

**THE UNIVERSITY OF WEST FLORIDA  
NOTICE OF PROPOSED REGULATION AMENDMENT**

**REGULATION TITLE:** *UWF/REG-3.030 Student Code of Academic Conduct*

**SUMMARY:** The proposed amendments to this regulation are as follows:

The following changes were made throughout the entire document: numbering and lettering changes to make formatting consistent; redundancies were removed or clarified, titles were added and remanded, language was clarified and content was updated. Additional changes to each article are set forth below.

**Regulation 3.030** title was changed to “Student Code of Academic Conduct”

In **Article I**, Delegation of authority was clarified to reflect that the Provost may further delegate responsibilities related to the Student Code of Academic Conduct.

**Article II**, “University of West Florida (UWF) Honor Code,” was added. The inclusion of the UWF Honor Code was to the Student Code of Academic Conduct.

**Article III**, “Definitions,” was added and the following terms were defined: *Academic Misconduct Committee, Academic Misconduct Hearing Board, Charged Student, Charging Party, Dean of Students, Dean of Students Office, Department Chair, Faculty Member, May, More Likely than Not, Shall, Student, University, University Official, and University Premises.*

**Article IV**, the title, “Violations of the Student Code of Academic Conduct” was added;

In **Article V** (previously Article II), the following changes were made:

- The process for reporting Academic Misconduct was modified; faculty will now submit an incident report electronically to the OSRR.
- Language was added to address how to withdraw charges.
- Language was added to address how an individual other than a faculty member (student, university official, other instructor) can report academic misconduct.

**Article VI**, “Academic Misconduct Educational Conference,” was added as a new section to enhance transparency and process to the regulation. The following language was added:

- The “Purpose” section was added to address the function of the “education conference.”
- The “Process” section was added to provide a guide to complete the “education conference.”
- Language was added to state that the “educational conference” is not a hearing and that it will be held by the charging party/faculty member.
- Language was added to the “education conference” section addressing the steps that the charging party/faculty member should follow to conduct a successful “education conference.”

- The “Non-Disciplinary Record Option” section was added. Under certain conditions, the “Non-Disciplinary Record Option” allows the charging party to have an incident of academic misconduct not be part of a charged student’s disciplinary record.
- The “Non-Hearing Resolution Option” section was added. This section provides the guidelines for a case to be resolved without a hearing.
- A section describing the notification process after the educational conference has been completed was added.

**Article VII**, “Academic Misconduct Hearing,” was added as a revised section (previously Article II. Section B.) to clarify the hearing resolution process.

- A section more clearly defining the hearing notification time, date, and location was added.
- A section stating that the charging party will be notified was added.
- A section clarifying pre-hearing information was revised (previously Article IV Section 2.). This section provides guidance for the charged student and charging party regarding record and witness information and deadlines for submission and requesting case records before the hearing.
- A section was added addressing the participation of the charging party.
- The “Charged Student’s Advisor” section was revised (previously Article IV Section 6.). This section clarifies the role of the student advisor.
- The “Closed Hearings” section was amended (previously Article IV Section 12.). It was clarified that all hearings would be closed.
- The “Role of the Academic Misconduct Hearing Board Chair” section was expanded and clarified.
- A section concerning self-incriminating statements was added.
- In the Witness section, changes were made to reflect that witness statements must have a notarized signature.
- A section was added addressing a charged student’s past academic misconduct.
- The word “Record” was clarified to specifically reflect “audio recording of hearing” and the timing of when the request for the record can be made was clarified.
- The standard of proof section was modified to reflect the BOG Regulation 6.0105.
- The “Decisions of “Responsible” or “Not Responsible” on the Charge(s)” section was separated into the “Determination of Responsibility” and “Determination of Sanctions” (previously Article IV Section 13.).
- The time period for decision notification was modified from five business days to ten business days.

**Article VIII**, “Appeal to the Office of the Provost,” was modified to clarify that if the final decision is a sanction of suspension or expulsion a charged student may seek external judicial review.

**Article IX**, “Sanctions” was amended (previously Article VII) and expanded to include definitions of a non-exhaustive list of sanctions that are typically issued by the hearing board.

**Article X**, “Withdrawal, Grade Forgiveness, Student Status, Student Standing, Holds,” (previously Article VI) was updated to include Hold and Student Standing language.

**Article XI**, “Records,” (previously Article VIII), was amended to include a list of disciplinary records.

**AUTHORITY:** Board of Governors Regulation 6.0105, *Student Conduct and Discipline*

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION**

**AMENDMENT:** Dr. Kevin Bailey, Vice President for Student Affairs

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION**

**IS:** Anita Schonberger, Deputy General Counsel, [aschonberger@uwf.edu](mailto:aschonberger@uwf.edu), Phone (850) 474-3420; Bld. 10/Rm 114, 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before February 21, 2017.

**THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES**

**WEBSITE:** February 6, 2017; **DATE THIS NOTICE WAS PUBLISHED IN @UWF:**

**February 6, 2017.**

**THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS**

**SET FORTH BELOW:**

## University of West Florida Regulations

### UWF/REG 3.030 Student Code of Academic Conduct Academic Misconduct

#### Article I. General Policy and Philosophy ~~ACADEMIC MISCONDUCT PROCESS~~

The University of West Florida is dedicated to the highest principles and standards of academic integrity. An academic violation by a student can negatively impact a class, program and/or college in ways that are unique to each discipline. Therefore, the University believes that the severity of an academic infraction is best evaluated by the faculty of the institution. The University seeks to offer students an opportunity to respond to allegations of academic misconduct before a decision is rendered. This regulation seeks to provide faculty and students with a fair process for addressing allegations of academic misconduct.

Academic integrity is closely related to professional ethics and requires that students honestly acknowledge their use of the ideas, words, and written work produced by any other individual, institution or source. Failure to acknowledge properly the use of another's intellectual output constitutes a form of academic misconduct.

