

Code of Student Conduct

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

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, 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 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 readmitted 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 or full text of the statutes and see Appendix GA 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.

Miami University considers the following conduct unacceptable. This list is intended to clarify behavior that

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Harassment and discrimination are illegal and

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

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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.

BC. Sexual Assault

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

CD. 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).

DE. Indecent Exposure

Sanctions

Sanctions may be imposed

Summary Suspension with Notice and Hearing

The Dean of Students or designee may summarily suspend a student or student organization; prohibit the same

The following student conduct process [applies](#) ~~does not apply~~ to Code violations ~~other than those~~ 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 two [policies](#) ~~violations~~ 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. [On](#)

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 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 ~~complainant parties~~ will not be required to discuss issues directly with ~~the respondent 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 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.

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.

No Contact Directives

The Dean of Students or designee may direct a student to have no contact with another individual for a specified

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
Adaptable Resolution \(This Process \(ADR\)\)](#)

The adaptable resolution process (ADR) is **not available in Title** as

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[G.D. Participation in an ADR process may or may not result in an agreement or resolution. The respondent has the right to discuss potential](#)

University [workingbusiness](#) 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 [workingbusiness](#) 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 [workingbusiness](#) days after receipt of the written notice of complaint.

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Appeals

University Appeals Board

Appeal

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 [workingbusiness](#) 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 [workingbusiness](#) 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.

Composition of University Appeals Board

Board ~~to~~ file and

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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"

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. Housc1Tf1.37j0TD:0005Tc[(re)6(gular)]TJ/TT11Tf2.92810TD0Tc@003Fj/TT21Tf.1977onTj/TT210003T11Tf2.3293.6.1976

Appendix A: Supplementary Disciplinary Procedures

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

Student Conduct

[APPENDIX B-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
- 2905.01 – Abduction
- 2905.11 –

APPENDIX [CB](#). 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, of ž

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: