

Code of Student Conduct

Aug 02, 2021

Scope:

Undergraduate Students, Graduate Students and Student Organizations

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. 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 the community; and the desire that all students engage in a community that respects differences of age, color, ability, 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.

The University is deeply committed to maintaining a student conduct process that fully protects the rights of the institution and the 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 all members of our community to conduct 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 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 or at communitystandards@miamioh.edu. 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).

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The Code of Student Conduct

This Code applies to Miami’s undergraduate students, graduate students, and student organizations. The Code of Student Conduct 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, the Miami University Hamilton campus, the Miami University Middletown campus, and the Voice of America Learning Center. It also applies to misconduct in University programs and activities, regardless of location, and off-campus conduct that negatively impacts the campus community. Students 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 holidays and vacations, and during periods of suspension. Additionally, while Miami University does not routinely monitor social 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 breaks a law that also violates this Code of 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.

Organizational Responsibility

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

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

1. One or more of its officers, members, or authorized representatives acting as a member of the organization commit the violation; or
2. 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 misconduct occurs on the premises owned, leased, rented 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.

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Standards of Conduct

In order to promote a safe and civil campus environment, Miami University expects each student and student organization to follow this Code of 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/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 that will be held no more than five days after arrest (continuances may be granted, that may not exceed a total of 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 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 A of the Code of Student Conduct for list of defined offenses of violence).

Prohibited Conduct

Miami University encourages students to live by the Code of Love and Honor and go above and beyond simply avoiding the prohibited conduct listed below. When possible, students are expected to make decisions that align with the Code when they are able without risk to the health or safety of the student or others. Those decisions may include:

- A. Advising those potentially violating this Code to cease that behavior;
- B. Leaving the situation immediately; and/or,
- C. Reporting the potential violation of this Code.

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Miami University considers the following conduct unacceptable. This non-exhaustive list is intended to clarify behavior that is not permitted.

Abuse of Technology

- A. Violation of the [Responsible Use of Computing Resources Policy](#). This includes, but is not limited to, the use of University resources such as Zoom or Google Meet to facilitate classroom disruptions.
- B. 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, restroom, or any other University owned or operated property.

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Alcohol Violations

~~A.~~ Use or possession of alcohol except as expressly permitted by law or University policies, rules, or regulations. This includes, but is not limited to:

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~~B.~~ ~~A.~~ ~~the~~The underage possession or consumption of alcohol as well as public intoxication.

~~C.~~ ~~B.~~ Furnishing alcohol to any person under 21.

~~D.~~ ~~C.~~ Permitting any person under 21 to consume alcohol in one's residence.

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.

Complicity

Complicity is defined as attempting to commit a violation, actively encouraging, and/or assisting another to commit a violation of this Code.

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 this “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.
- C. Knowingly possessing stolen property.

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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 (See the “Policy Prohibiting Harassment and Discrimination”).

Harassment and discrimination are illegal and prohibited by federal law including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. This policy is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. Legal remedies may be pursued outside Miami University by contacting the United States Department of Education Office for Civil Rights, or by consulting an attorney at the person’s own expense.

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 the University known by the student to be false, such as knowingly making a false accusation of misconduct or knowingly reporting a false emergency.

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~~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 typically for the duration of the semester in which the student is found responsible (and may include the following fall or spring academic semester after which the violation occurred), and may also include summer or winter term.~~

Disorderly Conduct

- A. Behavior that is disorderly, indecent, or that breaches the peace.
- B. Disruptive behavior that unreasonably interferes with university activities or with the legitimate activities of another.

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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 cannabis (whether for medical or recreational purposes) is prohibited on campus.
- B. Possession of drug related paraphernalia (including, but not limited to bongs, scales, or pipes) 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.

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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 (including Residence Life staff) including failure to identify oneself when requested or a violation of a no contact order or directive issued by Miami University.

False Identification

- A. Possession, use, and/or attempted use of false identification.
- B. Manufacture, distribution, or sale of false identification.