The University of West Florida President delegates portions of the administrative functions of the Student Code of Academic Conduct to the Provost, who delegates portions of the administration of the Student Code of Academic Conduct to the Dean of Students, who may further delegate these responsibilities to other appropriate staff. All references to the Provost or Dean of Students in this Code also refer to his or her designee(s).

Any question of interpretation or application of the Student Code of Academic Conduct shall be referred to the Provost.

#### Article II. University of West Florida (UWF) Honor Code

The University of West Florida's Student Code of Academic Conduct is guided by the following Honor Code:

As Argonauts, we act with integrity. We do not lie, cheat, steal or tolerate those who do.

#### Article III. Definitions

1. **Academic Misconduct Committee:** A committee consisting of students, faculty, and Dean's representatives. Undergraduate and graduate student representatives shall be appointed to a one (1) year term by the Student Government Association. Student representatives may be appointed to an unlimited number of one (1) year terms. Faculty representatives shall be appointed by the Faculty Council in each college to three (3) year terms. Dean's representatives shall be appointed by the dean of each academic college to a three (3) year term. Faculty representatives and Deans' representatives may serve no more than two (2) consecutive three (3) year terms.
2. **Academic Misconduct Hearing Board:** Members of the Academic Misconduct Committee are assigned on a case-by-case basis to administer academic misconduct hearings, to determine if the Student Code of Academic Conduct has been violated, and to determine applicable sanctions. The Academic Misconduct Hearing Board assigned to adjudicate a particular case must consist of at least 50 percent students. The chair of the

- Academic Misconduct Hearing Board will be the Dean’s Representative or in the event that the Dean’s Representative is unavailable the Faculty Representative will serve as the Board Chair.
3. **Charged Student:** Any student alleged to have violated the Student Code of Academic Conduct who has been issued a written charge notification letter by the Dean of Students Office.
  4. **Charging Party:** The individual(s) alleging that the Student Code of Academic Conduct has been violated.
  5. **Dean of Students:** The individual designated by the Provost with responsibility for facilitating the administration of the Student Code of Academic Conduct.
  6. **Dean of Students Office:** The department designated by the Provost with responsibility for facilitating the administration of the Student Code of Academic Conduct. The Office of Student Rights and Responsibilities (OSRR) is included within the Dean of Students Office.
  7. **Department Chair:** the head of an academic department who typically reports to a Dean of an academic college. For the purposes of this code the term “department chair” may include program directors.
  8. **Faculty Member:** Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty. For the purposes of this policy a faculty member may also be referred to as an instructor.
  9. **May:** The term “may” is used in the permissive sense.
  10. **More Likely than Not:** Refers to the standard of proof used in academic misconduct conduct hearings. In a hearing, the Academic Misconduct Hearing Board will determine student responsibility by a **preponderance of the evidence**, or a determination of whether it is more likely than not that the charged student violated the Student Code of Academic Conduct.
  11. **Shall:** The term “shall” is used in the imperative sense.
  12. **Student:** Includes all persons enrolled at the University of West Florida, either full-time or part-time, degree seeking or non-degree seeking, and persons who are not officially registered for courses for a particular term but who are expected to have a continuing relationship with the University, including students admitted but not yet enrolled at the University.
  13. **University:** Means all locations of the University of West Florida including the on-line campus.
  14. **University Official:** Includes any person employed by the University performing assigned administrative or professional responsibilities.
  15. **University Premises:** For the purposes of this policy, includes all land, facilities, and other property in the possession of, owned, or controlled by the University (including adjacent streets and sidewalks), including property at which University-sponsored events are held, for the duration of the event.

#### **I. Academic Misconduct. Article IV. Violations of the Student Code of Academic Conduct**

Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional assistance, attempt to assist, ~~or~~ planning to assist or facilitate another student to engage in an act of academic dishonesty. Academic dishonesty includes, but is not limited to, each of the following acts when performed in any type of academic or

academically related matter, exercise or activity:

1. **Cheating:** Using or attempting to use material or information where such use is not expressly permitted by the instructor. Some examples include but are not limited to:
  - a. Exams or quizzes
  - b. Homework/Assignments
  - c. Discussion board posts
  - d. Lab activities or reports
2. **Academic Theft:** Obtaining examinations, quizzes, or other academic materials without authorization.
3. **Plagiarism:** Representing the words, data, works, ideas, computer program or output, or anything not self-generated as one's own. Some examples of plagiarism include but not limited to:
  - a. Copying phrases, sentences, sections, paragraphs or graphics from a source and not giving credit by properly quoting or citing the source.
  - b. Having another person write an assignment (for pay or for free) and submitting it as one's own.
  - c. Modifying or paraphrasing another's ideas or writings and submitting them as one's own.
4. **Resubmission of Work:** Resubmitting a paper, assignment, or portion thereof that the student originally created for another assignment or course constitutes academic misconduct unless:
  - a. Both instructors in concurrent courses expressly agree to accept the same work; or
  - b. an instructor expressly agrees to accept previously submitted work.
5. **Fabrication:** Presenting, as genuine, any invented, falsified, or inaccurate citation, data, or material.
6. **Bribery:** The offering, giving, receiving or soliciting of anything of value to influence a grade or other academic evaluation.
7. **Misrepresentation:** Any act or omission taken with intent to deceive an instructor or the University so as to affect a grade, a student's academic performance or to gain admission to a program or course.
8. **Facilitation:** Knowingly contributing, assisting, or planning with others to engage in Academic Misconduct, or failing to inform the proper authorities when a violation has occurred regardless of one's participation.
9. **Violation of professional standards or ethics as defined by the academic program.**

A. ~~**Cheating**— Using or attempting to use material or information where such use is not expressly permitted by the instructor. Some examples include but are not limited to:~~

1. ~~Exam or quiz answers~~
2. ~~Homework~~
3. ~~Discussion board posts~~
4. ~~Lab reports~~

B. ~~**Academic theft**— Obtaining examinations, quizzes, or other academic materials— without authorization.~~

- ~~C. **Plagiarism**—Representing the words, data, works, ideas, computer program or output, or anything not self-generated as one's own. Some examples of plagiarism include:~~
- ~~1. Copying phrases, sentences, sections, paragraphs or graphics from a source and not giving credit by properly quoting or citing the source.~~
  - ~~2. Having another person write an assignment (for pay or for free) and submitting it as one's own.~~
  - ~~3. Modifying or paraphrasing another's ideas or writings and submitting them as one's own.~~

For further clarification of plagiarism, see the UWF library tutorial at:  
<http://library.uwf.edu/Research/OnlineTutorials/Plagiarism>

- ~~D. **Resubmission of Work**—Resubmitting a paper, assignment, or portion thereof that the student originally created for another assignment or course constitutes academic misconduct unless:~~
- ~~1. both instructors in concurrent courses expressly agree to accept the same work,~~  
~~or~~
  - ~~2. an instructor expressly agrees to accept previously submitted work.~~

~~E. **Fabrication**—Presenting, as genuine, any invented or falsified citation, data or material.~~

~~F. **Bribery**—The offering, giving, receiving or soliciting of anything of value to influence a grade or other academic evaluation.~~

~~G. **Misrepresentation**—Any act or omission taken with intent to deceive an instructor or the University so as to affect a grade, a student's academic performance or to gain admission to a program or course.~~

~~H. **Facilitating Academic Dishonesty**—Knowingly contributing to another's violation of the University's regulation/rule on academic misconduct or planning with others to engage in academic misconduct or failing to inform the proper authorities (as outlined in Article II of this Code) when a violation has occurred regardless of one's participation.~~

~~I. **Violation of professional standards or ethics as defined by the academic program.**~~

## **H. Academic Misconduct Process Article V. Procedures for Determining Charges**

1. If the charging party believes that a violation has been committed by a student, the charging party must complete the online Academic Misconduct Incident Report:

[https://publicdocs.maxient.com/reportingform.php?UnivofWestFlorida&layout\\_id=20](https://publicdocs.maxient.com/reportingform.php?UnivofWestFlorida&layout_id=20)

2. The online Academic Misconduct Incident Report will automatically be sent to the Office of Student Rights and Responsibilities (OSRR). The OSRR will notify the charging party via email if the student to be charged has any reported or previous academic misconduct violations.

3. If at any time during the Student Code of Academic Conduct process the charging party determines that either the charges are not warranted or that insufficient evidence exists to continue, the charging party will inform the Office of Student Rights and Responsibilities to withdraw the charges. The Office of Student Rights and Responsibilities will concurrently notify the charged student and charging party of the withdrawal.
4. If an individual other than a faculty member (student, university official, other instructor) believes that a violation of the Student Code of Academic Conduct may have occurred, that individual should report the suspected violation to the applicable faculty member, department chair, college Dean, or the Office of the Provost.

~~If a person other than a course instructor (student, staff member, other instructor) believes that a violation may have occurred, that person should report the suspected violation to the course instructor, relevant program director, or the Office of Student Rights and Responsibilities, who would then proceed with the academic misconduct process.~~

~~If an instructor or program director concludes that a violation has been committed, that person must contact the Office of Student Rights and Responsibilities to ascertain whether the student has a history of previous academic violations and to obtain the appropriate Academic Misconduct Procedure Form. The Academic Misconduct Procedure Form should then be completed by the instructor or program director. Depending on the student's history, academic status, and/or the severity of the alleged violation, an informal resolution or a formal resolution will be implemented according to Sections A or B below:~~

## **Article VI. Academic Misconduct Educational Conference**

### **1. Purpose.**

The purpose of the Academic Misconduct Educational Conference is for the charging party to review information and options with the charged student. The Academic Misconduct Educational Conference is not a hearing.

### **2. Notice of Charges**

a. Once the charging party has completed the online Academic Misconduct Incident Report, the Office of Student Rights and Responsibilities shall:

i. Notify the charged student and charging party via email of the allegations and charge(s).

ii. Notify the charged student and charging party via email that the next step in the process is for the student to attend an Academic Misconduct Educational Conference to be scheduled by the charging party.

iii. Generate the Academic Misconduct Educational Conference Form to be presented to the charged student during the Academic Misconduct Educational Conference by the charging party.

### **3. Process.**

a. The charging party will schedule the Educational Conference with the charged student to review the Academic Misconduct Educational Conference Form. During the Educational Conference the charging party shall:

i. Provide the charged student with a copy of the Academic Misconduct Educational Conference Form.

ii. Review the charged student's rights.

iii. Describe the allegations.



- iv. Review the supporting information that led the charging party to conclude that a violation has more likely than not been committed.
- v. Provide the charged student with an option to respond to the allegations, if he or she wishes to.
- vi. Answer questions regarding the Student Code of Academic Conduct; and
- vii. Explain the proposed sanctions to the charged student.

**4. Non-disciplinary Record Option.**

- a. The charging party may, at his or her discretion, allow the charged student's conduct not to result in a disciplinary record. This option may only be used once during the charged student's academic career.
- b. In order for the charging party to utilize the non-disciplinary record option, the following criteria must be met:
  - i. the charged student must not have been previously found "responsible" for violating the Student Code of Academic Conduct (to be confirmed by the OSRR); and
  - ii. the charged student must not have any unresolved allegations of violating the Student Code of Academic Conduct (to be confirmed by the OSRR); and
  - iii. the charged student must not be a graduate student alleged to have engaged in academic misconduct on a thesis or dissertation; and
  - iv. the charging party must not believe that the allegation warrants suspension or expulsion from the University.

