

**UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION
UWF/REG 3.030 Academic Misconduct**

REGULATION TITLE: UWF/REG-3.030 Academic Misconduct

PURPOSE AND EFFECT: The purpose and effect of the amendment is to add a provision which allows faculty some discretion in terms of creating a judicial record for students who have acknowledged academic misconduct and to clarify existing language.

SUMMARY: The current academic misconduct regulation requires professors to report instances of academic misconduct to the Dean of Students regardless of the severity of the misconduct, resulting in a judicial record for each such student reported. The proposed amendment to this regulation would provide professors the discretion to offer some students an option regarding their judicial record. Professors would still be required to report instances of academic misconduct to the Dean of Students, but the proposed language allows professors to offer students who acknowledge their conduct, for whom the offense is their first offense, and who agree to complete a training program, the option of not having a judicial record.

AUTHORITY: Florida Board of Governors Resolution dated January 7, 2003; Florida Board of Governors Regulation Development Procedure; Florida Board of Governors' Regulation 6.0105 Student Conduct and Discipline; Florida Statute 1006.60; Florida Statute 1006.62.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Dr. Dr. Jim R. Hurd, Associate Vice President for Student Affairs.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Assistant General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 128; 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 13th, 2009 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:
April 29, 2009

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

**University of West Florida Regulation
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/~~rule~~ seeks to provide faculty and students with a fair process for ~~adjudicating~~ 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 ~~m~~Misconduct.

Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional assistance, attempt to assist, or ~~conspiracy~~ planning to assist another student to ~~commit~~ 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.~~ **A. Cheating** — Using or attempting to use or providing another's exam or quiz answers or using or attempting to use another's material or information where such use is not expressly permitted by the instructor. ~~Cheating also includes submitting work that is substantially similar to work submitted in a previous or concurrent class, except where expressly permitted by the instructor(s).~~
- ~~2.~~ **B. Academic theft** — Obtaining examinations, quizzes, or other academic materials without authorization.
- ~~3.~~ **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:
 - ~~a.~~ **1.** Copying phrases, sentences, sections, paragraphs or graphics from a source and not giving credit by citing the source.
 - ~~b.~~ **2.** Having another person write an assignment (for pay or for free) and submitting it as one's own.
 - ~~c.~~ **3.** Modifying or paraphrasing another's ideas or writings and submitting them as one's own.
 - ~~d.~~

For further clarification of plagiarism, see the UWF library tutorial at:

<http://library.uwf.edu/Tutorials/moduleplagiarism/default.htm>

D. Resubmission of Work – Resubmitting a paper, assignment, or portion thereof that was originally created for another 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 work completed during a previous semester.

- 4.E. Fabrication** – Presenting, as genuine, any invented or falsified citation or material.
- 5.F. Bribery** - The offering, giving, receiving or soliciting of anything of value to influence a grade or other academic evaluation.
- 6.G. Misrepresentation**—Any act or omission taken with intent to deceive an instructor or the University so as to affect a grade or gain admission to a program or course.
- 7.H. Facilitating Academic Dishonesty** - Knowingly contributing to another's violation of the University's regulation/rule on academic misconduct or planning with others to commit academic misconduct.
- 8.I. Violation of professional standards or ethics as defined by the academic program.**

II. Resolution by the Instructor Academic Misconduct Process

Once an instructor suspects a violation, the instructor shall conduct a preliminary investigation and determine whether a violation is likely to have been committed.