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Hazing (Also see Appendix B)

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Doing, requiring, encouraging or coercing another, including the victim, to do:

- 1. any act of initiation into any student organization or other University sanctioned organization or athletic team; or
- 2. any act to continue or reinstate membership in or affiliation with any student organization or other University sanctioned organization or athletic team, that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse is strictly prohibited. Failure to intervene, prevent or report any act of hazing may also constitute a violation.

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Note: Because of Miami University's overwhelming 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.

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- 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).

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 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.

Sexual Misconduct Prohibited by Title IX and University Policy

Please see the Interim Sexual Misconduct Protocol for Students for information about reporting, resources, and other important information about Title IX and other sexual misconduct. Sections II and III of that Protocol are published below.

Sexual Misconduct Prohibited by Title IX and University Policy (Section II)

A. Title IX Sexual Misconduct Violations

To constitute a Title IX sexual misconduct violation, the misconduct must have occurred: within the geographical territory of the United States of America; and while the complainant was participating in or attempting to participate in an educational program or activity of the University, including locations, events or circumstances in which the University exercised substantial control over both the respondent and the context in which the misconduct occurred and includes any building owned or controlled by a recognized student organization (e.g. fraternity house)

B. Sexual Harassment

Conduct on the basis of sex including gender, gender identity or expression, or sexual orientation that meets one of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct that a reasonable person would determine to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the University's education programs or activities; or
3. Cyber-Harassment-the use of the internet, email or other electronic communications to harass a person on the basis of their sex including communicating a threat of harm.

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C. Sexual Assault

Any sexual act directed against another person without their consent, including instances where the person is incapable of giving consent.

1. 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.
2. 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.

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D. 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:

1. Length of relationship.
2. Type of relationship.
3. Frequency of interaction between the persons involved in the relationship.

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E. Domestic Violence

~~An act~~Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim ~~or under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or~~

maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; 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 with the victim or commits acts against a youth or adult against an adult or youth victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

F. 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:

1. 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.
2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
3. Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

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Sexual Misconduct Prohibited by University Policy (Section III)

A. Non-Title IX Sexual Misconduct

Non-Title IX sexual misconduct need **NOT** have occurred:

- Within the geographical territory of the United States of America; or
- While the complaint was participating in or attempting to participate in an educational program or activity of the University, including locations, events or circumstances in which the University exercised substantial control over both the respondent and the

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context in which the misconduct occurred and includes any building owned or controlled by a recognized student organization (e.g. fraternity house).

B. Sexual Harassment

Unwelcome conduct on the basis of sex, including gender, gender identity or expression, or sexual orientation, that is sufficiently severe or pervasive to adversely impact a term or condition of a person's ability to participate in the University's educational programs or activities. Sexual harassment includes conduct that unreasonably interferes with a person's work performance or creates an intimidating, hostile or offensive working, learning or living environment. This also includes cyber harassment as defined in II.B.3.

C. Sexual Assault

Any sexual conduct directed against someone without that person's consent. This includes non-consensual sexual intercourse or other sexual contact/touching.

D. Sexual Exploitation

Taking non-consensual, unjust or abusive sexual advantage of another person. Examples include voyeurism, non-consensual recording of sexual activity, going beyond the bounds of consent (e.g., allowing another to surreptitiously watch otherwise consensual sexual activity).

E. 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.

Dating Violence, Domestic Violence and Stalking

As defined in Sexual Misconduct Prohibited by Title IX and University Policy,D-F.

Trespass or Unauthorized Use of Facilities

- A. Prohibited or unauthorized access to property or entry, or attempted entry, into any facility, building, or residence.
- B. Unauthorized use of University property for personal or organizational gain.
- C. Use of University property for any activity prohibited by federal, state, or local law or this Code.

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Unauthorized Use of University Access Device

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.

Violation of Law

Behavior that could constitute a violation of federal, state, or local law, including, but not limited to, operating a motor vehicle while under the influence of controlled substances or while intoxicated, regardless of age.

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 or informal resolution agreement.

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Violation of University Policy

Violation of other published University policies, procedures and/or regulations, or contracts, including but not limited to violations of [Regulations for On-Campus Living](#), [Residence and Meal Plan Contract](#) and [Student Room Regulations](#).

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Weapons

- A. Storage, possession, or use of a dangerous weapon, device, or substance, 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, is prohibited, unless authorized by the Miami University Police Department, even if otherwise permitted by law.
 - o Students may make arrangements with the Miami University Police Department (MUPD) to store their weapon(s) at MUPD.
- B. The possession of pepper spray for personal protection is permitted. Misuse of pepper spray in a manner that causes or threatens serious harm to the safety or security of others is prohibited.

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C. 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.
 - o 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; and
 - o The vehicle is in a location where it is otherwise permitted to be.

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Sanctions

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 "Appeals" policy). The Dean of Students or designee may impose interim measures during the appeal process to ensure the safety and well-being of members of the University community or preservation of university property.

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 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, Suspension, and Revocation of Recognition

Dismissal is a sanction 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 Office of Community Standards will determine the effective date of the suspension (either at the conclusion of the 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 is a revocation (withdrawal) of University recognition. During a period of revocation, a student organization forfeits all the rights and privileges afforded to them by University policy. A student organization 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. 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 request with the Office of 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 respondent's ability to re-enroll may be impacted. 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 apply for re-enrollment. Incomplete grades may not be removed during periods of suspension or dismissal.

Disciplinary Probation

Disciplinary probation is formal notice that a student's behavior or pattern of behavior was unacceptable. During the probation period, students should demonstrate a willingness and ability to respect and comply with the standards of behavior outlined in this Code. Continued misconduct of any kind during the probationary period may result

in suspension or dismissal. Disciplinary Probation is imposed for a definite period of time and may include additional sanctions. A student or representatives of an organization on probation may be required to meet periodically with a person designated by the Office of Community Standards.

Additional Sanctions

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

1. Restrictions from participating in or sponsoring social, intramural, or co-curricular activities (including intercollegiate athletics);
2. Restriction of access to campus facilities, including residence halls;
3. Monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. Required University or community service;
5. Removal from, or reassignment of, University housing;
6. Loss of University privileges including, but not limited to, parking and computing/email resources;
7. Restriction of access to university-controlled space or resources;
8. Required planning of and/or attendance at educational programming;
9. Attendance at a conduct follow-up meeting(s).
10. Participation in required assessments.

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Sanctioning Guidelines for Alcohol Violations

For a first-time violation related to the unauthorized use, possession or distribution of alcoholic beverages, including, but not limited to, underage possession or consumption of alcohol, a student typically receives:

- 6 months disciplinary probation.
- 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

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alcohol and other substance abuse. There will be a fee of \$150 to the student for the program.

~~• Participation in a restorative community experience.~~

For a first-time alcohol violation coupled with other misconduct, or a second violation related to the unauthorized use, possession or distribution of alcoholic beverages, including underage possession or consumption of alcohol, a student will typically receives:

- 12 months disciplinary probation.
- Attendance at a four-hour substance abuse education program and a fee of \$200 from the student for the program.
- Participation in a comprehensive substance abuse assessment and a 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.

~~• Participation in a restorative community experience.~~

[The Office of Student Wellness](#) maintains useful information about alcohol education for Miami University students and community members.

For a subsequent alcohol violation coupled with other misconduct, a student typically receives:

- a minimum of one semester suspension
- disciplinary probation for a minimum of one year upon return to Miami University

Good Samaritan Policy —(See Chapter 3) — In the event the student incurs ~~any~~ alcohol violation during the twelve-month period following ~~at~~ the Good Samaritan report, the prior assistance file may will be reviewed as part of the sanctioning process, but it will not be counted as a prior alcohol ~~violation for the purpose of these sanctioning guidelines.~~

~~Informal Resolution Policy — In the event the student incurs an alcohol violation following participation in an Informal Resolution Process, the prior file may be reviewed as part of the sanctioning process but will not be counted as a prior alcohol violation for the purpose of these sanctioning guidelines~~offense.

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Sanctions for Alcohol Violations by Student Organizations

Minimum Penalties:

- 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.
- B. Second Offense. No less than two semesters of disciplinary probation and one or more of the following sanctions:
 - o No events with alcohol for a time period to be specified by the Office of Community Standards;
 - o 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;
 - o Denial of the ability to host events for a time period to be specified by the Office of Community Standards;
 - o Additional substance abuse education as specified by the Office of Community Standards;
 - o Restriction of access to University controlled space or resources;
 - o Community service approved by the Office of Community Standards;
 - o Required meeting(s) with an appropriate University official; or
 - o Restriction from participation in University-sponsored events.
- C. Third Offense. Suspension or permanent revocation of recognition from the University.