**5. Non-Hearing Resolution Option.**

- a. Allegations of Student Code of Academic Conduct violations may be resolved without a hearing through an Academic Misconduct Educational Conference Resolution, if all of the following conditions exist:
  - i. the charged student must participate in the Academic Misconduct Educational Conference; and
  - ii. the charged student must not be a graduate student alleged to have engaged in academic misconduct on a thesis or dissertation; and
  - iii. the charged student must sign and complete the Charged Student Options and Signature section of the Academic Misconduct Educational Conference Form indicating that he or she:
    - 1. accepts responsibility for the charges; and
    - 2. accepts the sanctions; and
    - 3. waives his or her right to a hearing; and
  - iv. the charged student must return the completed Academic Misconduct Educational Conference Form to the charging party within five (5) business days from the date of the Academic Misconduct Educational Conference; and
  - v. the charging party does not believe that the allegations warrant suspension from the University, program removal, or expulsion from the University; and
  - vi. the charging party signs and completes the Charging Party Options and Signature section of the Academic Misconduct Educational Conference Form indicating that the charging party does not request a hearing resolution.

b. The Office of Student Rights and Responsibilities will send a notification letter via email concurrently to the charged student and charging party documenting that the charged student has accepted responsibility for the charges and the sanctions, and that neither the charged student nor the charging party requests a hearing resolution. The Office of Student Rights and Responsibilities shall send this notification within ten (10) business days of receipt of the signed and completed Academic Misconduct Educational Conference Form.

**6. Hearing Resolution Option.**

- a. Allegations of violating the Student Code of Academic Conduct may be resolved through an Academic Misconduct Committee Hearing. If any of the following conditions exist, the matter will be resolved through an Academic Misconduct Committee Hearing:
- i. the charged student does not participate in the Academic Misconduct Educational Conference; or
  - ii. the charged student is a graduate student alleged to have engaged in academic misconduct on a thesis or dissertation; or
  - iii. the charged student signs and completes the Charged Student Options and Signature section of the Academic Misconduct Educational Conference Form indicating that he or she does not accept responsibility for the charges, or does not accept the sanctions, or that he or she requests a hearing resolution; or
  - iv. the charged student did not complete or sign the Academic Misconduct Educational Conference Form at the Educational Conference; or
  - v. the charging party signs and completes the Charging Party Options and Signature section of the Academic Misconduct Educational Conference Form indicating that he or she requests a hearing resolution; or
  - vi. the charging party believes that the allegations warrant suspension or expulsion from the University.
- b. The Office of Student Rights and Responsibilities will send a notification letter concurrently to the charged student and charging party stating that the matter will be resolved through an Academic Misconduct Committee Hearing. The Office of Student Rights and Responsibilities shall send this notification within ten (10) business days of receipt of the Academic Misconduct Educational Conference Form. The Office of Student Rights and Responsibilities will schedule an Academic Misconduct Hearing providing the charged student with a minimum of five (5) business days' notice before the hearing.

**A. Informal resolution:** ~~If the student has no history of previous violations, and if the student is not a graduate student being accused of academic misconduct on a thesis or dissertation, and if the instructor or program director believes the student's conduct does not warrant suspension or~~

expulsion from the University, the instructor or program director shall then meet with the student expeditiously to:

1. Describe the allegations against the student and review the materials and information that led the instructor to conclude that a violation has likely been committed;
2. Provide the student with an opportunity to respond to the allegations;
3. Explain the mandatory training program sanction (as outlined below) and any additional sanctions proposed by the instructor as a result of the violation(s);
  - A. The training program is available only once to a student during his or her UWF career;
  - B. The training program must be successfully completed within 15 business days, excluding University holidays;
  - C. The training program may not be attempted more than twice in that 15-day period.
4. Review the Academic Misconduct Procedure Form with the student. Inform the student that he or she has five (5) business days to review the information, and either accept responsibility for the violation and the sanction(s) and waive the right to a hearing, or not accept responsibility or sanctions and request an Academic Misconduct Hearing.
5. Give a copy of the completed Academic Misconduct Procedure Form to the student and retain the original.

If the student accepts responsibility for the misconduct, accepts the instructor's sanction(s), and returns the Academic Misconduct Procedure Form within five (5) business days, both parties shall sign both the original and copy of the form. The signed copy shall be returned to the student and the signed original shall be sent to the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities will oversee and document completion of the mandatory training program. Once the training program has been successfully completed and the other sanctions have been applied, the Procedure Form shall be retained by the Office of Student Rights and Responsibilities as a non-disciplinary record solely for the purpose of ascertaining a prior history of academic misconduct and will be considered separate from the student's disciplinary record (for further explanation of record keeping procedures see Article VIII. Records). The case shall then be considered closed without further documentation of the misconduct.

However, if a student commits a second violation or fails to successfully complete the mandatory training program within the designated timeframe, any record of a violation, previous or otherwise, will then become a disciplinary record and part of the student's disciplinary file.

~~If the student does not successfully complete the mandatory training program as required, the Office of Student Rights and Responsibilities shall place a hold on the student's account until the training program has been completed.~~

~~If the student **does not** accept responsibility for the misconduct, **does not** accept the instructor's sanctions, or **does not** sign and return the Academic Misconduct Procedure Form within 5 business days, the instructor or program director shall send the signed original of the Academic Misconduct Procedure Form indicating this outcome, as well as any supporting documentation, to the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities shall then proceed with a formal resolution as described in Section B.~~

### **Article VII Academic Misconduct Hearing**

The charged student has the right to have his or her case heard before the Academic Misconduct Hearing Board. The Hearing Board must be composed of at least 50 percent students. The Academic Misconduct Hearing is an educational process and is not legal in nature. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Academic Conduct proceedings.

