

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

**DATE:** May 17, 2024

**REGULATION TITLE AND NUMBER:** UWF REGULATION 3.030 Student Code of Academic Conduct

**PURPOSE AND EFFECT:** The purpose of this amendment is to meet the review requirements stated within the regulation.

**SUMMARY:** The proposed amendment to this regulation is as follows:

- Added definitions for Academic Misconduct, Advisor, Good Standing, and Office of Student Rights and Responsibilities (“OSRR”)
- Simplified existing definitions
- Standardized references to defined terms
- Added responsibility of OSRR to review the Charged Respondent’s rights and answer any questions the Charged Respondent has about the process when a report is received
- Clarified that no disciplinary record is created for a Charged Respondent when the non-disciplinary record option is elected by the Complainant
- Removed requirements that a Charged Student must not be a graduate student and that the Complainant must not believe the allegation warrants suspension or expulsion before electing to pursue the non-disciplinary option
- Revised the Academic Misconduct Hearing Board makeup to include 50% faculty representatives with a minimum of two faculty and two student members
- Provided that the Academic Misconduct Hearing Board chair only votes in the event of a tie
- Provided that OSRR will provide the Academic Misconduct Hearing Board with all previous findings of “responsible” for the Charged Respondent during the determination of sanctions
- Added a requirement that if the Office of the General Counsel be provided a copy of any petition for certiorari filed
- Added a maximum suspension term of two calendar years from the finding of “responsible”
- Added a requirement that a Charged Respondent who is suspended must follow all applicable admission requirements prior to returning to the University
- Clarified that student files involving cases that do not result in suspension or expulsion will be expunged seven years after the final decision, records of cases that result in suspension or expulsion are maintained permanently, and statistical and database information may be kept permanently
- Provided that records of disciplinary actions shall be maintained by the Dean of Students Office
- Clarified that students found “not responsible” are considered not to have a disciplinary record for those charges, but the records will be maintained by the University in accordance with Florida Statutes and applicable record retention laws

- Provided that a permanent transcript notation will be placed on Charged Respondent's transcript indicating any period of disciplinary suspension
- Clarified requirements for future review of the regulation
- Minor editorial revisions for improved readability

**AUTHORITY TO AMEND THE REGULATION:** BOG Regulation 6.0105; §§ 1006.60 and 1006.62, Florida Statutes.

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:** Dallas Snider, Vice Provost

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AMENDMENT TO THE REGULATION OR CHALLENGE:** Jessica Whittle, Paralegal, Office of the General Counsel at [jwhittle@uwf.edu](mailto:jwhittle@uwf.edu) or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

**THE FULL TEXT OF THE REGULATION:** The full text of the proposed amendment to the regulation is attached below this Notice. The full text of the proposed amendment and existing regulation is also posted on UWF's website: <https://uwf.edu/offices/board-of-trustees/regulations/>



**Number:** UWF/REG 3.030  
**Title:** Student Code of Academic Conduct  
**Responsible**  
**Department:** Provost's Office

## I. General Statement:

The University of West Florida (~~“UWF” or the “University”~~) is dedicated to the highest principles and standards of academic integrity. An academic violation by a ~~student~~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 ~~student~~Students an opportunity to respond to allegations of ~~academic misconduct~~Academic Misconduct before a decision is rendered. This regulation ~~seeks to provide~~s faculty and ~~student~~Students with a ~~fair~~ process for addressing allegations of ~~academic misconduct~~Academic Misconduct.

Academic integrity is closely related to professional ethics and requires that ~~student~~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~~Academic Misconduct.

The University ~~of West Florida~~ President delegates ~~portions of the administrative functions~~administration of the Student Code of Academic Conduct (~~“Academic Code”~~) to the Provost, who delegates portions of the administration of the ~~Student Code of Academic Conduct~~Academic Code 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 Academic Code also refer to ~~their that~~individual's designee(s).

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

## II. University ~~of West Florida~~ Honor Code

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

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

### III. Definitions

Academic Misconduct – includes all violations outlined in Section IV of this regulation, including acts of dishonesty in any academically related matter and any knowing or intentional assistance, attempt to assist, planning to assist, or facilitate another Student to engage in an act of Academic Misconduct.

Academic Misconduct Committee – a committee consisting of ~~student~~Students, faculty, and Dean’s representatives to hear cases of student Academic Misconduct as outlined in the Academic Conduct Committee Charter. ~~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.~~

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~~Academic Code has been violated, and to determine applicable sanctions beyond grade-related sanctions. ~~The Academic Misconduct Hearing Board assigned to adjudicate a particular case must consist of at least 50 percent student representatives. 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.~~

Advisor – any support person, advocate, or legal representative that the Student chooses at their own expense and initiative to advise the Student before, during, or after a hearing.

Charged ~~Student-Respondent~~ – any ~~s~~Student alleged to have violated the ~~Student Code of Academic Conduct~~Academic Code who has been issued a written charge notification letter by the ~~Dean of Students Office~~.

Charging Party~~Complainant~~ – ~~the individual(s)~~any person who alleges-alleging that the ~~a~~ Student violated this ~~Code of Academic Conduct~~Academic Code has been violated. The ~~charging party~~ Complainant must be a ~~f~~Faculty ~~m~~Member, ~~department chair~~Department Chair, college dean, or the Provost.

~~Dean of Students~~ – the individual designated by the Provost with responsibility for facilitating the administration of the ~~Student Code of Academic Conduct~~.

Dean of Students Office – the department designated by the ~~Provost~~University with responsibility for ~~facilitating the administration of~~administering portions of the ~~Student Code of Academic Conduct~~Academic Code. ~~The Office of Students Rights and Responsibilities (OSRR) is included within the Dean of Students Office.~~

Department Chair – the head of an academic department who typically reports to a Dean of an academic college. For purposes of this ~~code~~Academic Code, the term “~~department chair~~Department Chair” may include program directors.

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.~~

Good Standing – a conduct status describing a Student who is not on conduct-related probation or suspension and does not have pending, incomplete, or overdue misconduct sanctions.

May – the term “may” is used in the permissive sense.

~~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.

Office of Student Rights and Responsibilities (“OSRR”) – a unit within the Dean of Students Office.

Shall – the term “shall” is used in the imperative sense.

Student – includes all persons enrolled at ~~the University of West Florida~~UWF, 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 who have been suspended from UWF and do not require readmission to the University, and sStudents admitted but not yet enrolled at the University.

~~University~~ — means all locations of the University of West Florida including the on-line campus.  
~~University Official~~ — includes any person employed by the University performing assigned administrative or professional responsibilities.

~~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.

#### IV. ~~Violations of the Student Code of Academic Conduct~~Academic Code

Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional assistance, attempt to assist, planning to assist, or facilitateion of another ~~student~~Student to engage in an act of ~~academic misconduct~~Academic Misconduct. Academic ~~m~~Misconduct 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:

- A. Cheating -- Using or attempting to use material or information where such use is not expressly permitted by the ~~instructor~~Faculty Member on. ~~Some examples include but are not limited to: Exams, or quizzes, Homework/Assignments, homework, essays, Discussion board posts, and Lab activities or reports, or other assignments.~~
- B. Academic Theft -- Obtaining examinations, quizzes, or other academic materials without authorization.
- C. Plagiarism -- ~~Mis~~Representing ~~the~~ words, data, works, ideas, computer programming or output, or any other material as one's own when the material was not self-generated ~~as one's own~~. Some examples of plagiarism include, but are not limited to, ~~C~~opying phrases, sentences, sections, paragraphs or graphics from a source and not giving credit by properly quoting or citing the source~~;~~; ~~H~~having another person or source write an assignment (for pay or for free) and submitting it as one's own~~;~~; or ~~M~~modifying or paraphrasing another's ideas or writings and submitting them as one's own.
- D. Resubmission of Work -- Resubmitting a paper, assignment, or portion thereof that the ~~student~~Student originally created for another assignment or course constitutes ~~academic misconduct~~Academic Misconduct unless: ~~B~~oth ~~instructors~~Faculty Members in concurrent courses expressly agree to accept the same work; or ~~A~~n ~~instructor~~Faculty Member expressly agrees to accept previously submitted work.
- E. Fabrication -- Presenting, as genuine, any invented, falsified, or inaccurate 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~~Faculty Member or the University so as to affect a grade, a ~~student~~Student's academic performance, or to gain admission to a program or course. Some examples of misrepresentation include, but are not limited to, ~~S~~submission of falsified documentation to justify the absence of ~~r~~ unsubmitted work ~~;~~ or ~~C~~circumventing or failing to utilize required online proctoring software.
- H. Facilitation -- Knowingly contributing to, 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.
- I. Any violation of professional standards or ethics as defined by the academic program.

## V. Procedures for Determining Charges

- ~~A.~~ If the ~~charging party~~Complainant believes that a violation has been committed by a ~~student~~Student, the ~~charging party~~Complainant must complete the online Academic

Misconduct Incident Report (“online report”) available at: [uwf.edu/academicmisconductreport](http://uwf.edu/academicmisconductreport), which will automatically be sent to OSRR.