If the incident for which the organization is found responsible for a violation of the alcohol policy involves a risk to the health or safety of any person, the severity of the sanctions may be increased regardless of the organization's disciplinary history. 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.

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Sanctions for Dishonesty Violations

Minimum Sanctions:

A. ~~First Offense. 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.~~

~~If the student has been found responsible for a~~ previous act of academic dishonesty or for previously violating the Dishonesty policy of the Code of Student Conduct, the automatic sanction will violation may be suspension for at least one semester taken into consideration as an aggravating circumstance in determining appropriate sanctions. More severe sanctions could be imposed due to a previous academic dishonesty offense.

Written Reprimand

Written reprimand is an official notification that the behavior of the student or student organization 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 presence on University premises or at 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 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 may, within three University business 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 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 a 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; prohibit the same from any or all appropriate portions of University premises, University related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions during the disciplinary process if the Dean of Students determines that the student's or student organization's continued presence endangers themselves, others, or property.

The Dean of Students or designee will notify the student or student organization of the reasons that the summary suspension is being considered and provide the student or student organization with an appropriate opportunity to meet with the Dean of Students or designee prior to the decision. The parties are entitled to bring one 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:

- A. the reliability of the information concerning the conduct of the student or student organization; and
- 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.

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Sanctions for Organizational Hazing Violations

Minimum Sanctions

First Offense

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

- A. 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;
- B. Education as specified by the Office of Community Standards;
- C. Restriction of access to University controlled space and resources;
- D. 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;
- E. Disciplinary probation for a period of no less than two semesters; or
- F. Any other sanctions permitted under the "Additional Sanctions" section.

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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 period to be determined by the Office of Community Standards.

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.

The following student conduct process does not apply to Code violations outlined in the Sexual Misconduct Prohibited by Title IX and University Policy and/or Sexual Misconduct Prohibited by University Policy. Information about the process for those policies can be found in the *Sexual Misconduct Protocol for Students*.

Student Conduct Process

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. However, resolution of a conduct case may be extended as necessary to ensure a full and fair process takes place. The timeline may also be affected by the winter or spring break periods and summer or winter terms.

The conduct process is initiated upon receipt of a report or information alleging that a student or student organization has engaged in conduct prohibited by this Code. 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, after reviewing a report, may initiate the conduct process outlined in this Code.

Notice of Complaint

Reports or information received by the Office of Community Standards that suggests a violation occurred will be investigated 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 complaint, disciplinary hearing, and notice of the hearing authority that will hear the matter (see section "Hearings").

Written notification of an investigation, procedural review, or hearing, will include:

- A copy of the 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 for separation from the University- if suspension or dismissal may be imposed;
- 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.

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Some or all of the information above may be included in the procedural review paperwork distributed at or before the procedural review meeting.

Investigation and Review

When a report is received by the Office of Community Standards that alleges a violation of this Code on the part of a student or student organization and more information is needed in order to determine next steps in the student conduct process, an investigation may 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. The parties will receive the written notice at least five (5) [University](#) business days before they are interviewed by the investigator.

The complainant and the respondent have the right to be accompanied by one advisor and one support person, including an attorney or advocate, to any 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.

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

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

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 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.

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 University 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 or an Administrative Hearing (in a case involving a student organization).
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.

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The parties will 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 hearings. The parties will be given timely and equal access to information that will be used during disciplinary hearings.

Mutual 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 Mutual No Contact Directive, the student may be subject to disciplinary action for violating the Code of Student Conduct.

