

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

REGULATION TITLE: UWF/REG- 3.030 Academic Misconduct

SUMMARY: The proposed amendments to UWF Regulation 3.030 make changes to the section of the regulation governing the constitution of the Academic Misconduct Committee resulting from the reorganization of UWF's three colleges into four colleges, including changing the names of the colleges and increasing the number of Academic Misconduct Committee members from 15 to 20.

The proposed amendments also add to the groups of students who are ineligible for informal resolution of current academic misconduct charges, students with pending allegations of a prior instance of academic misconduct.

AUTHORITY: BOG Regulation 6.0105; §§ 1006.60(4), 1006.62 F.S.,

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Dr. Kevin Bailey, Vice President, Student Affairs.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Anita Schonberger, Deputy General Counsel, 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 May 22, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 8, 2014; **THIS NOTICE WAS ALSO POSTED ON ARGUS TODAY ON** May 8, 2014.

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

UNIVERSITY OF WEST FLORIDA UNIVERSITY REGULATIONS

UWF/REG 3.030 Academic Misconduct 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.

I. Academic Misconduct.

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 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:

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.

II. Academic Misconduct Process

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:

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.

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 ~~15~~ 20 members. From each of the University's ~~three~~ 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 20~~12~~14, in the following order: College of Business; College of Arts Humanities and Social Sciences and College of Science, Engineering and Health; and ~~and Sciences~~, College of Education and Professional Studies, ~~College of Business~~. The Deans' representatives shall be appointed in a three (3) year, staggered rotation, beginning in August 20~~12~~14, in the following order: College of Arts, Humanities and Social Sciences and College of Science, Engineering and Health; College of Education and ~~of~~ Professional Studies, and College of Business, ~~College of Arts and Sciences~~.

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

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

- A. the 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 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.

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.

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.

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. 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

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.