~~B.~~

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

~~D.~~ 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.

~~E.~~

~~F.B.~~ If, at any time during the ~~Student Code of Academic Conduct~~ Academic Code process, the ~~charging party~~ Complainant determines that either the charges are not warranted or that insufficient evidence exists to continue, the ~~charging party~~ Complainant will inform ~~the Office of Student Rights and Responsibilities~~ OSRR to withdraw the charges. ~~The Office of Student Rights and Responsibilities~~ OSRR will concurrently notify the ~~charged student~~ Charged Respondent and ~~charging party~~ Complainant of the withdrawal.

~~G.C.~~ If an individual other than a ~~faculty member~~ Faculty Member (~~student~~ Student, ~~University official,~~ ~~other instructor~~) believes that a violation of the ~~Student Code of Academic Conduct~~ Academic Code may have occurred, that individual should report the suspected violation to the applicable ~~faculty member~~ Faculty Member, ~~department chair~~ Department Chair, college Dean, or the Office of the Provost.

## VI. Academic Misconduct Educational Conference

### A. Purpose

The purpose of the ~~Academic Misconduct~~ Educational ~~E~~conference is for the ~~charging party~~ Complainant to review information and options with the ~~charged student~~ Charged Respondent. The ~~Academic Misconduct E~~educational ~~E~~conference is not a hearing.

### B. Notice of Charges

Once the ~~charging party~~ Complainant has completed the online ~~Academic Misconduct Incident R~~report, ~~the Office of Student Rights and Responsibilities~~ OSRR shall:

1. Notify the ~~charged student~~ Charged Respondent and ~~charging party~~ Complainant via email of the allegations and charge(s).
2. Notify the ~~charged student~~ Charged Respondent and ~~charging party~~ Complainant via email that the next step in the process is for the ~~student~~ Student to attend an ~~Academic Misconduct E~~educational ~~E~~conference to be scheduled by the ~~charging party~~ Complainant.



3. Generate the ~~Academic Misconduct Educational Conference~~ Form to be presented to the ~~charged student~~ Charged Respondent during the ~~Academic Misconduct Educational Conference~~ by the ~~charging party~~ Complainant.

3.4. Review the Charged Respondent's rights and answer any questions the Charged Respondent has about the process.

### C. Process

The ~~charging party~~ Complainant will schedule the Educational Conference with the ~~charged student~~ Charged Respondent to review the ~~Academic Misconduct Educational Conference~~ Form. During the ~~Educational Conference~~, the ~~charging party~~ Complainant shall:

1. Provide the ~~charged student~~ Charged Respondent with a copy of the ~~Academic Misconduct Educational Conference~~ Form;
2. Review the ~~charged student~~ Charged Respondent's rights;
3. Describe the allegations;
4. Review the supporting information that led the ~~charging party~~ Complainant to conclude that a violation has more likely than not been committed;
5. Provide the ~~charged student~~ Charged Respondent with an ~~option~~ opportunity to respond to the allegations, ~~if the student wishes to~~. The ~~student~~ Charged Respondent ~~can also~~ may take up to five ~~(5)~~ business days before choosing whether or not to accept responsibility;
6. Answer questions regarding the ~~Student Code of Academic Conduct~~ Academic Code; and
7. Explain the proposed sanctions to the ~~charged student~~ Charged Respondent.

### D. Non-Disciplinary Record Option

1. Using the non-disciplinary record option, there is no disciplinary record created for a Charged Respondent who is found responsible for Academic Misconduct. A responsible Charged Respondent may not be suspended or expelled.

1.2. The ~~charging party~~ Complainant may, at their discretion, allow the ~~charged student~~ Charged Respondent's conduct not to result in a disciplinary record. This option



may only be used once during the ~~charged student~~Charged Respondent's academic career.

2.3.In order for the ~~charging party~~Complainant to utilize the non-disciplinary record option, the following criteria must be met:

a. The ~~charged student~~Charged Respondent must not have been previously found “responsible” for violating the ~~Student Code of Academic Conduct~~Academic Code (to be confirmed by ~~the OSRR~~); and

~~b.~~—The ~~charged student~~Charged Respondent must not have any unresolved allegations of violating the ~~Student Code of Academic Conduct~~Academic Code (to be confirmed by ~~the OSRR~~).

b.