Mutual No Contact Directives are distinct and different from court-imposed restraining orders or protective orders as they only apply to enrolled students. A Mutual 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 Mutual 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~~ Adaptable Resolution

- A. The adaptable resolution process (**ADRAR**) is a remedies-based, structured process between or among affected parties that balances support and accountability without formal disciplinary action against the respondent. **ADRAR** is generally designed to allow a respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the university community. **ADRAR** is designed to address the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community. 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.
- B. The **AssociateAssistant** Dean of Students is the administrator who is responsible for oversight of the **ADRAR** process. The **AssociateAssistant** Dean determines whether the matter is appropriate for the **ADRAR** process, makes primary case assignments to the resolution coordinator, and monitors the progress of each case to resolution. The nature of some conflicts, especially those involving violence, may render **ADRAR** inappropriate. Each participant must sign the voluntary participation agreement before entering into the **ADRAR** process.

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C. If it is determined that the matter may be appropriately resolved through the ADRAR process, an attempt to resolve the matter through an agreed upon resolution process will be undertaken. The ADRAR process may include one or more of the following restorative approaches:

1. Facilitated Dialogue: A structured and facilitated conversation between two or more individuals, most often the complainant, the respondent, and/or other community members.
2. Restorative Circle or Conference Process: A facilitated interaction where individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing harm, with the goal of creating a plan or agreement to repair the harm (to the extent possible).
3. Restorative Shuttle Agreement: An indirect, facilitated conversation conducted separately with the complainant, the respondent, and/or other participants to discuss experiences, perspectives, and exploration of interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator to create an agreement to repair harm.
4. Community Supported Accountability Circle ("CSAC"): A facilitated interaction between the respondent and University faculty and/or staff designed to provide accountability, structured support, and the development of a learning plan. The focus of a CSAC is to balance support and accountability for an individual who has acknowledged their obligation to repair harm, to prevent future harm, and their willingness to engage in an individual educational process. The CSAC model does not require participation from the complainant.

D. Participation in an ADRAR process may or may not result in an agreement or resolution. The respondent has the right to discuss potential sanctions/interventions before entering into an agreement. When a mutually satisfactory resolution is reached by parties, the case is resolved and parties are encouraged to use the Office of the Dean of Students as a resource for future questions. Resolutions reached through ADRAR may not be appealed. Failure to fulfill the resolution agreement may result in referral to the formal conduct process and possible conduct charges.

The Adaptable Resolution Process for Title IX and Sexual Misconduct cases involving students is outlined in the Sexual Misconduct Protocol for Students.

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Informal Resolution for Low Level Alcohol Violations

In an effort to promote student learning and development, the Office of Community Standards (OCS) may allow a student who engages in Alcohol Violations deemed 'low-level' to resolve their case through an informal resolution process (IRP). To be considered a 'low-level' violation for purposes of the informal resolution process, a student may not have any disciplinary history related to Alcohol Violations and/or Complicity, at the time of the incident, and the student may not have possessed alcohol that amounts to more than five (5) standard drinks. The Office of Community Standards and/or the Office of the Dean of Students have the authority and sole discretion to determine whether or not to initiate the informal resolution process. The IRP is voluntary and primarily educational in nature. The IRP is not an adjudication of the allegations and is not considered a disciplinary process. The IRP will result in a written agreement with the responding student. This process may generally include, but is not limited to, a meeting with a staff member from the Office of Community Standards and completion of an agreement outlining the outcomes the student will complete to resolve the case through informal resolution. Students may only participate in IRP once and failure to complete the IRP will result in the student's case being referred to an Administrative Hearing with the student being charged with a violation of the "Alcohol Violations" policy.

Good Samaritan Policy

The health and safety of Miami students is of the utmost importance. As members of the Miami University community, we must all commit to the principles of mutual respect and the common good. Students are expected to exercise personal responsibility for their own health and safety and to look out for the health and safety of their fellow students.

The university recognizes that sometimes concern about arrest and/or university disciplinary action may deter students from seeking medical assistance for themselves or others in drug or alcohol-related emergencies. Whenever anyone's health and/or safety is or appears to be at risk from drug or alcohol consumption, the best course of action is to seek medical assistance immediately. To encourage and support students in seeking medical attention, Miami University will not arrest or take disciplinary action for a violation of Miami's drug or alcohol policies against students who seek emergency medical assistance for themselves or other students.

