- ~~2. Request an administrative hearing officer; or~~
- ~~3. Request a hearing:~~
- ~~4. before Student Court if suspension or dismissal is not a potential sanction; or~~
- ~~5. before the Disciplinary Board if suspension or dismissal is a potential sanction; or~~

~~6. before an Administrative Hearing Panel if an alleged Title IX violation.~~

~~All cases of alleged violation by a fraternity, sorority or student organization will be held before an Administrative Hearing Officer except those involving an alleged Title IX violation in which case the hearing will be held before an Administrative Hearing Panel.~~

~~The Office of Community Standards encourages students charged in the same incident and who have chosen the same hearing venue to have their cases consolidated for hearing. The Office of Community Standards reserves the right to require consolidation for a hearing.~~

~~If an accused fails to timely notify the Office of Community Standards of the option selected, the hearing will be scheduled by the Office of Community Standards.~~

Hearing

Hearings

~~1. The hearing shall commence no sooner than five University working days after delivery of the charge to the accused and, in case of an alleged Title IX Violation, the respondent or complainant. ~~Either party~~ may request a postponement of the hearing for reasonable cause. Any request for postponement must be made in writing, include the supporting rationale, and be received by the Office of Community Standards at least ~~two~~three University working days before the scheduled hearing. Examples of reasonable cause include: a death in the family, serious illness, academic conflict, or any other reason deemed appropriate by the Office of Community Standards.~~

~~2. The hearing is closed to the public. Each party is entitled to bring an advisor of their choice and two persons for support to the hearing. If an advisor or support person is determined to be unreasonably interfering with the hearing, they may be asked to leave. The University will accommodate concerns for personal safety, well-being, and/or concerns regarding confrontation between the parties and/or witnesses during the hearing by providing separate facilities, by using a visual screen or by permitting participation by other means.~~

~~3. The Office of Community Standards may elect to have a process coordinator present a hearing. The role of the process coordinator is to ensure procedures and the hearing guidelines are followed.~~

~~A. The parties have the right to file a written statement or a written response to the complaint. The Office of Community Standards will establish deadlines for submission of the written statement and response. The hearing authority has the right~~
Types of Hearings

1. Administrative Hearing: Administrative Hearings are conducted by a single hearing officer. The hearing shall take place no sooner than five University working days after the receipt of the written notice of complaint.
2. Community Standards Board Hearing: Community Standards Board hearings are conducted by a panel made up of faculty members, staff members, and students (when applicable). If the respondent(s) elected a Community Standards Board hearing, the panel will be made up of two members who are faculty or staff at Miami University and one member who is currently enrolled as a Miami University student. If a Community Standards Board hearing resulted from a Title IX investigation conducted by the Office of Community Standards, the panel will be made up of three members who are either faculty or staff at Miami University. The hearing will take place no sooner than five University working days after receipt of the written notice of complaint.

B. Hearing Procedure

1. The hearing will allow for the following:
 - Respondent(s) and the complainant(s) to give an opening statement.
 - Respondent(s) and, the complainant(s) to bring an advisor of their choice.
 - Respondent(s), and the complainant(s) to bring factual witnesses, and allow the respondent(s), complainant and hearing authority to question all witnesses.
 - Witnesses other than the complainant and the respondent shall be present only when they are giving testimony.
- 4.▪ The hearing authority has the authority to determine the acceptability of testimony and other information during the hearing and may place time limitations on testimony and on opening and closing statements.

- ~~5. The parties have the right to submit information and question witnesses who testify in the matter. Witnesses other than the complainant and the accused student(s) shall be present only when they are giving testimony.~~
- ~~6. In a hearing alleging a Title IX violation, Complainants will not be asked about prior sexual history with anyone other than the accused student(s). The parties will both be given access to any information that will be used during the hearing at least three University working days prior to the hearing. For more information see Expectations for Complainants and Accused Persons~~
- ~~7. The hearing will be recorded by the University. Either party may make provisions for a record of the hearing, subject to their own payment of the cost; or as the parties may agree, in advance in writing, to share the cost of the record. If a record is made, a copy shall be supplied to the University at no cost.~~
 - ~~▪ Each party will be given the opportunity to present Character evidence and witnesses are not permitted.~~
 - ~~▪ Credibility determinations will not be made based on a person's status as a complainant, respondent or witness.~~
 - ~~▪ The Office of Community Standards to have a representative present to ensure the student conduct process is adhered to and to answer any procedural questions posed during the hearing.~~
 - ~~8.▪ Respondent(s) and the complainant(s) to give a closing statement regarding the facts of the case.~~
 - ~~▪ At the close The Office of Community Standards to share the student's prior disciplinary history after a determination of responsibility has been reached.~~
- ~~2. The University may accommodate concerns for personal safety, well-being and/or concerns regarding confrontation among the complainant, the respondent, and other witnesses by providing separate facilities, by using a visual screen or permitting participation by closed circuit TV, video conferencing, or other means.~~