~~The charged student must not be a graduate student alleged to have engaged in academic misconduct on a thesis or dissertation; and~~

~~The charging party must not believe that the allegation warrants suspension or expulsion from the University.~~

#### E. Non-Hearing Resolution Option

1. Allegations of ~~Student Code of Academic Conduct~~Academic Code violations may be resolved without a hearing through an ~~Academic Misconduct E~~educational ~~C~~onference ~~R~~esolution if all of the following conditions exist:

a. The ~~charged student~~Charged Respondent must participate in the ~~Academic Misconduct E~~educational ~~C~~onference; and

b. The ~~charged student~~Charged Respondent must not be a graduate level studentStudent alleged to have engaged in ~~academic misconduct~~Academic Misconduct on a thesis or dissertation; and

c. The ~~charged student~~Charged Respondent must sign and complete the “~~Charged Student~~charged respondent ~~O~~ptions and ~~S~~signature” section of the ~~Academic Misconduct E~~educational ~~C~~onference ~~F~~orm indicating that the ~~student~~Student:

i. Accepts responsibility for the charge; and

ii. Accepts the sanctions; and

iii. Waives the right to a hearing; and

- d. The ~~charged student~~Charged Respondent must return the completed ~~Academic Misconduct Educational Conference Form~~ to the ~~charging party~~Complainant within five ~~(5)~~ business days from the date of the ~~Academic Misconduct Educational Conference~~; ~~and~~
  - e. The ~~charging party~~Complainant does not believe that the allegations warrant suspension from the University, program removal, or expulsion from the University; and
  - f. The ~~charging party~~Complainant signs and completes the “~~Charging Party Options and Signature~~” section of the ~~Academic Misconduct Educational Conference Form~~ indicating that the ~~charging party~~Complainant does not request a hearing resolution.
2. ~~The Office of Student Rights and Responsibilities OSRR~~ will send a notification letter via email concurrently to the ~~charged student~~Charged Respondent and ~~charging party~~Complainant documenting that the ~~charged student~~Charged Respondent has accepted responsibility for ~~both~~ the charges, ~~and~~ accepts the sanctions, and that neither the ~~charged student~~Charged Respondent nor the ~~charging party~~Complainant requests a hearing resolution. ~~The Office of Student Rights and Responsibilities OSRR~~ shall send this notification within ten ~~(10)~~ business days of receipt of the signed and completed ~~Academic Misconduct Educational Conference Form~~.

#### F. Hearing Resolution Option

1. Allegations of ~~violating the Student Code of Academic Conduct~~Academic Code violations may be resolved through an Academic Misconduct Committee ~~H~~earing. ~~If~~ if any of the following conditions exist, ~~the matter will be resolved through an Academic Misconduct Committee Hearing~~:
  - a. The ~~charged student~~Charged Respondent does not participate in the ~~Academic Misconduct Educational Conference~~; ~~or~~
  - b. The ~~charged student~~Charged Respondent is a graduate ~~level student~~Student alleged to have engaged in ~~academic misconduct~~Academic Misconduct on a thesis or dissertation; ~~or~~
  - c. The ~~charged student~~Charged Respondent signs and completes the “~~Charged Student charged respondent Options and Signature~~” section of the ~~Academic Misconduct Educational Conference Form~~ indicating that the ~~student~~Charged Respondent does not accept responsibility for the charges, ~~or~~ does not accept the sanctions, or ~~that the student~~ requests a hearing resolution; ~~or~~

- d. The ~~charged student~~Charged Respondent did not complete or sign the ~~Academic Misconduct Educational Conference~~ form at the ~~Educational Conference~~; or
  - e. The ~~charging party~~Complainant signs and completes the “~~C~~charging Pparty ~~O~~ptions and Ssignature” section of the ~~Academic Misconduct Educational Conference~~ Fform indicating that the ~~student~~Charged Respondent requests a hearing resolution; or
  - f. The ~~charging party~~Complainant believes that the allegations warrant suspension or expulsion from the University.
2. ~~The Office of Student Rights and Responsibilities~~OSRR will send a notification letter concurrently to the ~~charged student~~Charged Respondent and ~~charging party~~Complainant stating that the matter will be resolved through an Academic Misconduct Committee ~~H~~earing. ~~The Office of Student Rights and Responsibilities~~OSRR shall send this notification within ten ~~(10)~~ business days of receipt of the ~~Academic Misconduct Educational Conference~~ Fform. ~~The Office of Student Rights and Responsibilities~~OSRR will schedule an Academic Misconduct ~~H~~earing providing the ~~charged student~~Charged Respondent with a minimum of five ~~(5)~~ business days’ notice before the hearing.

