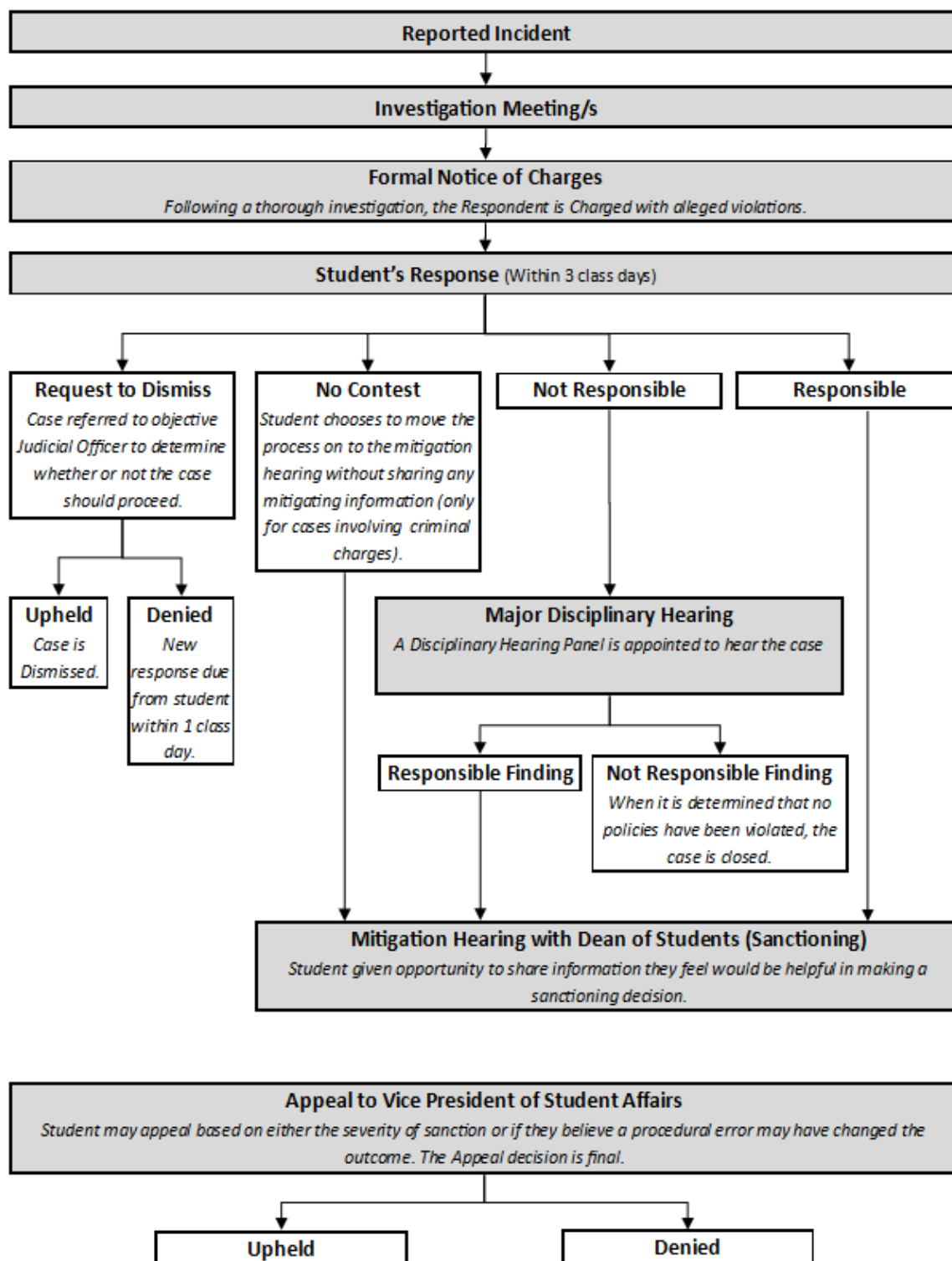


Figure 3, below, illustrates the disciplinary student conduct process for cases of reported Sexual Misconduct:

**FIGURE 3: CONDUCT PROCEDURES FOR REPORTED SEXUAL MISCONDUCT OR GENDER DISCRIMINATION**



The following sections more fully explain the student conduct process that commences following the report of an alleged violation of the student Code of Conduct as previously described. The personal and procedural rights described herein are guaranteed to both the Complainant and the Respondent during the student conduct process.

---

## SECTION I. PERSONAL RIGHTS OF STUDENT DURING THIS STUDENT CONDUCT PROCESS

### A. The right to abstain from verbal participation

Students are not required to share their version of the incident in question, but must understand that their non-participation will not preclude a student conduct officer from making a decision on charges or responsibility.

### B. The right to an advisor

Students may choose to seek out an advisor of their choice and have that individual present with them during all meetings and/or hearings during a student conduct case.