C. Criteria for Type of Hearing Assignment

- ~~1. All Title IX cases will be heard before a trained Community Standards Board (faculty and/or staff members) or a specially appointed external hearing officer.~~

2. All cases in which a student organization is the respondent will be heard before an Administrative Hearing Officer.
3. All cases in which the possible outcome is suspension or dismissal may be heard by either an Administrative Hearing Officer or a Community Standards Board at the election of the respondent. The University reserves the right to appoint an External Hearing Officer
4. All cases in which the possible outcome does not include suspension or dismissal will be heard by an Administrative Hearing Officer.
5. In the event of any conflict (e.g. a student organization charged with a Title IX violation) the Office of Community Standards will determine the hearing, the appropriate hearing authority will adjourn and deliberate privately-. The Office of Community Standards reserves the right to require consolidation of cases for any hearing.

Standard of Review

The standard of review used to determine responsibility is a “preponderance” standard. This determination is based on the greater weight of the information and does not require a standard beyond a reasonable doubt.

~~Within ten calendar days after the close of the hearing, the hearing authority will issue its decision in writing.~~

~~If the Administrative Hearing Officer/Disciplinary Board/Administrative Hearing Panel determines that a violation of the Student Code of Conduct has occurred, sanction(s) will be imposed. If an accused fails to appear at a scheduled hearing, and the absence is not excused, the hearing may proceed without the presence of the accused student(s). Hearings may be rescheduled at the discretion of the Office of Community Standards.~~

Disciplinary Board

~~The University Disciplinary Board will be composed of ten faculty members, endorsed by the chair or co-chairs of the Board and appointed by the President; eight undergraduate students, who are juniors or seniors, nominated by Associated Student Government and appointed by the President; and two graduate students, nominated by the Dean of the Graduate School and appointed by the President. The chair or co-chairs of the Disciplinary Board will be members of the faculty and will be appointed by the~~

~~President. Except for the chair or co-chairs, who will serve three-year terms, all members will serve one-year terms. Quorum for University Disciplinary Board hearings is defined as at least three faculty members and two students. If the accused student(s) is a graduate student, one of the student members shall be a graduate student.~~

~~Administrative Hearing Panel~~

~~Hearings before the Administrative Hearing Panel shall follow the same procedures as are followed by the Disciplinary Board. The Administrative Hearing Panel Pool will be composed of six faculty members appointed by the President, and four staff members appointed by the Office of Community Standards. An Administrative Hearing Panel will be comprised of two faculty members and one staff member who shall serve as chair.~~

~~Student Court~~

~~The Student Court will consist of 15 undergraduate students and up to two alternate undergraduates. Student Senate confirms the Student Court appointments. The term of office will be for one calendar year beginning on the last day of second semester or until resignation or removal. Quorum for Student Court hearings is defined as at least five students. If the accused student(s) is a graduate student, one of the student members shall be a graduate student. The Student Court will handle all cases referred to it by the Office of Community Standards.~~

Notification of Hearing Outcome

The Office of Community Standards will notify the student,(s) or student organization, ~~fraternity or sorority~~ of the decision ~~(, in writing),~~ of the outcome of the hearing and will also notify the student,(s) or student organization, ~~fraternity or sorority,~~ if responsible, of the sanction(s) imposed ~~;~~ within 10 working days of the hearing. In cases of an alleged Title IX violation, the parties will be simultaneously notified, in writing, of the outcome of the disciplinary proceedings including the result of any initial, interim and final decision, the ~~institutions~~institution's procedures for appeal and any change to the results. The notification includes whether the ~~accused~~respondent was found responsible, and if so, the sanction(s) imposed, and the ~~reason(s) for the result.~~rationale. Upon request, the complainant(s) and the ~~accused student~~respondent(s) of an alleged crime of violence will be advised of the final results (whether the ~~accused~~respondent was found responsible and if so the sanction[s] imposed) of the ~~disciplinary proceeding~~hearing.