## VII. Academic Misconduct Hearing

The ~~charged student~~Charged Respondent has the right to have their case heard before the Academic Misconduct Hearing Board. The ~~Academic Misconduct~~ Hearing Board must be composed of ~~at least 50~~ percent ~~student~~Student representatives and 50 percent faculty representatives to include at least two faculty and two student members. The Academic Misconduct ~~H~~earing 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~~Academic Misconduct Hearing Board proceedings.

### A. ~~Charged Student~~Charged Respondent Hearing Notification

~~The Office of Student Rights and Responsibilities~~OSRR will notify the ~~charged student~~Charged Respondent 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~~Charged Respondent of their ~~student’s~~ rights in the ~~Student Code of Academic Conduct~~Academic Misconduct hearing process. If the time or date of the ~~H~~earing is not convenient to the ~~charged student~~Charged Respondent, the ~~charged student~~Charged Respondent must submit to OSRR 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.

### B. ~~Charging Party~~Complainant Notification

~~The Office of Student Rights and Responsibilities OSRR~~ will notify the ~~charging party~~Complainant via email of the date, time, and location of the hearing no fewer than five ~~(5)~~ business days in advance of the hearing.

### C. Pre-Hearing Information

The ~~charged student~~Charged Respondent and ~~charging party~~Complainant must provide ~~the Office of Student Rights and Responsibilities OSRR~~ with a list of potential witnesses and copies of any records that the ~~student~~Charged Respondent will present at the hearing at least ~~three (3)~~two business days in advance of the hearing. ~~The Office of Student Rights and Responsibilities OSRR~~ will make available, upon request, ~~by~~of the ~~charged student~~Charged Respondent or ~~charging party~~Complainant, 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)~~two business days in advance of the hearing at the ~~Office of Student Rights and Responsibilities OSRR office~~.

### D. ~~Charged Student~~Charged Respondent Participation

If the ~~charged student~~Charged Respondent fails to appear, the hearing will proceed in the ~~charged student~~Charged Respondent's absence.

### E. ~~Charging Party~~Complainant Participation

If the ~~charging party~~Complainant fails to appear, the hearing will proceed in the ~~charging party~~Complainant's absence unless the ~~charged student~~Charged Respondent objects.

### F. ~~Charged Student~~Charged Respondent's Advisor

A ~~charged student~~Charged Respondent is entitled to have any one person at the hearing to serve as an ~~advisor~~Advisor. The ~~charged student~~Charged Respondent may consult with an ~~advisor~~Advisor during the hearing process. However, this consultation must take place in a manner that does not disrupt the proceedings. The ~~advisor~~Advisor may not address any person in the hearing except the ~~student~~Charged Respondent and, therefore, cannot speak on behalf of the ~~student~~Charged Respondent, question witnesses, or serve as a witness.

The name and role of the ~~advisor~~Advisor must be provided to ~~the Office of Student Rights and Responsibilities OSRR~~ in writing at least three ~~(3)~~ business days prior to the scheduled ~~meeting~~/hearing. If the ~~advisor~~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 ~~attend~~be present at the meeting/hearing.

### G. Student Advocate

A ~~student~~student advocate is an individual appointed by the ~~Student Government Association~~SGA President. The ~~student~~student advocate is available upon request to assist ~~student~~Charged Respondents with information regarding ~~U~~niversity policies, the ~~Student Code of Academic Conduct~~Academic Code, disciplinary procedures, and the appeal process.

## H. Closed Hearings

~~Student Code of Academic Conduct~~Academic Code ~~H~~hearings are closed to the public and only the ~~charged student~~Charged Respondent, ~~charging party~~Complainant, ~~and the charged student~~Charged Respondent's ~~advisor~~Advisor, ~~the University's attorney~~, the Academic Misconduct Hearing Board, and ~~necessary staff from the~~ Dean of Students Office may attend ~~if applicable~~. Witnesses may not be present in the proceedings except to provide information to the panel.

### H.I. Role of the Academic Misconduct Hearing Board Chair

The Academic Misconduct Hearing Board ~~C~~chair will preside over the hearing, manage order and decorum of the hearing, and will ensure that the hearing procedures are followed. ~~At the student's discretion,~~ The Academic Misconduct Hearing Board Cchair may:

- i. Accept information for consideration;
- ii. Make determinations regarding requests for postponements;
- iii. Make determinations as to procedural questions;
- ~~iii.~~iv. 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;
- ~~iv.~~v. Exclude repetitious or irrelevant information;
- ~~v.~~vi. Dismiss any person who is disorderly, disruptive, or non-compliant; and
- ~~vi.~~vii. Take any other appropriate action deemed necessary.

