

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

**REGULATION TITLE: UWF/REG-3.003 Admission of Applicants with Records of Criminal Conduct or of Misconduct at Educational Institutions**

**SUMMARY:** The amendments to UWF Regulation 3.003 clarify the type of conduct which is required to be disclosed by an applicant, a student's on-going duty to disclose certain information, and the procedures that are followed when such information is disclosed.

**AUTHORITY:** BOG Regulation 6.001(7)

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:** Dr. Chula G. King, Provost

**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; FAX (850) 474-2203; Bld. 10/Rm 122; 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 March 10, 2011 to receive full consideration.

**THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:** February 23, 2011

**THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:**

**University of West Florida Regulation  
UWF/REG 3.003 Admission of Applicants with Records of Criminal Conduct or of  
Misconduct at Educational Institutions**

**(1) Introduction**

(a) All applicants to the University of West Florida (“UWF” or “University”) or to programs of student within UWF are required to disclose on the admission applications for admission contain questions related to any prior criminal conduct and prior educational by the applicant and any misconduct at previous educational institutions. The University is authorized by Florida Board of Governors Regulation 6.001 to deny admission to applicants because of past misconduct. The Dean of Students or his or her designee (hereinafter “Dean of Students”) is responsible for reviewing all applications in which a student discloses past misconduct and for determining whether the admission of the applicant will be in the best interest of the University. Misconduct at an educational institution which is subject to consideration includes past actions which have been found to disrupt or interfere with the orderly conduct, processes, functions or programs of a university, college or community college, whether they occur on or off campus. The University reviews all applications in which a student discloses misconduct at an educational institution as outlined in subparagraph (1)(b) and/or in which a student discloses prior criminal conduct as outlined in subparagraph (1)(c) to determine whether the admission of the applicant is in the best interest of the University.

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(b) Misconduct at a previous educational institution which must be disclosed by applicants includes behavioral misconduct (such as fighting) and academic misconduct (such as plagiarism or cheating on an exam) whether it occurred on or off campus. For purposes of this requirement, misconduct includes conduct that resulted, or if still pending, could result in probation, suspension or expulsion from an educational institution but does not include conduct which resulted in or could result in only high school level detention. Misconduct at a previous educational institution does not include academic dismissal, suspension or probation that was due entirely to poor grades.

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(c) Criminal conduct which must be disclosed includes all felony and misdemeanor convictions and any driver’s license revocation or suspension, regardless of the jurisdiction. This includes cases in which the applicant pled *nolo contendere* and also cases in which adjudication was withheld. Applicants are also required to disclose any pending criminal charges. Applicants are not required to disclose a conviction or charges which were expunged or sealed by the court. Applicants are not required to disclose traffic citations which result only in a fine.

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(2) Incomplete Information

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Applicants who fail to give complete and accurate responses to the conduct section of the admission application may be subject to denial of admission, or if already admitted, may be subject to disciplinary action up to and including expulsion and invalidation of credits or degrees earned.

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### (3) On-Going Duty to Disclose

The duty to disclose misconduct at an educational institution and criminal conduct is an on-going one. Therefore, students have a continuing duty to report such conduct to the Office of Admissions or the Graduate School, as applicable, until they have registered for classes.

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### (4) Procedure

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~~(a) The Applications of applicants for admission to UWF, or to a program of study within UWF, submitted by applicants indicating with a record of previous criminal conduct or misconduct at an educational institution or criminal conduct will be reviewed on a case-by-case basis by the University, forwarded to the Dean of Students. The Dean of Students will conduct a conduct review prior to the application being considered by the UWF Admissions office for academic eligibility. These applicants with previous criminal conduct or misconduct at an educational institution will be required to provide additional information to the University for Dean of Students when his or her application is being considered. This information may include, but is not limited to, copies of criminal disposition records, background checks and screenings and educational and disciplinary records. These applicants may will also be asked to provide information releases, if needed. The Dean of Students has the right to deny the application of any applicant who refuses to provide pertinent information or provide access to pertinent information.~~

(b) In conducting this review, the University may interview the applicant and other individuals, and may consult with others.

(c) All information requested of the applicant must be received by the University at least 30 days in advance of the first day of the semester. Where the requested information is furnished after 30 days in advance of the first day of the semester by or on behalf of an applicant, an undergraduate applicant may request a term change so that his or her application will be considered for the following semester.

(d) The University shall make a determination within 30 days of the receipt of all requested information.

(e) The University has the right to deny admission to any applicant who refuses to provide pertinent information and/or to provide access to pertinent information.

(f) The University may convene a panel to review the information obtained and assist in making a determination regarding admission.

~~The Dean of Students will review all information provided and in making this determination may interview other individuals and may consult with others. In addition, depending upon the nature and severity of the applicant's previous conduct, the Dean of Students may request a personal interview with the applicant. The Dean of Students shall make a determination within 15 days of the date that all necessary information has been received.~~

(g) Imposition of Restrictions or Requirements

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The ~~University Dean of Students~~ may determine that an applicant may be admitted with if certain conditions, assuming are placed on the applicant, he or she is academically qualified for admission. ~~may be admissible pending an admissions determination by the UWF Admissions office.~~ In such instances, the ~~University Dean of Students~~ will condition the applicant's admission on certain restrictions or requirements being in place. Such restrictions or requirements may include, but are not limited to, placing an applicant on disciplinary probation, restricting the applicant from certain areas of the campus, prohibiting the applicant from living in University housing, requiring the applicant to participate in periodic counseling ~~evaluations,~~ or requiring the applicant to meet periodically with University personnel.

(5b) Denial of Admission ~~Based Upon Previous Criminal Conduct or Misconduct at an Educational Institution~~

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The University may deny an applicant for admission if, upon review of all available information, it is determined the Dean of Students determines that denial of admission; or re-admission or enrollment of the applicant is in the best interest of the University. Upon written request, applicants who have been denied admission will be furnished with the reason(s) for the denial. Such requests must be made in writing to the Dean of Students within 15 days of the date of the notification of denial of admission.

(6) Appeal

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An applicant denied admission based on previous ~~criminal conduct or~~ misconduct at an educational institution and/or previous criminal conduct may appeal in writing to the Vice President ~~of for~~ Student Affairs within 15 days of the date of the notification of denial of admission, or within 15 days of the date of the communication providing the reasons to the applicant, where the applicant submitted a timely request for reasons. The Vice President ~~of for~~ Student Affairs may convene a panel to review the information obtained and to make a recommendation for action. The decision of the Vice President for Student Affairs or designee is final.

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*Specific Authority BOG/REG 6.001; History-New 4/22/2009, amended.*