~~Administrative Fee~~

Any student, student organization, fraternity or sorority that is found responsible for violating the Student Code of Conduct will be assessed an administrative fee of \$50 per incident.

Related Form(s)

Not Applicable.

Additional Resources and Procedures

Not Applicable.

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2023

Responsible Officer

Director, Office of Community Standards

Legal Authority

Not Applicable.

Compliance Policy

Yes

Revision History

Amended July 2018; Amended July 2019

Reference ID

Student Handbook 2.3

Reviewing Bodies:

Student Life Counsel

-

Quick Links

- Report, Investigation and Notice
 - Report
 - Investigation
 - Notice
- Procedural Review
- Hearing
 - Hearings

- Disciplinary Board
- Administrative Hearing Panel
- Student Court
- Notification
- Administrative Fee

Appeals

Scope: Who is Covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

Policy

University Appeals Board

Appeal

~~When suspension or dismissal of the accused was proposed by the Office of Community Standards or imposed by any hearing authority, the alleged victim (if any), the accused~~ Following an Administrative hearing or Community Standards Board hearing, the respondent, complainant, and the Office of Community Standards have the right to file a written appeal with the University Appeals Board within five University working days of the written decision by the hearing authority. The appeal should be addressed to the chair of the University Appeals Board and should state the basis for the appeal and should include all supporting documents.

*All parties will be notified if an appeal is filed and will have five University working days to submit a written response to the appeal. Copies of the statements of appeal and any responses will be made available to all parties.

~~All appeals should be submitted to the Office of Community Standards on the Oxford campus.~~

Composition of University Appeals Board

The University Appeals Board shall be ~~composed of five~~ comprised of two members who are either faculty, ~~four undergraduate students,~~ or staff at Miami University and one ~~graduate~~ member who is a currently enrolled Miami University student, ~~all of whom shall~~

~~be appointed by. If the Quorum for appeal is related to a Title IX hearing, the University Appeals Board is defined as will be made up of three members who are either faculty members and two students. In cases involving an alleged Title IX violation, the Appeals Board will be comprised of three faculty members or staff at Miami University.~~

Appeals may be filed for the following reasons:

- ~~1.A.~~ _____ Inappropriate sanction.
- ~~2.B.~~ _____ Procedural defect in the adjudication of the case. In considering appeals based on a procedural defect, a new hearing will be ordered only if the defect is found to be substantial enough to have changed the outcome of the original hearing.
- ~~3.C.~~ _____ New evidence. In considering appeals based on new evidence, a new hearing will be ordered only if the new evidence is found to be substantial enough to have changed the outcome of the original hearing.

Determining Merit

The Appeals Board will meet in closed session(s). The Appeals Board, in considering an appeal, shall find the appeal to have merit or not have merit by majority vote, within the parameters set forth below:

- ~~1.A.~~ _____ If the appeal alleges that the sanction was inappropriate and the Appeals Board finds the sanction to be inappropriate, the Appeals Board may increase or reduce the sanction.
- ~~2.B.~~ _____ If the appeal alleges that there was a defect in procedure or new evidence is presented and the Appeals Board finds that there was a defect in the procedure or new evidence was presented which was sufficiently substantial to have affected the outcome, the Appeals Board will order a new hearing.

The Appeals Board will notify (in writing) the parties and the Office of Community Standards of its decision within ~~ten~~10 working days of its receipt of the appeal from the Office of Community Standards. If the Appeals Board requires additional time, the Vice President for Student Life or the Dean of Students may extend the time limit. The extension shall be in writing and shall include the reason for the extension, and copies shall be forwarded to the parties and the Office of Community Standards. If a new hearing is ordered, the new hearing will be held before the same hearing authority.

Vice Presidential Review

In the event the original hearing authority or the ~~appeals board~~Appeals Board proposed or imposed a sanction of suspension or dismissal ~~during the procedural review, judicial hearing, or appeals hearing~~, either party, or the Office of Community Standards* may request the Vice President for Student Life or designee to review a decision. A request for review must be presented to the Office of the Vice President for Student Life in writing within three University working days of the receipt of the written notification of the decision of the Appeals Board. The request should state the basis for the request and include all supporting documents.