1. **Charged Student Hearing Notification:** The Office of Student Rights and Responsibilities will notify the charged student via email of the date, time and location of the hearing no fewer than five (5) business days in advance of the hearing. This notification will also advise the charged student of his or her rights in the Student Code of Academic Conduct process. If the time or date of the Hearing is not convenient to the charged student, the charged student must submit a written request to reschedule the hearing to the Office of Student Rights and Responsibilities within two (2) business days of the date of the notice.
2. **Charging Party Notification:** The Office of Student Rights and Responsibilities will notify the charging party via email of the date, time and location of the hearing no fewer than five (5) business days in advance of the hearing.
3. **Pre-Hearing Information:** The charged student and charging party must provide the Office of Student Rights and Responsibilities with a list of potential witnesses and copies of any records that he or she will present at the hearing at least three (3) business days in advance of the hearing. The Office of Student Rights and Responsibilities will make available, upon request, by the charged student or charging party, pre-hearing information including a copy of the hearing procedures, records that will be presented at the hearing, and a list of potential witnesses. The pre-hearing information will be available at least three (3) business days in advance of the hearing at the Office of Student Rights and Responsibilities.
4. **Charged Student Participation:** If the charged student fails to appear, the hearing will proceed in the charged student's absence.
5. **Charging Party Participation:** If the charging party fails to appear, the hearing will proceed in the charging party's absence unless the charged student objects.
6. **Charged Student's Advisor:** A charged student is entitled to have any one person at the hearing to serve as his or her advisor. The charged student may consult with his or her advisor during the hearing process. However, this consultation must take place in a manner that does not disrupt the proceedings. The advisor may not address any person in the hearing except the student and, therefore, cannot speak on behalf of the student,

- question witnesses, or serve as a witness. The name and role of the advisor must be provided to the Office of Student Rights and Responsibilities in writing at least three (3) business days prior to the scheduled meeting/hearing. If the advisor is an attorney, this must be disclosed at least three (3) business days prior to the scheduled meeting/hearing, as the University attorney will also be present at the meeting/hearing.
7. **Student Advocate:** a student advocate is an individual appointed by the Student Government Association President. The student advocate is available upon request to assist students with information regarding university policies, the Student Code of Academic Conduct, disciplinary procedures, and the appeal process.
  8. **Closed Hearings:** Student Code of Academic Conduct Hearings are closed to the public and only the charged student, charging party, and the charged student's advisor, the Academic Misconduct Hearing Board, and Dean of Students may attend if applicable. Witnesses may not be present in the proceedings except to provide information to the panel.
  9. **Role of the Academic Misconduct Hearing Board Chair:** The Academic Misconduct Hearing Board Chair will preside over the hearing, manage order and decorum of the hearing, and will ensure that the hearing procedures are followed. At his or her discretion, the Academic Misconduct Hearing Board Chair may:
    - a. Accept information for consideration.
    - b. Make determinations regarding requests for postponements.
    - c. Make determinations as to procedural questions. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety, such as permitting parties or witnesses to appear by phone or other means.
    - d. Exclude repetitious or irrelevant information.
    - e. Dismiss any person who is disorderly, disruptive, or non-compliant.
    - f. Take any other appropriate action deemed necessary.
  10. **Self-Incriminating Statements:** The charged student will not be compelled to make self-incriminating statements. The failure of the charged student to make incriminating statements or to answer questions because the answer would be self-incriminating shall not be considered in the determination of whether or not a student is responsible for violating the Student Code of Academic Conduct.
  11. **Information:** The charging party and the charged student will be given an opportunity to present information at the hearing. This may include, but is not limited to, witnesses, pertinent records, documents, written or oral statements, and investigative reports. The charged student and charging party will also be given an opportunity at the hearing to inspect records provided by the other party.
  12. **Witnesses:** The charging party and the charged student may call witnesses. In order to preserve the educational atmosphere of the hearing and to avoid the creation of an adversarial environment, all questions for witnesses will be directed through the Academic Misconduct Hearing Board Chair. If a witness cannot appear, he or she may submit a written statement for consideration as long as the witness' signature is notarized. Witnesses may be permitted to provide information by other means at the discretion of the Hearing Board chair. Witnesses will be permitted inside the hearing room only during their participation. Witnesses may be recalled by the Academic Misconduct Hearing Board Chair.
  13. **Past Behavior:** A charged student's past academic misconduct shall be excluded from the

hearing. A charged student's past academic misconduct may only be presented after a finding of responsibility has been determined and only for the purpose of determining sanctions.

14. **Audio Recording of Hearing:** Academic Misconduct Hearings will be audio recorded by the University. There shall be a single audio record of all hearings. This audio record is the official record and is the property of the University and will be considered part of the charged student's disciplinary record. The charged student may submit a written request to review the audio recording after he or she receives the hearing decision letter.
15. **Standard of Proof:** The burden to prove academic misconduct cases rests with the charging party and not with the charged student. The standard of proof shall be "more likely than not." This means that the information presented supports the finding that it was more likely than not that the violation occurred.
16. **Multiple Students Charged:** In cases involving multiple students charged from the same incident, charged students will have the opportunity to have their cases heard jointly or heard separately. In those instances where cases are heard separately, information obtained at one hearing may be presented at another hearing provided that each charged student involved has the opportunity to review and respond to the information at his or her hearing.
17. **Deliberations:** The decision-making process shall include only the Academic Misconduct Hearing Board members and the Dean of Students as appropriate for consultation purposes. The deliberation process is closed to all others.
18. **Determination of Responsibility:** The Academic Misconduct Hearing Board (by majority vote) shall determine whether the charged student has violated the Student Code of Academic Conduct. A finding of "responsible" or "not responsible" shall be made for each charge.
19. **Determination of Sanctions:** The Academic Misconduct Hearing Board will, in consultation with the Office of Student Rights and Responsibilities, determine sanctions in those cases where the charged student is found responsible for violating the Student Code of Academic Conduct.
20. **Hearing Decision Notification:** A written decision letter from the Office of Student Rights and Responsibilities will be provided to the charged student and charging party via email within ten (10) business days following the close of the hearing. This time may be extended for deliberations when necessary and the parties shall be notified of any such extensions. The decision letter shall contain a decision on each charge, any findings of fact and any sanctions.
24. **Accommodations for Disabilities:** Any student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to the Student Disability Resource Center at least three (3) business days in advance of the hearing. The charging party may request accommodations from the ADA Coordinator. If necessary, the Academic Misconduct Committee Board may postpone the hearing to provide reasonable accommodations.