### H.J. Self-Incriminating Statements

The ~~charged student~~Charged Respondent will not be compelled to make self-incriminating statements. The failure of the ~~charged student~~Charged Respondent 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~~Charged Respondent is responsible for violating the ~~Student Code of Academic Conduct~~Academic Code.

#### J.K. Information

The ~~charging party~~Complainant and the ~~charged student~~Charged Respondent 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 as indicated in paragraph C of this section. The ~~charged student~~Charged Respondent and ~~charging party~~Complainant will also be given an opportunity at the hearing to inspect records provided by the other party.

#### K.L. Witnesses

The ~~charging party~~Complainant and the ~~charged student~~Charged Respondent 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 ~~C~~chair. If a witness cannot appear, the ~~student~~Charged Respondent may submit a written statement for consideration as long as the witness's signature is notarized. Witnesses may be permitted to provide information by other means at the discretion of the Academic Misconduct 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 ~~C~~chair.

#### L.M. Past Behavior

A ~~charged student~~Charged Respondent's past ~~academic misconduct~~Academic Misconduct shall be excluded from the hearing. A ~~charged student~~Charged Respondent's past ~~academic misconduct~~Academic Misconduct may only be presented after a finding of responsibility has been determined and only for the purpose of determining sanctions.

#### M.N. Audio Recording of Hearing

Academic Misconduct Hearing Board Hhearings 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~~Charged Respondent's disciplinary record. The ~~charged student~~Charged Respondent may submit a written request to review the audio recording after the ~~student~~Charged Respondent receives the hearing decision letter.

#### N.O. Standard of Proof

The burden to prove ~~academic misconduct~~Academic Misconduct cases rests with the ~~charging party~~Complainant and not with the ~~charged student~~Charged Respondent. 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.

#### O.P. Multiple Students Charged



In cases involving multiple ~~student~~Students charged from the same incident, ~~charged student~~Charged Respondents 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~~Charged Respondent involved has the opportunity to review and respond to the information at their ~~own~~student's hearing.

#### P.Q. Deliberations

The decision-making process shall include only the Academic Misconduct Hearing Board members and staff members from the Dean of Students Office as appropriate for consultation purposes. The deliberation process is closed to all others.

#### Q.R. Determination of Responsibility

The Academic Misconduct Hearing ~~b~~Board (~~by majority vote~~) shall determine whether the ~~charged student~~Charged Respondent has violated the ~~Student Code of Academic Conduct~~Academic Code by a majority vote. A finding of “responsible” or “not responsible” shall be made for each charge. If the vote results in a tie, the Academic Misconduct Hearing Board chair will break the tie. The chair only votes in the event of a tie.

#### R.S. Determination of Sanctions

~~The Academic Misconduct Hearing Board will, in consultation with the Office of Student Rights and Responsibilities, determine sanctions i~~In those cases where the charged studentCharged Respondent is found responsible for violating the ~~Student Code of Academic Conduct~~Academic Code, the Complainant will, in consultation with OSRR, ~~determine grade sanctions. The Academic Misconduct Hearing Board will, in consultation with OSRR, determine any additional sanctions. OSRR shall provide the Academic Misconduct Hearing Board with all previous findings of “responsible” for the Charged Respondent.-~~

#### S.T. Hearing Decision Notification

A written decision letter ~~from the Office of Student Rights and Responsibilities~~ will be provided to the ~~charged student~~Charged Respondent and ~~charging party~~Complainant by OSRR via email within ten ~~(10)~~ 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.

#### T.U. Accommodations for Disabilities



Any ~~student~~Student with a disability may request reasonable accommodations ~~during for~~ the ~~disciplinary hearing~~ process. If accommodations are desired, ~~this~~a request must be made to the Student Accessibility Resources (SAR) office at least three ~~(3)~~ business days in advance of the hearing. ~~The A charging party~~Complainant may request accommodations from the ADA Coordinator at least three business days in advance of the hearing. If necessary, the Academic Misconduct Committee Board may postpone ~~the a~~ hearing to provide reasonable accommodations.

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

The ~~student~~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~~Student shall remain eligible to attend classes and University activities pending the decision on the appeal to the Provost's Office except in cases where the ~~sanction(s) determined by the Hearing Board include either Suspension or Expulsion, in which case the student's privileges at the University, including the ability to attend classes and engage in University activities, may be revoked. alleged behavior may pose a continued threat of harm to either a member of the University community, a University partner or a member of their community, or the reputation of the University.~~ If the ~~student~~Charged -Respondent fails to submit an appeal to the Office of the Provost within ten ~~(10)~~ business days of the date of the hearing decision notification letter, the Academic Misconduct Hearing Board's decision will be final.