- A.** If the instructor ~~concludes finds~~ that there is not sufficient information to conclude that it is more likely than not that this regulation was violated, then no further action is required and no record is created. ~~evidence that a violation has likely been committed, there shall be no record of the event in the student's file.~~
- B.** If the instructor concludes that a violation has likely been committed, the instructor must initiate an Academic Misconduct Procedure form and contact the Dean of Students Office to ascertain whether the student has a history of previous academic violations.
1. If the student has a history of previous violations, or if the instructor believes the ~~offense student's conduct~~ may warrant suspension or dismissal from the University, the following steps shall be taken:
 - a. the instructor must forward the applicable Academic Misconduct Procedure Form, including charges and suggested sanction(s), if any, to the Academic Misconduct Panel through the Dean of Students Office;
 - b. The Dean of Students Office shall notify the student of the charges; ~~and~~
 - c. The Dean of Students Office shall schedule a hearing. The hearing shall be scheduled at least no earlier than five business days after the notice of charges is received by the student; ~~unless an earlier hearing is requested in writing by the student;~~
 - d. The student's department chair and academic advisor shall be notified

of the charges by the Dean of Students Office;

e. The alleged academic misconduct will then be heard and decided by the Academic Misconduct Hearing Board as detailed below.

2. If the student has no record of previous academic misconduct and the instructor is not recommending suspension or dismissal from the University, the instructor shall meet with the student expeditiously to ~~review the following:~~

~~1.a. a description of describe~~ the charges against the student;

~~2.b. review with the student~~ the materials and information that led the instructor to conclude that a violation(s) has likely been committed; ~~and~~

~~c. an explanation of explain~~ any sanctions proposed by the instructor as a result of the likely violation(s); ~~and~~

~~a.d. The instructor shall advise~~ the student in writing that the student has five business days to review the information, and either accept responsibility for the violation and the sanction(s) and waive the right to a hearing (see "C" below), or not accept responsibility and request an hearing by the Academic Misconduct Hearing Panel (see "D" below).

III. Student Response

C. If the student accepts responsibility--If the student accepts responsibility for the misconduct and accepts the instructor's sanction(s), the process is completed and the instructor must either:

1. give a copy of the signed and completed Academic Misconduct Procedure Form to the student and send the original form to the Dean of Students Office for filing and for distribution to the appropriate dean(s);- or

2. offer the student the option to have his or her record of misconduct sealed (but not avoid sanction):

a. the instructor may, in his or her professional discretion, offer a student who accepts the instructor's sanction(s) the option of having the record of the sanction(s) sealed by the Dean of Student's Office upon the student's satisfactory completion of a comprehensive training program focusing on academic integrity.

b. The training option is available only once to a student during his or her UWF career. That training must be successfully completed, with passing scores on any embedded or cumulative assessments, within a 45 day period and may not be attempted more than twice in that 45 day period.

c. Should the instructor offer this option and the student accept this option, the choice will be noted on the Academic Misconduct Procedure Form and sent to the Dean of Students Office.

d. Notice of successful completion of the training will be sent to the Dean of Students Office, and the student's file will be annotated to state that the student does not have a record of academic misconduct.

However, the record will be maintained by the University in accordance with section 1002.22 Florida Statutes and with applicable state record

retention laws.

e. This record can be used for internal purposes to establish that a student has a history of academic misconduct in the event of subsequent infractions.

f. If subsequent infractions occur the record will no longer be considered sealed and student will be considered to have a record dating to the original infraction.

g. If the student does not accept the training option, or if the student does not complete the training successfully within 45 days, the student's file retained in the Dean of Students Office will state that he or she has a record of academic misconduct.

D. If the Student Does Not Accept Responsibility- If the student does not accept responsibility for the misconduct or the instructor's sanction(s), the following shall occur:

1. the instructor must give a copy of the signed and completed Academic Misconduct Procedure Form to the student; and
2. the instructor must send the original to the Academic Misconduct Panel through the Dean of Students Office, which shall schedule a hearing by the Hearing Boardpanel.
3. If the student fails to complete or sign the Academic Misconduct Procedure form and return it to the instructor within five business days, the instructor shall notify the Dean of Students Office. The Dean of Students Office shall schedule a n_hearing by the Academic Misconduct HearingPanel.

IV.III. Constitution of Academic Misconduct Hearing Panel

The Academic Misconduct Hearing pPanel shall consist of 152 members. From each of the University's three colleges there shall be: two undergraduate students, one graduate student, a faculty member and a representative of the dean. Student members shall be appointed by the Student Government Association. Faculty members shall be appointed by the Faculty Council in each College. The Deans' representatives shall be appointed by the dean of each college. Panel members shall serve for one year, except for the faculty members of the initial panel appointed, who shall serve three years.