**B. Formal Resolution:** ~~If the student has a history of previous violations, or if the student has unresolved allegations of academic misconduct pending against him or her, or if the student is a graduate student being accused of academic misconduct on a thesis or dissertation, or if the instructor or program director believes the student's conduct may warrant suspension or expulsion from the University, the following steps shall be taken:~~

~~1. The instructor or program director shall notify the student of the allegation of academic misconduct and send the completed Academic Misconduct Procedure Form to the Academic Misconduct Committee through the Office of Student Rights and Responsibilities;~~

~~2. The Office of Student Rights and Responsibilities shall send the student written notification of the charges. It shall then contact the student to schedule a hearing. The date of the hearing shall not be earlier than five (5) business days after the notice of charges is received by the student, unless an earlier hearing is requested in writing by the student; and~~

~~3. An Academic Misconduct Hearing will be conducted as outlined in Section IV.~~

~~In cases where no instructor of record or program director is evident, such as when an alleged violation involves a course in which a student is not currently enrolled, the Office of Student Rights and Responsibilities shall conduct a preliminary investigation to determine if an alleged violation may have occurred. If determined that a violation is likely to have occurred, the Office of Student Rights and Responsibilities will forward that information to the Office of Academic Affairs. The Office of Academic Affairs will determine whether or not to bring charges of academic misconduct against the alleged student(s). If the decision is made to pursue charges of academic misconduct, the Office of Academic Affairs will follow the Academic Misconduct Process as outlined in this article.~~

### **III. Constitution of the Academic Misconduct Committee**

~~The Academic Misconduct Committee shall consist of 20 members. From each of the University's four colleges there shall be: two (2) undergraduate student representatives, one (1) graduate student representative, a faculty member representative and a representative of the dean. Undergraduate student members shall be appointed to a one year term by the Student Government Association. Graduate student members shall be appointed to a one (1) year term by the Student Government Association. Faculty members shall be appointed by the Faculty Council in each college to a three (3) year term. The Dean's representatives shall be appointed by the dean of each college to a three (3) year term. Student members may be appointed to an unlimited amount of consecutive, one (1) year terms. Faculty members and Deans' representatives may serve no more than two (2) consecutive three (3) year terms. The faculty members shall be appointed in a three (3) year, staggered rotation, beginning in August 2014, in the following order: College of Business; College of Arts Humanities and Social Sciences and College of Science, Engineering and Health; and College of Education and Professional Studies. The Deans' representatives shall be appointed in a three (3) year, staggered rotation, beginning in August 2014, in the following order: College of Arts, Humanities and Social Sciences and College of Science, Engineering and Health; College of Education and Professional Studies, and College of Business.~~

~~A hearing board consisting of four members selected by rotation and subject to schedule availability, will hear each case. Two of the four members on each hearing board must be students. Any decision or sanction(s) applied must be supported by at least three members.~~

## **IV. Academic Misconduct Hearing**

The Hearing process is not a legal process, it is an educational process. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Academic Misconduct Code proceedings.

**1. Accommodations for Students with Disabilities:** any student with a disability may request reasonable accommodations during the disciplinary process. This request must be made to the Student Disability Resource Center at least three business days in advance of the hearing. If necessary, the Academic Misconduct Hearing Board may postpone the hearing to provide reasonable accommodations.

**2. Pre-hearing Information:** the charged student, and his or her advisor, will have the right to inspect all information that will be presented against him or her at least 3 business days before the hearing.

**3. Failure to Appear:** if a student fails to appear, the hearing will proceed in the student's absence. The student may hear and, through the Academic Misconduct Hearing Board, question witnesses who are present at the hearing.

**4. Confidentiality:** all hearings shall be closed and confidential unless requested by the charged student, in writing, three (3) business days prior to the hearing, and the following conditions are met: (a) all students involved in the hearing consent in writing prior to the hearing, and (b) such request does not conflict with law, Board of Governors or University regulation or policy. The Office of Student Rights and Responsibilities will make the final determination regarding open and closed hearings.

**5. Instructor's Participation:** The instructor, program director, or designated representative of Academic Affairs bringing charges will have an opportunity to appear before the Academic Misconduct Hearing Board.

### **6. Student Advisor / Student Advocate:**

**a. Student Advisor:** a charged student is entitled to have any one person at the hearing to serve as his or her advisor. Students may consult with their advisor during the hearing process. However, this consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student, question witnesses, present information or argue before the panel. The advisor shall not serve as a witness. The name of the advisor must be submitted to the Office of Student Rights and Responsibilities no later than 72 hours prior to the scheduled hearing. The charged student has a right to have an attorney act as an advisor, however, in such cases a representative of the University's General Counsel must also be present.



~~b. **Student Advocate:** a student advocate is an individual appointed by the Student Government Association President. The student advocate is available upon request to assist students with information regarding university policies, disciplinary procedures and appeal procedures~~

~~7. **Role of the Academic Misconduct Hearing Board Chair:** the Academic Misconduct Hearing Board Chair may:~~

~~a. Accept information for consideration at his/her discretion.~~

~~b. Make determinations regarding requests for postponements, where appropriate.~~

~~c. Make determinations as to procedural questions. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.~~

~~d. Take any other action deemed necessary.~~

~~8. **Information:** the instructor or program director or designated representative of Academic Affairs, the Office of Student Rights and Responsibilities and the charged student will be given an opportunity to provide relevant information. This may include, but is not limited to, pertinent records, documents, written or oral statements. The student will also be given an opportunity to inspect records provided by all involved parties.~~

~~9. **Witnesses:** both the instructor or program director or designated representative of Academic Affairs bringing charges and the charged student may call witnesses. In order to preserve the educational atmosphere of the hearing and to avoid creation of an adversarial environment, at the discretion of the Chair, all questions for witnesses will be directed through the Academic Misconduct Hearing Board. If a witness cannot appear, his or her written or taped statement may be considered. Witnesses will be required to wait outside until their point of participation and will be asked to leave the hearing after being questioned.~~

~~10. **Standard of proof:** the burden to prove academic misconduct cases rests with the instructor or program director or representative of Academic Affairs bringing charges and the standard of proof shall be "clear and convincing." This means that the information presented supports the finding that it was substantially more likely than not that the violation occurred.~~