*All parties will be notified if an appeal is filed and will have three University working days to submit a written response to the appeal. Copies of the statements of appeal and any responses will be made available to all involved parties.

Request for Review

Requests for a Vice Presidential review may be filed for the following reasons:

~~1.A.~~ Inappropriate sanction.

~~2.B.~~ Procedural defect in the adjudication of the case. In considering appeals based on a procedural defect, a new hearing will be ordered only if the defect is found to be substantial enough to have changed the outcome of the original hearing.

~~3.C.~~ New evidence. In considering appeals based on new evidence, a new hearing will be ordered only if the new evidence is found to be substantial enough to change the outcome of the original hearing.

Determining Merit

The Vice President or designee may elect to review or not review ~~a decision~~an appeal. In cases where the Vice President or designee elects to review ~~a decision~~an appeal, the Vice President or designee shall find the appeal to have merit or not have merit within the parameters set forth below:

~~1.A.~~ If the appeal alleges that the sanction was inappropriate and the Vice President or designee finds the sanction to be inappropriate, the Vice President or designee may increase or reduce the sanction.

2.B. If the appeal alleges that there was a defect in procedure or new evidence is presented and the Vice President or designee finds that there was a defect in the procedure or new evidence was presented ~~which~~that was sufficiently substantial to have affected the outcome, the Vice President or designee will order a new hearing.

The Vice President or designee will notify the parties in writing of either the decision not to review or to review the matter and, if reviewed, the Vice President's or designee's disposition of the matter on review.

Decision

The decision of the Vice President or designee to change a sanction or sustain the finding of the Appeals Board is final. The result of any new hearing ordered by the Vice President or designee may be appealed only as detailed in this University Appeals Board policy. If a new hearing is ordered, the new hearing will be held before the same hearing authority.

Related Form(s)

Not Applicable.

Additional Resources and Procedures

Not Applicable.

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2019

Responsible Officer

Director, Office of Community Standards

Legal Authority

Ohio revised Code 3345.21

Compliance Policy

Yes

Revision History

Edited July 2018; Amended July 2019

Reference ID

Student Handbook 2.4

Reviewing Bodies

Student Life Council

Miscellaneous

Scope: Who is covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

Policy

Withdrawal-

Should ~~an accused student~~ a respondent be academically dismissed or withdraw from Miami University before a “1219” or disciplinary action has been resolved, the matter may proceed in the absence of the student and/or a disciplinary hold note may be placed on the student’s official transcript indicating “disciplinary action is pending or disciplinary sanctions are incomplete at Miami University.” Academic credit earned elsewhere during a period of disciplinary hold will not be accepted in transfer. A disciplinary hold will not permit a student to register for a subsequent semester, change a current class schedule, or receive an official transcript. Students are able to drop and withdraw from a course(s) per University policy as noted in the “Registration” policy. -If a hold is placed subsequent to a student registering for classes, the classes will be cancelled prior to the start of the semester.

Release of Disciplinary Information-

The Clery Act and the Family Educational Rights and Privacy Act (FERPA), permit universities to disclose certain disciplinary information.

In cases of an alleged sex offense, domestic violence, dating violence, or stalking, in accordance with the Clery Act, both the complainant (and the alleged victim if different from the complainant) and the ~~accused student~~ respondent(s) will be simultaneously notified, in writing, of the outcome of the disciplinary proceedings, the institution’s procedures for appeal and any change to the result. The notification includes whether the ~~accused~~ respondent was found responsible and if so the sanction imposed. Upon

request, the alleged victim of ~~an accused student~~ a respondent(s) of an alleged crime of violence will be advised of the final results (whether the accused respondent was found responsible and if so the sanction imposed) of the disciplinary proceeding. -If the student is an alleged perpetrator of a crime of violence or sex offense as defined by FERPA, and is found responsible for violating the Code of Student Conduct, the University may disclose to any person the final results of University disciplinary proceedings (name of the student, section violated of the Code of Student Conduct, and sanction imposed).

The University ~~will~~may notify by email or regular U.S. mail the parents of students under the age of 21 who have been found responsible for violating the Code of Student Conduct regarding the use or possession of alcohol or drugs.