If an appeal is submitted, tThe Provost will review the appeal. Grounds for the appeal are limited to the following:

- A. The ~~student~~Student's rights, as outlined in this regulation, were violated in the hearing process;
- B. New information is discovered that was not available at the time of the hearing;
- C. The information presented does not support the decision; or
- D. The sanctions imposed were not appropriate for the violation.

If an appeal is decided in favor of the ~~student~~Charged Respondent, the Provost may take any action deemed appropriate; including, but not limited to, modifying the decision, modifying -and/or sanctions, remanding the case to the same Academic Misconduct Hearing Board for reconsideration, or remanding the case to a different Academic Misconduct Hearing Board for a new hearing. If an appeal is not decided in favor of the ~~student~~Charged Respondent, the matter is considered final.

A copy of the Provost's decision shall be forwarded to the ~~student~~Student and to ~~the Office of Student Rights and Responsibilities~~OSRR. OSRR is responsible for filling and ~~for~~ distribution to the appropriate parties.

If the final decision is a sanction of suspension or expulsion, a ~~charged student~~ Charged Respondent may seek judicial review of the final decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), which is 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 decision ~~of the University~~. If the ~~student~~ Charged Respondent seeks review with the court, the ~~student~~ Charged Respondent must also provide a copy of the petition for certiorari review to the Office of the Provost, University of West Florida, Bldg. 10, 11000 University Parkway, Pensacola FL 32514, and the Office of the General Counsel, University of West Florida, Bldg. 10, 11000 University Parkway, Pensacola FL 32514.

## IX Sanctions

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

- A. Expulsion -- A ~~student~~ Charged Respondent who is expelled is permanently deprived of the privilege to continue at the University in any capacity. A ~~student~~ Charged Respondent expelled for a violation of the ~~Student Code of Academic Conduct~~ Academic Code may not visit or come onto any UWF campus without specific written permission of the Provost. Expelled ~~student~~ Students are not in ~~good standing~~ Good Standing.
- B. Suspension -- A ~~student~~ Charged Respondent who is suspended is required to leave the University for a specified period of time not to exceed two calendar years from the finding of "responsible." The ~~student~~ Charged Respondent must comply with all sanctions and complete all requirements prior to re-admission. A ~~student~~ Charged Respondent suspended for a violation of the ~~Student Code of Academic Conduct~~ Academic Code may not visit or come onto any UWF campus without specific written permission of the Provost. A Charged Respondent who is suspended must follow all applicable admission requirements prior to returning to the University. Students are not in ~~good standing~~ Good Standing while serving a suspension.
- C. Program Dismissal -- The ~~student~~ Charged Respondent shall be dismissed from a University academic program.
- D. Denial of Admission, Re-admission, or Further Registration -- Any future admission, re-admission, or further registration by the ~~student~~ Charged Respondent shall be denied by the University.
- E. Withhold Degree -- The University may withhold issuance ~~ofing~~ 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~~Academic Code, including the completion of all imposed sanctions.

- F. Reduction of Assignment Grade -- The ~~student~~Charged Respondent shall receive a grade reduction for a course assignment.
- G. Zero on the Assignment -- The ~~student~~Charged Respondent shall receive a grade of zero for a course assignment.
- H. Reduction of Course Grade -- The ~~student~~Charged Respondent shall receive a grade reduction for a course.
- I. "F" in the Course -- The ~~student~~Charged Respondent shall receive a grade of "F" for the course.
- J. Disciplinary Probation -- A written disciplinary sanction notifying a ~~student~~Charged Respondent that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more serious sanctions.
- K. Education Assignment -- A ~~student~~Charged Respondent 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.
- L. Academic Integrity Module -- The Academic Integrity Module is an educational program with an assessment. The ~~student~~Charged Respondent is required to achieve a score of 80% percent in order to successfully complete the module. If the ~~student~~Charged Respondent does not successfully complete the Academic Integrity Module, a Hold shall be placed on the ~~student~~Charged Respondent's records and/or registration until the ~~student~~Charged Respondent successfully completes the Academic Integrity Module.
- M. Any other sanction permitted by law.

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

### **A. Course Withdrawal**

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

### **B. Student Withdrawal**

If a ~~charged student~~Charged Respondent withdraws from the University with pending or unresolved ~~academic misconduct~~Academic Misconduct charges, the ~~Student Code of Academic Conduct~~Academic Code process will continue with or without the ~~student~~Charged Respondent's participation.