~~11. **Multiple students charged:** in cases involving multiple students charged from the same incident, charged students will have the opportunity to have their cases heard jointly or heard separately. In those instances where cases are heard separately, information obtained at one hearing may be presented at another hearing provided that each charged student involved has the opportunity to review and respond to the information at his or her hearing.~~

~~12. **Deliberations:** all deliberations of the Academic Misconduct Hearing Board are closed and shall include only the Academic Misconduct Hearing Board members~~

~~involved in the decision-making process.~~

~~13. **Decisions of “responsible” or “not responsible” on the charge(s):** shall be based on the information presented at the hearing. The Academic Misconduct Hearing Board (by a majority vote) shall either:~~

~~a. find that no violation has occurred, or~~

~~b. find that a violation has occurred and, in consultation with the Office of Student Rights and Responsibilities, impose a sanction(s).~~

~~14. **Notice of Decisions:** the written decision of the Board shall be sent to the student, the instructor, program director or the Academic Affairs representative, the appropriate Dean’s Office, and the Office of Student Rights and Responsibility.~~

~~15. **Right to Appeal:** the student may appeal the Hearing Board’s decision by filing a written appeal with the Provost within ten (10) business days of the date of the letter containing the Board’s written decision. If the student fails to appeal, the Hearing Board’s decision will be final.~~

#### **V. Appeal to the Provost Article VIII Appeal to the Office of the Provost**

The student may appeal the Academic Misconduct Hearing Board’s decision by filing a written appeal with the Office of the Provost within ten (10) business days of the date of the hearing decision notification letter. A student shall remain eligible to attend classes and University activities pending the University’s appeal is concluded except in cases where the sanction(s) determined by the Hearing Board include either **Suspension** or **Expulsion**, the student’s privileges at the University, including the ability to attend classes and engage in University activities may be revoked. If the student fails to submit a timely appeal, the Academic Misconduct Hearing Board’s decision will be final.

The Provost ~~or designee~~ will review the appeal. Grounds for appeal are limited to the following:

1. the student's rights, as outlined in this regulation, were violated in the hearing process;
2. new information is discovered that was not available at the time of the hearing;
3. the information presented does not support the decision; or
4. the sanction(s) imposed were not appropriate for the violation.

If an appeal is decided in favor of the student, the Provost may take any action he or she deems appropriate, including but not limited to, modifying the decision and/or sanctions, remanding the case to the same Hearing Board for reconsideration, or remanding the case to the Academic Misconduct Committee for a new hearing. If an appeal is not decided in favor of the student, the matter is considered final and binding.

A copy of the Provost's decision shall be forwarded to the student and to the Office of Student Rights and Responsibilities for filing and for distribution to the appropriate parties.

If the final decision is a sanction of suspension or expulsion a charged A student who wishes to

seek judicial review of the final decision of the University may do so pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review with the circuit court for Escambia County within thirty (30) days of the final university decision. If the student seeks review with the court, he or she must also provide a copy of the petition to the Office of the Provost, University of West Florida, Bldg. 10, 11000 University Parkway, Pensacola, FL 32514.

### **Article IX Sanctions**

A charged student found responsible for violation of the Student Code of Academic Conduct shall be subject to sanctions commensurate with the offense. Consideration may be given to aggravating and mitigating circumstances, and prior academic misconduct. One or more of the following sanctions may be imposed for any single violation of the Student Code of Academic Conduct. The list below is not exhaustive and may include any other sanctions permitted by law.

1. **Expulsion:** A student who is expelled is permanently deprived of his or her privilege to continue at the University in any capacity. A student expelled for a violation of the Student Code of Academic Conduct may not visit or come onto any UWF campus without specific written permission of the Provost. Expelled students are not in good standing.
2. **Suspension:** A student who is suspended is required to leave the University for a specified period of time. The student must comply with all sanctions and complete all requirements prior to re-admission. A student expelled for a violation of the Student Code of Academic Conduct may not visit or come onto any UWF campus without specific written permission of the Provost. Students are not in good standing while serving a suspension.
3. **Program Dismissal:** The student shall be dismissed from a University academic program.
4. **Denial of Admission, Re-admission, or further Registration:** Any future admission, re-admission, or further registration by the student shall be denied by the University.
5. **Denial or Revocation of Degree or Academic Credit:** Degrees and credit awarded by the University may be invalidated or revoked and course credit may be denied.
6. **Withhold Degree:** The University may withhold issuing a degree, diploma or transcript pending compliance with University regulations, or policies or pending completion of the process set forth in this Student Code of Academic Conduct, including the completion of all imposed sanctions.
7. **Reduction of Assignment Grade:** The student shall receive a grade reduction for a course assignment.
8. **Zero on the Assignment:** The student shall receive a grade of zero for a course assignment.
9. **Reduction of Course Grade:** The student shall receive a grade reduction for a course.
10. **“F” in the Course:** The student shall receive a grade of “F” for the course.
11. **Disciplinary Probation:** A written disciplinary sanction notifying a student that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more serious sanctions.
12. **Education Assignment:** A student may be required to complete a specified educational assignment related to the violation committed. Such educational assignments may include, but are not limited to, reflection papers, educational writing assignments, UWF Writing Lab assignments, apology letters, reports, and presentations.
13. **Academic Integrity Module:** The Academic Integrity Module is an educational program with an assessment. The student is required to achieve a score of 80 percent in order to successfully complete the module. If the student does not successfully complete the

Academic Integrity Module a Hold shall be placed on the student's records and/or registration until he or she successfully completes the Academic Integrity Module.

#### **Article X Withdrawal, Grade Forgiveness, Student Status, Student Standing, Holds**

1. **Course Withdrawal:** A student shall not be permitted to drop or withdraw from a class in which there is an unresolved allegation of academic misconduct. A student who has been found responsible for a violation of the Student Code of Academic Conduct shall not be allowed to withdraw from the class in which the violation occurred.
2. **Student Withdrawal:** If a charged student withdraws from the University with pending or unresolved academic misconduct charges, the Student Code of Academic Conduct process will continue with or without his or her participation
3. **Grade Forgiveness:** The UWF Grade Forgiveness Policy may not be applied to a course in which a student has been found responsible for a violation of the Student Code of Academic Conduct resulting in a sanction of "F" in the course.
4. **Student Status:** The charged student's permanent status on campus will remain unchanged pending the decision of the Hearing Board.
5. **Student Standing:** A charged student who has been found responsible for academic misconduct will not be in good standing and will remain out of good standing until all issued sanctions have been completed in accordance with the conditions set forth in the official notification letter from the Office of Student Rights and Responsibilities.
6. **Holds:** The University may place a hold on the records or registration of any student who fails to respond to a charge notice or fulfill any sanctions previously issued by the University. The University may take other action necessary for resolution of a case prior to the student's enrollment in a subsequent semester, transfer or graduation. All pending academic misconduct matters must be resolved prior to the release of a student's transcript, a student's graduation or transfer from the University of West Florida.

#### **VI. Course and Withdrawal, UWF Grade Forgiveness Policy and Student Standing**

~~A. A student shall not be permitted to drop or withdraw from a class in which there is an unresolved allegation. A student who has been found responsible for a violation of the Academic Misconduct Code shall not be allowed to withdraw from the class in which the violation occurred.~~

~~B. The UWF Grade Forgiveness Policy will not be applied to a course in which a student has been found responsible for a violation of the Academic Misconduct Code resulting in a sanction of "F" in the course.~~

~~C. A student who has been found responsible for academic misconduct will not be in good standing and will remain in such standing until all issued sanctions have been completed to the satisfaction of the Office of Student Rights and Responsibilities.~~

#### **VII. Sanctions**

~~The range of sanctions for any student found to be responsible for academic misconduct includes reprimand, reduction of assignment or course grade, disciplinary warning, educational assignments, disciplinary probation, loss of university privileges, dismissal from a program,~~

~~suspension, expulsion, denial of admission or further registration and/or credits, invalidation or revocation of academic credit, invalidation or revocation of academic degree, and any other sanctions permitted by law.~~

### **Article XI Records**

A Charged Student found “responsible” for violating the Student Code of Academic Conduct is considered to have an academic misconduct disciplinary record.

2. A Charged Student found “not responsible” for violating the Student Code of Academic Conduct is considered not to have an academic misconduct disciplinary record.
3. A Charged Student with unresolved allegations of violating the Student Code of Academic Conduct is considered not to have an academic misconduct disciplinary record, for that case.
4. A Student who was charged with violating the Student Code of Academic Conduct where the charging party has withdrawn all charges is considered not to have an academic misconduct disciplinary record, for that case.
5. A Charged Student found “responsible” for violating the Student Code of Academic Conduct where the charging party has utilized the non-disciplinary record option is considered not to have an academic misconduct disciplinary record, for that case.
6. A Charged Student found “responsible” for violating the Student Code of Academic Conduct that does not result in a suspension or expulsion shall have his or her records expunged seven years after the date of the final decision. Records of cases that result in suspensions or expulsions are retained permanently.
7. Statistical and database information may be retained permanently by the University.
8. Records will be maintained by the University in accordance with 1002.225, F.S. and with applicable State record retention laws.

### 9. Transcript Notations.

- a. A temporary notation shall be placed on the student's transcript for a student who is found responsible for a violation with a resulting sanction of suspension. The notation will remain during the period of suspension and will be removed upon the completion of the suspension.
- b. A permanent notation shall be placed on the student's transcript for a student who is found responsible for a violation with a resulting sanction of expulsion.-

### **VIII. Records**

~~For a first violation resolved according to Article II, Section A., the signed Academic Misconduct Procedure Form shall be maintained in the Office of Student Rights and Responsibilities for the purpose of ascertaining a prior history of academic misconduct and will not be considered a disciplinary record. However, if a student commits a second violation or fails to successfully complete the mandatory training program within the designated timeframe, any record of a violation, previous or otherwise, will then be considered a disciplinary record and will become part of the student’s disciplinary file.~~

~~The University may place a hold on the records or registration of any student who fails to respond to a University disciplinary notice or fulfill any sanctions previously issued by the University. The University may take other action necessary for resolution of a case prior to the student’s enrollment in a subsequent semester, transfer or graduation. All pending disciplinary~~

~~matters must be resolved prior to a student's graduation, transfer from or continued education at the University West Florida.~~

~~Records of academic misconduct resolved according to Article II Section B will be maintained by the Office of Student Right and Responsibilities as part of the student's disciplinary records.~~

~~Student files involving instances of academic misconduct that do not result in suspensions or expulsions shall be expunged seven years after the final decision. Records of cases that result in suspensions or expulsions are kept permanently.~~

~~Statistical and database information may be kept permanently at the University.~~

~~Students found "not responsible" for violations of the Academic Misconduct Code or where such charges are dismissed or are resolved through the informal process are considered not to have an academic disciplinary record. However, the records will be maintained by the University in accordance with 1002.22, F.S. and with applicable State record retention laws.~~

### **~~IX. . Transcript Notations~~**

~~A. A temporary notation shall be placed on the student's transcript immediately upon the conclusion of the Academic Misconduct Process for a student who is found responsible for a violation with a resulting sanction of suspension. The notation will remain during any period of suspension and will be removed upon the completion of said suspension.~~

~~B.A. If a student is expelled, a permanent notation to that effect shall be placed on the student's transcript.~~

### **~~X. Review of the Academic Misconduct Regulation~~ Article XII Review of the Student Code of Academic Conduct Regulation**

The University Academic Misconduct regulation shall be reviewed every three years under the direction of the Provost, by a committee composed of at least 50 percent students.

*Specific Authority: Board of Governors Regulation 6.0105; sections 1006.60, 1006.62 FS.*

*History: New UWF/REG 3.030 Effective 8/27/07. Amended 9/25/09; 6/18/12; 9/24/12; 6/13/14; \_\_\_\_\_.*