A hearing panel board consisting of 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. Panel members shall serve for one year, except for the faculty members of the initial panel appointed, who shall serve for three years.

V.IV. Academic Misconduct Panel Hearing

- A. The charged student shall personally respond to the charges before the hHearing Boardpanel. If the student fails to appear for the hearing, the Hearing Boardpanel will proceed to a conclusion.
- B. The charged student has the right to have an advisor attend, but the advisor may not participate at the hearing except to advise the student.speak to the panel.
- C. The student may hear and, through the Academic Misconduct Hearing BoardPanel, question witnesses who are present at the hearing.

- D. The student and his or her advisor, if any, has~~ve~~ the right to inspect all of the information that will be presented against the student at least 3 business days before the Academic Misconduct ~~Hearing Panel hearing~~. The University also has the right to review any information the student intends to use at least 3 business days before the hearing.
- E. The student will not be compelled to make self-incriminating statements. Note however: ~~T~~he University is not required to postpone judicial proceedings pending the outcome of any criminal proceeding.
- F. The instructor in the course in which the alleged misconduct took place will have an opportunity to appear before the ~~Hearing Board panel~~. ~~In addition, t~~
- G. The ~~Hearing Board panel~~ shall seek a recommendation from the chair of the department in which the alleged misconduct took place.
- H. The ~~Hearing Board panel~~ may conduct further investigations, as necessary. The ~~H~~earing ~~Board panel~~ shall either:
 1. find that no violation has occurred, or
 2. find that a violation has occurred and impose a sanction(s).
- I. The written decision of the ~~Board panel~~ shall be forwarded to the student and the Dean of Students Office and a formal decision letter will be prepared and mailed to the student.
- J. The student may appeal the Hearing Board's decision by filing a written appeal with the Provost within five business days of the date the student received the ~~panel's Board's written~~ decision. If the student fails to appeal, the ~~H~~earing ~~Board's panel's~~ decision will be final.

VI.V. Appeal to the Provost

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

- A. the student's rights, as outlined in this regulation, were violated in the hearing process; ~~(b)~~
- B. new information is discovered that was not available at the time of the hearing;-
- C. ~~(c)~~ the information presented does not support the decision; or
- D. ~~(d)~~ the sanction(s) imposed were not appropriate for the violation.

If an appeal is decided in favor of the student, the matter may be returned to the Academic Misconduct ~~Hearing Board Panel~~. 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 Dean of Students Office for filing and for distribution to the appropriate dean(s).

VII.VI. Course Withdrawal and Forgiveness Policy

- 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 Regulation shall not be allowed to withdraw from the class in which the violation occurred.
- B. ~~Nor shall t~~The UWF grade forgiveness policy will not be applied to a course in which a student is found to have committed academic misconduct.

~~VIII.~~VII. **Sanctions**

The range of sanctions for any student found to ~~have committed~~ be responsible for academic misconduct includes reprimand, reduction of assignment or course grade, disciplinary warning, educational assignments~~requirements~~, 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.

IX.~~VIII.~~ **Records**

Records of academic misconduct will be maintained by the Dean of Students Office. Student files involving instances~~cases~~ 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 Regulation ~~or where such~~ ~~cases in which~~ charges are dropped are considered not to have a judicial 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~~will be placed on the student's transcript during any period of suspension.
- B. If a student is expelled, a permanent notation to that effect ~~shall~~will be placed on the student's transcript.

X. Review of the Academic Misconduct Regulation~~Policy~~

The University Academic Misconduct regulation/~~rule~~ shall be reviewed every three years under the direction of the Provost, beginning in 2009 or sooner if necessary, by a committee composed of at least 50 percent students ~~appointed by the Student Government Association~~.

Specific Authority 1006.60(4), 1006.62 F.S. New UWF/REG 3.030 Effective 8/27/07; Amended