Disciplinary Records-

The Office of Community Standards is responsible for maintaining student disciplinary records.-Disciplinary records are kept confidential to the extent permitted by law (see “Release of Disciplinary Information” section above).

- 4.A. _____ Records of disciplinary actions resulting in a finding of not responsible are maintained by the Office of Community Standards until the end of the academic year in which the finding is made.
- 2.B. _____ Records of disciplinary actions resulting in ~~a finding of responsible and~~ sanctions other than suspension or dismissal are maintained by the Office of Community Standards for seven years following the date the finding is made.
- 3.C. _____ Records of disciplinary actions resulting in a finding of "responsible" and a sanction of suspension or dismissal are maintained indefinitely by the Office of Community Standards. A notation of suspension or dismissal is reflected on the student's official University academic record (transcript) maintained by the Office of the University Registrar.
- 4.D. _____ A request to expunge a record may be made in accordance with the “Requests to Expunge Disciplinary Records” section below.
- 5.E. _____ Academic credit earned elsewhere during a period of non-academic suspension or dismissal will not be accepted in transfer. Incomplete grades may not be removed during periods of non-academic suspension or dismissal.

Requests to Expunge Disciplinary Records-

At any time after seven years from the date of the finding in which a sanction of suspension was imposed, a student or former student may petition the Dean of Students or designee to have ~~his or her~~their disciplinary record expunged. The decision to expunge will be based on the severity of the violation(s), the person's disciplinary record as a whole, and evidence of good behavior since the violation(s). If the record is expunged, any notation of a disciplinary suspension will be removed from the official academic record maintained by the Office of the University Registrar.

A student who has been dismissed from the University may not request to have ~~his or her~~their record expunged. However, the Vice President for Student Life has authority to expunge the record and remove the notation in extraordinary circumstances, seven academic years following the date the finding was made.

Administrative Fee

Any student or student organization that is found responsible for violating the Student Code of Conduct will be assessed an administrative fee of \$50 per incident.

Refund Policy-

In the event of a suspension or dismissal, the University will follow the regular refund schedule available via the Office of the ~~Bursar website.~~Bursarwebsite. Housing fees are normally prorated, forfeiting the deposit, in the event of a suspension or dismissal from University housing.

Graduation-

All Miami University disciplinary reports against a student must be resolved and sanctions completed before a student is eligible to graduate.

Interpretation of the Code of Student Conduct-

Any question of interpretation or application of the Code of Student Conduct shall be referred to the Vice President for Student Life or designee for final determination.

Related Form(s)

Not Applicable.

Additional Resources and Procedures Websites

[Bursar](#)

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2023

Responsible Officer

Director, Office of Community Standards

Legal Authority

- The Clery Act
- Family Educational Rights and Privacy Act (FERPA)

Compliance Policy

Yes

Revision History

Edited July 2018; [Edited July 2019](#)

Reference ID

Student Handbook 2.5

Governance Authority:

Student Affairs Council

Quick Links

- [Withdrawal](#)
- [Release of Disciplinary Information](#)
- [Disciplinary Records](#)
- [Requests to Expunge Disciplinary Records](#)
- [Administrative Fee](#)
- [Refund Policy](#)
- [Graduation](#)
- [Interpretation of the Code of Student Conduct](#)

Appendix | Supplementary Disciplinary Procedures

Scope: Who is Covered by this Policy?

Undergraduate Students, Graduate Students and Student Organizations

Policy

APPENDIX A. ~~Definitions~~ — ~~Title IX~~ Violations

~~Sexual Misconduct.~~

- ~~1. Sexual assault is any sexual act directed against another person, without consent, including instances where the person is incapable of giving consent. Examples include:~~
 - ~~• Any non-consensual sexual intercourse, defined as any sexual penetration however slight, with any body part or object by any person upon any person without consent (commonly referred to as rape). Non-consensual sexual intercourse includes rape, incest and statutory rape.~~
 - ~~• Any non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object by any person upon any person without consent including forcible fondling. Non-consensual sexual contact includes the touching of any body part for sexual gratification, without consent or where the person is~~

incapable of giving consent because of age or temporary or permanent mental incapacity.

2. Sexual exploitation is taking non-consensual, unjust or abusive sexual advantage of another. Examples include non-consensual video or audio recording of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity) and engaging in non-consensual voyeurism.
3. Indecent exposure is the exposure of the private or intimate parts of the body in a lewd manner in public or in private when the accused student(s) may be readily observed.

Consent for Sexual Conduct

Consent is when a person agrees or gives permission to another person to engage in certain sexual acts.

What is consent?

- Consent is a knowing and voluntary verbal or non-verbal agreement between both parties to participate in each and every sexual act.
- Consent to one sexual act does not imply consent to other or all sexual acts.
- Conduct will be considered “non-consensual” if no clear consent, verbal or non-verbal, is given. The absence of “no” does not mean “yes.”
- A person has the right to change one’s mind at any time. In other words, consent can be withdrawn at any point, as long as the person clearly informs the other party of the withdrawal.
- Taking drugs or consuming alcohol does not relieve the obligation to obtain consent.
- A person is not required to physically or otherwise resist an aggressor.

Effective Consent

- Effective consent can be given by words or actions so long as the words or actions create a mutual understanding between both parties regarding the conditions of the sexual activity. Ask, “do both of us understand and agree regarding the who, what, where, when, why, and how this sexual activity will take place?”

- When a person affirmatively demonstrates that (1) they do not want to have sex, (2) they want to stop any sort of the sexual acts, or (3) they do not want to go any further, the other party must stop completely. Continued pressure after that point can be coercive.

Consent in Relationships

- Current or past sexual relationships or current or past dating relationships are not sufficient grounds to constitute consent.
- Regardless of past experiences with other partners or a current partner, consent must be obtained.
- Consent can never be assumed, even in the context of a relationship. A person has the right to say “no” and to change their mind at any time.

A person cannot legally give consent (no matter what they might say), when:

- The person is substantially impaired due to alcohol or drugs, incapacitated, or unconscious.
- The person’s ability to resist or consent is substantially impaired because of a physical or mental condition.
- The person was coerced due to force, threat of force, or deception or when the person was beaten, threatened, isolated, or intimidated.

Interpersonal Violence

Dating Violence

Dating Violence is an act of violence committed by a person who is or has been in a social relationship of an intimate or romantic nature with the complainant.

The existence of such a relationship shall be determined based on consideration of the following factors:

- Length of the relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic Violence

~~Domestic Violence is an act of violence committed by a current or former spouse or intimate partner of the complainant or a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner or person similarly situated, or by a parent with whom the complainant shares a child in common.~~

~~Stalking~~

~~Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. For the purpose of this definition:~~

- ~~• Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.~~
- ~~• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~
- ~~• "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.~~

~~A person who has experienced stalking should retain all communications from the accused individual, including email, voicemail, text messages, social media communication, etc.~~

~~Sexual Harassment~~

~~In the employment context, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.~~

~~In the educational context, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the University's educational programs and activities.~~

Sexual Harassment can take two forms: power differentials (quid pro quo) or hostile environment:

1. Quid pro quo sexual harassment exists when:

- a. There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- b. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or
- c. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual.

2. Hostile environment in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Hostile environment in the education context includes any situation in which there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" is based on a totality of circumstances. These circumstances may include:

- a. The degree to which the conduct interfered with the complainant's educational or work performance;
- b. The type, frequency, and duration of the conduct;
- c. The identity of and relationship between the accused and the complainant(s);
- d. The number of individuals involved;
- e. The age and sex of the accused and the complainant(s);
- f. The location of the incident(s) and the context in which it occurred;
- g. The nature and severity of the conduct;
- h. Whether the conduct was physically threatening;
- i. Whether the conduct was humiliating;
- j. The effect of the conduct on the complainant's mental or emotional state;

~~k.—Whether the conduct arose in the context of other discriminatory conduct;~~

~~l.—Whether the speech or conduct deserves the protections of academic freedom or the First Amendment.~~

~~APPENDIX B.~~ The Miami University John E. Dolibois European Center (MUDEC) Discipline Policies

Student Conduct

The Code of Student Conduct in The Student Handbook shall apply to all students at MUDEC. This includes the policies regarding the use and abuse of alcohol or other drugs, with recognition that the laws abroad may vary from those in the United States. When there is evidence or an allegation of a violation of the Code of Student Conduct and/or of MUDEC regulations, disciplinary proceedings may be initiated. Specifics of the conduct policy are spelled out below and on the waiver form that students must sign before leaving the U.S. All provisions of the Code of Student Conduct regarding procedures shall apply to students at MUDEC with the following exceptions:

1. Disciplinary action will be initiated by the Dean of MUDEC. Prior to the procedural review, the Dean will consult with the Oxford campus Office of Community Standards to determine whether the case should be adjudged in full at MUDEC or whether some aspect of the disciplinary process should be undertaken after the student's return to the U.S. The student shall be notified of this decision as part of the procedural review.
2. In addition to the sanctions listed in Chapter 2 of the Code of Student Conduct, it shall be understood that "Termination of Enrollment at the Dolibois European Center (MUDEC)" may be among the sanctions imposed. The decision made by the Luxembourg Disciplinary Board does not preclude the possibility of further disciplinary action upon the student's return to the Oxford campus.
3. All references to University officials are deemed references to the most closely analogous officials at MUDEC.
4. The MUDEC Disciplinary Board shall be composed of five members: one fulltime faculty member of MUDEC (who shall serve as chair and arrange for minutes of the proceedings to be kept); the Student Activities Coordinator; one European instructor familiar with MUDEC; and two students.

5. The Dean shall appoint the faculty and staff members at the beginning of each academic year. The two student members plus one alternate shall be appointed by the Dean of MUDEC at the beginning of each semester or at other times if a vacancy should occur.
6. The Dean shall attend the meeting of the Disciplinary Board in order to explain the reasons for instituting disciplinary proceedings against the student.
7. The University Appeals Board of Miami University, Oxford, Ohio, will adjudicate any appeals of the findings of the MUDEC Disciplinary Board.
8. There will be no Vice Presidential review of these decisions.

Following suspension and/or dismissal from MUDEC, the student will be required to leave University-provided housing in Luxembourg immediately. No refund of fees paid will be made.

Waivers

Before leaving for Luxembourg, all students are required to sign a waiver indicating: (a) that they have read and understood the MUDEC attendance and discipline policies, and (b) that they understand and accept the possible sanctions in case of any violation of one or the other (or both) of these policies.

APPENDIX €B. 1219 Offenses

The Ohio Revised Code enumerates the following offenses of violence:

2903.01 – *Aggravated Murder*

2903.02 – *Murder*

2903.03 – *Voluntary Manslaughter*

2903.04 – *Involuntary Manslaughter*

2903.11 – *Felonious Assault*

2903.12 – *Aggravated Assault*

2903.13 – *Assault*

2903.15 – *Permitting Child Abuse*

2903.21 – *Aggravated Menacing*

2903.211 – *Menacing by Stalking*

2903.22 – *Menacing*

2905.01 – *Kidnapping*

2905.01 – *Abduction*

2905.11 – *Extortion*

2907.02 – *Rape*

2907.03 – *Sexual Battery*

2907.05 – *Gross Sexual Imposition*

2909.02 – *Aggravated Arson*

2909.03 – *Arson*

2909.24 – *Terrorism*

2911.01 – *Aggravated Robbery*

2911.02 – *Robbery*

2911.11 – *Aggravated Burglary*

2917.01 – *Inciting to Violence*

2917.03 – *Aggravated Riot*

2917.03 – *Riot*

2917.31 – *Inducing Panic*

2919.25 – *Domestic Violence*

2919.25 – *Intimidation*

2921.04 – *Intimidation of Crime Victim or Witness*

2921.34 – *Escape*

2923.161 – *Improperly Discharging Firearm at or into Habitation or School Safety Zone*

Division (A)(1), (2), or (3) of Section 2911.12 – *Burglary*

Division (B)(1), (2), (3), or (4) of Section 2919.22 of the Revised Code – *Endangering Children*

APPENDIX DC. Hazing

Definition

In the University context, the term “hazing” typically refers to actions directed toward or required of individuals new to a group or community by those who are established within the group. Hazing is a broad term encompassing a multiplicity of actions and activities which do not contribute to the positive development of a person; or which inflict or intend to cause mental or bodily harm or anxiety; or which demean, degrade, or disgrace a person.

Hazing is based on the premise that some members are less equal than other members and, therefore, less deserving of respect. It is rationalized by the philosophy that membership is earned, not learned. Hazing especially undermines new member education programs by eroding the atmosphere of mutual respect and trust necessary for groups to contribute to the positive personal growth of all members.