1. An advisor should be someone who:
  - a. understands the policies and procedures used in the student conduct process,
  - b. can help the student understand those policies and procedures to make more informed decisions throughout the student conduct process, and
  - c. is available during the same days and times as the student (meetings and hearings will be scheduled based upon the student's class and schedule).
2. An advisor may not "represent" a student, serve as "proxy," or speak for them at any point except for the purpose of conducting relevant cross-examination of the parties at the formal disciplinary hearing (see below). An advisor may be present to answer questions the involved student poses directly to the advisor during the meeting/s and offer guidance directly to that student. Student conduct proceedings will not move forward with only the participation of an advisor; the student must also participate.
3. Regardless of whether a student chooses to utilize an advisor, every effort will be made by the student conduct officer adjudicating the case to answer any questions a student may have before and during a formal disciplinary hearing in order to prepare that student for their formal hearing and the decisions that they will make on their own behalf.
4. If a party does not have an advisor for the disciplinary hearing, one will be provided by the University to such a party for purposes of the disciplinary hearing. The advisor will attend and participate in the disciplinary hearing as allowed by these procedures. The party without an advisor must request one no later than at least 10 class days prior to a scheduled hearing. Should a party reject the University-provided advisor, the party will have to secure their own advisor.

### C. The right to a support person

Students may choose to seek out a support person and have that individual present with them during all meetings and/or hearings during a student conduct case.

1. A support person must be a current full-time faculty or staff member, or another full-time enrolled student, at the University of Miami.
2. A support person should be someone who knows of the incident in question and the student for whom they are providing support.
3. A support person may not "represent" a student or speak for them at any point; rather, a support person may be present to provide emotional support for a particular individual.
4. Students who are under 18 years of age may choose to have a parent present to serve as their support person throughout the student conduct investigation and hearing.

### D. The right to a formal hearing

Meetings with a student conduct officer prior to and during the presentation of charges during a preliminary hearing will be formal, yet conversational. When a student is charged with a violation of the Code of Conduct, that student is given the right to respond to that charge. When a student does not believe their actions violated the Code of Conduct, that student is then given the opportunity to have the decision of their responsibility made by an impartial, trained Disciplinary Hearing Panel (see below for details). Decisions are then made during formal hearings which are scripted and recorded for the official record of the student conduct case.

### E. The right to review related information and question witnesses, and provide the same on their own behalf during a formal disciplinary hearing

Both the Complainant, and the Respondent in question will have the opportunity to ask questions of witnesses, as such individuals are defined below in Section II(G)(3)(c). This opportunity will be afforded during a formal disciplinary hearing. Where there is either incriminating or exonerating information/evidence, it will be shared with the Complainant, the Respondent, and the Student Conduct Officer. This information may be explained to a student prior

to a formal disciplinary hearing. The procedure for questioning witnesses will be determined by the hearing chairperson or the student affairs dean serving as the hearing officer. The use of the following is not permitted for consideration during the investigation or hearing process:

- results of polygraph tests, or
- interviews or other documents prepared by private investigators or like persons on behalf of the student. Instead, students are welcome to have witnesses appear for questioning during the hearing.

## **SECTION II. PROCEDURAL RIGHTS FOR STUDENTS DURING THIS STUDENT CONDUCT PROCESS**

The following are the procedural requirements of a student conduct case involving charges of Sexual Misconduct. Note that it is possible for SECTION II, parts A through D – with all of the sub-parts for each – to be accomplished during a single meeting between a Student Conduct Officer and a student who has been charged with a violation of the Sexual Misconduct Policy. The time frames in this section may be subject to a temporary delay and/or limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### **A. Notice of Allegations**

Upon receipt of a Formal Complaint by the University, the Student Conduct Officer will send a written Notice of Allegations to the Complainant and the Respondent clearly outlining the allegation(s) being made, the name of the Complainant and the relevant applicable policies before meeting with the Respondent to discuss the allegations and investigation. The Notice of Allegations will include sufficient details known at the time regarding the alleged misconduct and will be provided to the Respondent with sufficient time to prepare a response before any initial interview. The Notice of Allegations will also include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the student conduct process. The Notice of Allegations will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. The Notice of Allegations will inform the parties that the University prohibits knowingly making false statements or knowingly submitting false information during the student conduct process. To the extent the University decides to investigate allegations about the Complainant or the Respondent that are not included in the Notice of Allegations, the University will provide notice of the additional allegations to the parties whose identities are known.

### **B. Explanation of Personal Rights**

At the beginning of the investigative process the Student Conduct Officer shall ensure that each student who may be charged with a violation of the Code of Conduct understands her/his personal rights, as explained above.

### **C. Investigation**

An investigation into an alleged violation of the Code of Conduct may include, but is not limited to, a thorough review of any information deemed pertinent to the case. This will include, but may not be limited to the information initially reported by University faculty, staff, or students, law enforcement agencies, or non-university community members, information collected during meeting/s with the reporting parties and the students involved in an incident, as well as any potential witnesses identified by the report or by the involved students. Other audio-, photo-, and video-graphic evidence may also be considered. Every report received shall necessitate an investigation.

1. Investigating Student Conduct Officers shall be specially trained and serve the Institution as a Title IX Investigator, Student Affairs Dean, and/or professional staff member from the Division of Student Affairs.
2. Investigating Student Conduct Officers shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
3. Under normal circumstances, investigations shall take no more than 30 class days and any subsequent adjudication of policy violations will follow immediately based on the timelines contained herein. The entire process should normally be completed within 60 class days.
4. Reports from law enforcement agencies may be used throughout the student conduct process in order to gain further perspective on an incident. Information regarding prosecutorial or procedural decisions or information