This policy applies to students who seek assistance both on campus and off campus by:

- Calling 911, the Oxford Police Department, or the Miami University Police Department;
or
- Contacting a resident assistant (RA), a residence hall director, or the McCullough- Hyde Memorial Hospital.

However, Miami University may arrest or take disciplinary action against students for behavior that may violate other laws or other university policies that warrant action (e.g., students who are disruptive or combative, possess a false I.D., commit assault, or do property damage).

The university also recognizes the negative health and safety consequences of the use of dangerous amounts of alcohol or drugs.. As a result students receiving assistance under this policy are required to meet with the Office of Community Standards and will be required to take an educational course. They may also be required to meet with a university substance abuse specialist for education, assessment, and possible referral for treatment. The student will be responsible for any associated costs. Parents of students may also be notified. If a student fails to attend the required meeting with the Office of Community Standards or fails to complete any required education or follow-up under this policy, the matter will be referred to the formal disciplinary process.

In the event the student incurs any alcohol violation during the twelve-month period following the Good Samaritan report, the prior assistance file may be reviewed as part of the sanctioning process, but it will not be counted as a prior alcohol offense.

A student may seek assistance for others an unlimited number of times under this Good Samaritan policy. However, a student for whom help is called will avoid disciplinary action under this policy only once; it is an opportunity to learn from a serious mistake and take healthy steps to avoid such mistakes in the future.

The Office of Community Standards makes all determinations as to whether the Good Samaritan policy applies in all cases.

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 one advisor 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 speak on behalf of the student during the interview, meeting or hearing. If an advisor or support person is determined to be unreasonably interfering with the interview, meeting, or proceeding, they may be asked to leave.

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 respondent or complainant 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 three University business 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.

A. 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 business 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. The hearing will take place no sooner than five University business days after receipt of the written notice of complaint.

B. Hearing Procedure

1. The hearing will allow for the following:
 - a. Respondent(s) and the complainant(s) to give an opening statement.
 - b. Respondent(s) and the complainant(s) to bring one advisor and one support person of their choice.

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- c. Respondent(s), and the complainant(s) to bring factual witnesses, and allow the respondent(s), complainant and hearing authority to question all witnesses.
- d. Witnesses other than the complainant and the respondent shall be present only when they are giving testimony.
- e. The hearing authority has the authority to determine the acceptability of any information shared during the hearing and may place time limitations on witness testimony and on opening and closing statements.
- f. Character evidence and witnesses are not permitted.
- g. Credibility determinations will not be made based on a person's status as a complainant, respondent or witness.
- h. The Office of Community Standards to have a representative present during Community Standards Board hearings to ensure the student conduct process is adhered to and to answer any procedural questions posed during the hearing.
- i. Respondent(s) and the complainant(s) to give a closing statement regarding the facts of the case.
- j. The Office of Community Standards to share the student's prior disciplinary history after a determination of responsibility has been reached.
- k. 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 video conferencing or other means.

2. Criteria for Type of Hearing Assignment

- a. All cases in which a student organization is the respondent will be heard before an Administrative Hearing Officer.
- b. 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.

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- c. All cases in which the possible outcome does not include suspension or dismissal will be heard by an Administrative Hearing Officer.
- d. In the event of any conflict, the Office of Community Standards will determine the appropriate hearing authority. The Office of Community Standards reserves the right to require consolidation of cases and determine the appropriate hearing authority in any case.

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.

Notification of Hearing Outcome

The Office of Community Standards will notify the respondent(s) and complainant(s) of the decision, in writing, of the outcome of the hearing and will also notify the student(s) or student organization if responsible, of the sanction(s) imposed within ten (10) University business days of the hearing. The notification includes whether the respondent was found responsible, and if so, the sanction(s) imposed, and the rationale.

Appeals

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 Dean of Students or designee (“Appellate Officer”) within five (5) University business days of the written decision by the hearing authority. All appeal decisions will be made by a different officer than that of the original hearing authority.

The appeal should be addressed to “The Appellate Officer,” 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 business 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.

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Appeals may be filed for the following reasons:

- A. Inappropriate sanction.
- B. A procedural error in the hearing of the case occurred that is found to be substantial enough to have changed the outcome of the hearing, including failure to objectively evaluate all relevant evidence or error(s) related to determination of relevance.
- C. New information exists that was not reasonably available at the time the determination was made that is determined to be substantial enough to have changed the outcome of the hearing.