Hazing is strictly prohibited by University policy and state law.

Examples of Hazing

Examples of activities or situations that meet the definition of hazing include, *but are not limited to*, the following:

1. Forcing, requiring, authorizing, or encouraging any person to ingest alcohol, other drugs, food, or any other substance that is spoiled, undesirable, unsafe, or unhealthy.
2. Any form of paddling, physical abuse, psychological abuse, deception, or shocks.

3. Morally degrading or humiliating activities, games, or stunts including, *but not limited to*, the following:
 1. Throwing anything (whipped cream, water, garbage, paint, etc.) at an individual.
 2. Chairings and “polings.”
 3. Deliberately creating a mess and requiring any person to clean up the mess.
 4. Requiring or encouraging a person to yell when entering or leaving the chapter house or any other location.
 5. Audible harassment such as yelling and screaming at a person, calling him or her demeaning names.
 6. Playing extremely loud music or music which is repeated over and over.
4. Any activity that interferes with an individual’s scholastic pursuits (class attendance, preparation, study time, etc.).
5. Causing excessive fatigue by any means including calisthenics, or not permitting six (6) hours of continuous sleep each night.
6. Conducting a new member-related activity between the hours of midnight and 7:00 a.m., or awakening individuals during these hours.
7. Compelling an individual or group to remain at a certain place or to be transported within or beyond the Oxford City limits (road trips, kidnaps).
8. Requiring or compelling any person to conduct or participate in quests, treasure hunts, scavenger hunts, paddle hunts, big and little brother or sister hunts.
9. Requiring any person to “march” in formation or dress like others.
10. Requiring a person to carry items that might be cumbersome or embarrassing.
11. Not permitting a person to talk during an extended period of time.
12. Requiring nudity at any time.
13. Requiring an individual to perform personal errands (servitude).
14. Preventing any person from practicing personal hygiene.
15. Endorsing or encouraging any person’s participation in any activity that could be considered hazing. Note: The laws of the State of Ohio hold accountable not only

the perpetrator of the activity but those present and able to prevent a hazing incident from occurring.

Questions to Ask

While this appendix is by no means all-encompassing, it should present a clearer view of what hazing is. If you are planning an activity, you may wish to use the following questions, adapted from the *Adelphian*, as guidelines:

1. Will the activity achieve one or more of the predetermined goals of your new member program?
2. Would you be willing to tell your advisor about the activity in advance?
3. Would you be willing to perform it in front of a University faculty or staff member?
4. Would you be willing to send a snapshot of the activity to your parents and the parents of the students involved?
5. Would you be willing to go to court to defend the merit of the activity?

If you are able to answer yes to these questions, then it is likely that the activity is appropriate for your organization, fraternity, or sorority. The Office of Student Activities and Leadership should be consulted if questions arise about the appropriateness of an activity.

Related Form(s)

Not Applicable.

Additional Resources and Procedures

Not Applicable.

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2023

Responsible Officer

Director, Office of Community Standards

Legal Authority

Ohio Revised Code

Compliance Policy

Yes

Revision History

Amended July 2018; Amended July 2019

Reference ID

Student Handbook 2.6

Reviewing Bodies

Quick Links

- APPENDIX A. Definitions – Title IX Violations
 - Sexual Misconduct
 - Consent for Sexual Conduct
 - What is consent?
 - Effective Consent
 - Consent in Relationships
 - A person cannot legally give consent (no matter what they might say), when:
 - Interpersonal Violence
 - Dating Violence
 - Domestic Violence
 - Stalking
 - Sexual Harassment
- APPENDIX B. The Miami University John E. Dolibois European Center (MUDEC) Discipline Policies
 - Student Conduct
 - Waivers
- APPENDIX C. 1219 Offenses
 - The Ohio Revised Code enumerates the following offenses of violence:
- APPENDIX D. Hazing
 - Definition
 - Examples of Hazing
 - Questions to Ask

- APPENDIX A. The Miami University John E. Dolibois European Center (MUDEC) Discipline Policies
 - Student Conduct
 - Waivers
- APPENDIX B. 1219 Offenses
 - The Ohio Revised Code enumerates the following offenses of violence:
- APPENDIX C. Hazing
 - Definition
 - Examples of Hazing
 - Questions to Ask