#### C. Grade Forgiveness

~~The UWF~~Grade F forgiveness, as provided in UWF Policy AC-34, Undergraduate Student Progress to Degree, as it may be amended, may not be applied to a course in which a ~~student~~Charged Respondent has been found responsible for a violation of the ~~Student Code of Academic Conduct~~Academic Code resulting in a sanction of "F" in the course.

#### D. Student Status

The ~~charged student~~Charged Respondent's permanent status on campus will remain unchanged pending the final decision of the hearing process and ~~or~~ any appeal.

#### E. Student Standing

A ~~charged student~~Charged Respondent who has been found responsible for ~~academic misconduct~~Academic Misconduct will not be in ~~good standing~~Good Standing and will remain out of ~~good standing~~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~~OSRR.

#### F. Holds

The University may place a hold on the records or registration of any ~~student~~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 a student~~Student's enrollment in a subsequent semester, transfer, or graduation. All pending ~~academic misconduct~~Academic Misconduct matters must be resolved prior to the release of a ~~student~~Student's transcript, a ~~student~~Student's graduation, or transfer from the University ~~of West Florida~~.

### **XI. Records**

A. A ~~Charged Student~~Charged Respondent found "responsible" for violating the ~~Student Code of Academic Conduct~~Academic Code is considered to have an ~~academic misconduct~~Academic Misconduct disciplinary record.

B. A ~~Charged Student~~Charged Respondent found "not responsible" for violating the ~~Student Code of Academic Conduct~~Academic Code is considered not to have an ~~academic misconduct~~Academic Misconduct disciplinary record.

- C. A ~~Charged Student~~Charged Respondent with unresolved allegations of violating the ~~Student Code of Academic Conduct~~Academic Code is considered not to have an ~~academic misconduct~~Academic Misconduct disciplinary record, ~~for as relates to that the unresolved case.~~
- D. A ~~Student Charged Respondent~~ who was charged with violating the ~~Student Code of Academic Conduct~~Academic Code where the ~~charging party~~Complainant has withdrawn all charges is considered not to have an ~~academic misconduct~~Academic Misconduct disciplinary record, ~~for that case as relates to the withdrawn case.~~
- E. A ~~Charged Student~~Charged Respondent found “responsible” for violating the ~~Student Code of Academic Conduct~~Academic Code where the ~~charging party~~Complainant has utilized the non-disciplinary record option is considered not to have an ~~academic misconduct~~Academic Misconduct disciplinary record as relates to the case where the non-disciplinary record option is utilized, for that case.
- ~~F. A Charged Student found “responsible” for violating the Student Code of Academic Conduct that does not result in a suspension or expulsion shall have their records expunged seven years after the date of the final decision. Records of cases that result in suspensions or expulsions are retained permanently.~~
- ~~G. Statistical and database information may be retained permanently by the University.~~
- F. Records of disciplinary actions shall be maintained by the Dean of Students Office.
- G. Student files involving cases 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.
- H. Students found “not responsible” for a charge or charges or against whom charges have been withdrawn are considered not to have a disciplinary record for those charges. However, the records will be maintained by the University will be maintained by the University in accordance with Section 1002.225, Florida Statutes, and with applicable State record retention laws.
- I. Transcript Notations
1. A ~~temporary permanent~~ notation shall be placed on the ~~student’s~~Charged Respondent’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~~ indicating any period of disciplinary suspension.

2. A permanent notation shall be placed on the ~~student's~~ Charged Respondent's transcript ~~for a student who is found responsible for a violation with a resulting sanction~~ indicating an expulsion.

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

~~The University Academic Misconduct~~ This regulation shall be reviewed every five years or at the request of the Provost, Dean of Students, or Faculty Senate President. Reviews will be conducted under the direction of the Provost by the Dean of Students and Academic Council of Faculty Senate, which includes a student representative. Additional student representatives, members of the Academic Misconduct Committee, representatives from the Dean of Students Office, and representatives from the Provost's Office may be invited to participate in discussions at the review meetings. A copy of the proposed changes will be shared with the UWF Student Government Association (SGA) so they can provide the SGA representative on Academic Council with comments. ~~regulation shall be reviewed every three years under the direction of the Provost, by a committee composed of at least 50 percent students.~~

**Effective Date:** [date]

**Authority:** BOG Regulation 6.0105  
Sections 1006.60 and 1006.62, Florida Statutes

**History:** Adopted August 2007; amended September 2009, June 2012, September 2012, June 2017, March 2017, June 2021, and [date]

**Last review:** [date]