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Potential Appeal Outcomes

The Appellate Officer will convene to hear the appeal in closed session(s). The Appellate Officer, in considering an appeal, shall find the appeal to have merit or not have merit within the parameters set forth below:

- A. If the appeal alleges that the sanction was inappropriate and the Appellate Officer finds the sanction to be inappropriate, the Appellate Officer may increase or reduce the sanctions.
- B. If the appeal alleges that there was a defect in procedure or new evidence is presented and the Appellate Officer 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 Officer will order a new hearing. If a new hearing is ordered, the new hearing will be held before the same hearing authority.

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The Appellate Officer will notify (in writing) the parties and the Office of Community Standards of its decision within ten (10) University business days of the time the Appellate Officer convenes to hear the appeal. If the Appellate Officer 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.

Decision

The decision of the Appellate Officer is final. The result of any new hearing ordered by the Appellate Officer may be appealed only as detailed in this policy. If a new hearing is

ordered with a different hearing authority, the new hearing will be held before the same type of hearing authority.

Miscellaneous

Withdrawal

Should 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 withdrawal 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 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. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The notification includes whether the respondent was found responsible and if so the sanction imposed. Upon request, the alleged victim of a respondent(s) of an alleged crime of violence will be advised of the final results (whether the 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 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).

Records of disciplinary actions not resulting in sanctions of suspension or dismissal are maintained by the Office of Community Standards for seven years following the date the finding is made.

Records of disciplinary actions resulting in 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.

A request to expunge a record may be made in accordance with the “Requests to Expunge Disciplinary Records” section below.

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 their disciplinary record expunged. Alternatively, if a student withdraws from Miami University while an investigation or adjudication process is active, and seven or more years have passed since the initial incident, the former student may petition the Dean of Students or designee to have their disciplinary record of the investigation and/or hearing 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 student’s disciplinary 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 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. 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.

Appendix A: Supplementary Disciplinary Procedures

APPENDIX A. 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
2905.0402 – 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 B. Hazing

Scope

Hazing is a broad term encompassing a multiplicity of actions and activities that cause or create a substantial risk of causing mental or physical harm to any person, or are taken to humiliate, demean, degrade or disgrace another person.

Hazing especially undermines membership in student organization or athletic teams by eroding the atmosphere of mutual respect and trust necessary to contribute to the positive personal experience 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.

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3. Morally degrading or humiliating activities, games, or stunts including, but not limited to, the following:

- a. Throwing anything (food, water, garbage, paint, etc.) at an individual.
- b. 'Chairings' and 'polings.'
- c. Deliberately creating a mess and requiring any person to clean up the mess.
- d. Requiring or encouraging a person to yell when entering or leaving the chapter house or any other location.
- e. Audible harassment such as yelling and screaming at a person, playing extremely loud music or music which is repeated over and over.

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4. Interfering with an individual's scholastic pursuits (class attendance, preparation, study time, etc.).

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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.

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) or pay for items for other members.

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 Adelpian, 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.

Reporting Hazing

If you've been the victim of a hazing incident or have knowledge of alleged hazing activity, you are required to file a [report](#) through the Office of Community Standards. The Office of Community Standards, upon receipt of the report, will notify the appropriate law enforcement agency to comply with the law. If you are seeking to report an alleged hazing incident anonymously, you can use [EthicsPoint](#), Miami University's confidential and anonymous reporting source. In addition to filing a report through one of Miami's two reporting sources, you can call 1-888-NOT-HAZE (1-888-668-4293). The hotline is monitored by a Cincinnati law firm and reports of suspected hazing are relayed to the appropriate national organization that may be involved.

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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 of Community Standards
- Dean of Students
- Vice President for Student Life

Legal Authority

Not Applicable.

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Compliance Policy

Yes

Revision History

Amended July 2022; [Amended July 2023](#)

Reference ID

Student Handbook 2.0

Reviewing Bodies

- Director of Community Standards
- Dean of Students
- Vice President for Student Life
- Student Life Council

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