THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION AMENDMENT

REGULATION TITLE: UWF/REG- 3.030 Academic Misconduct

SUMMARY: The proposed amendments to the UWF Regulation 3.030 were made to improve the user-friendliness of the Academic Misconduct Process so that faculty and students would find it easier to understand. Modifications were also made so that the processes in the Academic Misconduct Code and the Student Code of Conduct were more consistent. Clarifications were added to emphasize the difference between the informal and formal processes and to distinguish between disciplinary and non-disciplinary records. The proposed changes address faculty concerns regarding the code, clarify alternatives and provide for a more developmental and less punitive approach.

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 25, 2012 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 9, 2012; THIS NOTICE WAS ALSO POSTED ON ARGUS TODAY ON MAY 10, 2012.

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

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 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. 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 was 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 work completed during a previous semester 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 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 notify the student and schedule a hearing no 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;

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.

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 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.

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 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;
c. The Dean of Students Office shall schedule a hearing. The hearing shall be scheduled 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:

a. describe the charges against the student;

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

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

d. 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 Academic Misconduct Hearing (see “D” below).

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;

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 Board.

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 an Academic Misconduct Hearing.

III. Constitution of the Academic Misconduct Hearing-Panel Committee

The Academic Misconduct Hearing-Panel Committee shall consist of 15 members. From each of the University's three 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 2012, in the following order: College of Arts
and Sciences, College of Professional Studies, College of Business. The Deans’
representatives shall be appointed in a three (3) year, staggered rotation, beginning in
August 2012, in the following order: College of Professional Studies, College of Business.
College of Arts and Sciences. 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 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. A.
The charged student shall personally respond to the charges before the Hearing
Board. If the student fails to appear for the hearing, the Hearing Board will proceed
to a conclusion.

B2. Pre-hearing Information: the University will make available pre-hearing
information, including copies of records that will be presented by the instructor or
program director or designated representative of Academic Affairs and the Office of
Student Rights and Responsibilities at the hearing. The pre-hearing information will
be available at least three (3) business days in advance of the hearing at the Office
of Student Rights and Responsibilities. 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.

C3. Failure to Attend: 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.
D4. **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. The student and his or her advisor, if any, has 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. The University also has the right to review any information the student intends to use at least 3 business days before the hearing.

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:**

   1. **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.

   2. **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. The student will not be compelled to make self-incriminating statements. Note however: the University is not required to postpone judicial proceedings pending the outcome of any criminal proceeding.

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.

**F.**

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.

**G.** The Hearing Board shall seek a recommendation from the chair of the department in which the alleged misconduct took place.

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).

**H.** The Hearing Board may conduct further investigations, as necessary. The Hearing Board shall either:
1. find that no violation has occurred, or
2. find that a violation has occurred and 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. The written decision of the Board 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.

15. **Right to Appeal:** the student may appeal the Hearing Board’s decision by filing a written appeal with the Provost within five ten (10) business days of the date of the letter containing the student received 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 matter may be returned to the Academic Misconduct Hearing Board. 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 Dean of Students Office of Student Rights and Responsibilities for filing and for distribution to the appropriate dean(s) 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 Withdrawal 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 Regulation 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 to have committed academic misconduct 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 Dean of Students 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 Regulation Code or where such charges are dismissed or are resolved through the informal process are considered not to have a judicial record 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, beginning in 2009 or sooner if necessary, by a committee composed of at least 50 percent students.