

NOTICE OF NEW REGULATION

Date: May 19, 2009

REGULATION TITLE:
Student Conduct Review Process; Sanctions

REGULATION NO.:
UCF-5.009

SUMMARY OF REGULATION: The purpose of this new regulation is to explain the student conduct review process and describe the sanctions that may be imposed.

AUTHORITY: BOG Resolution dated January 7, 2003

NAME OF PERSON WHO INITIATED REGULATION:
Nicholas Oleksy, Coordinator, Office of Student Conduct

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
Fax: (407) 823-6155
e-mail: regulations@mail.ucf.edu

FULL TEXT OF THE PROPOSED REGULATION:

UCF-5.009 Student Conduct Review Process; Sanctions

- (1) Violation Reports
 - (a) Alleged violations of the UCF Rules of Conduct shall be reported in writing to the Director of the OSRR or designee. Violation reports can be submitted for information purposes only, for information purposes with the requirement that the student attend an ethics seminar, or

to initiate the student conduct review process. Upon receiving an alleged violation of misconduct, the Director of the OSRR or designee may review relevant information and consult with relevant parties regarding the incident in question. In unusual cases, which dictate a decision for the welfare of any individual, the student body, or any part of the University or its community, the Director of the OSRR or designee, upon notifying the VP of SDES, may take immediate action to resolve the situation by placing the student on interim suspension. Such action is subject to review at a hearing within three (3) business days by the VP of SDES or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.

(b) The Director of the OSRR will refer all information warranting disciplinary action to the Office of Student Conduct. The Office of Student Conduct will send written notification to the charged student indicating the nature of the activity in question and what university rules were allegedly violated.

(c) Upon receipt of an incident report the Office of Student Conduct has six months to charge a student with a violation of the Rules of Conduct. The Office of Student Conduct may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six month time limit from the date of discovery.

(d) Students charged with alleged violations of the Rules of Conduct will receive notice to attend a required preliminary conference with the Office of Student Conduct to discuss the charges. If the student fails to attend that conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved. Students who leave the university or withdraw from a class before a disciplinary matter is resolved may be

prohibited from future enrollment until such time as the matter is resolved. The student will receive information regarding the Student Conduct Review Process, including the student's rights during the process, an opportunity to inspect and/or review the information known at the time charges are prepared, and notice on how to contact the Student Government Association Judicial Advisor. At the conclusion of the meeting, the Office of Student Conduct recommends an option for resolution of the disciplinary charge. These options are dismissal, mediation, informal hearing, or formal hearing.

(2) Options for Resolution of Disciplinary Charges

(a) Case Dismissal: The Director of the OSRR or designee may dismiss a case if it is found to not have sufficient facts or information to substantiate the claim of misconduct, the accused person is not a student, or the action claimed as misconduct is not a violation of the rules of conduct.

(b) Mediation: Depending on the nature and severity of the alleged violation, the Office of Student Conduct may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is confidential. In mediation, the parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action through an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process at the discretion of the Office of Student Conduct.

(c) Informal Hearing: At the discretion of the Office of Student Conduct, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing, the charged student has the opportunity to meet with an Office of Student Conduct staff member and accept responsibility for the charges of violation of the Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (disciplinary warning or disciplinary probation) as well as educational sanctions (papers, seminars, community service, etc.). If the matter is not resolved informally, the case will be resolved through a formal hearing.

(d) Formal Hearing: If an alleged violation of the Rules of Conduct is not dismissed or otherwise resolved, then the Office of Student Conduct shall present in writing formal charges to the student. The charged student may request either a panel or administrative hearing. The charged student's hearing shall be open only to the charged student, his/her advisor, the hearing body, witnesses (when called upon), and a representative from the Office of Student Conduct. In cases of alleged Harmful Behavior or Sexual Misconduct (see Regulation UCF-5.008, Rules of Conduct), the student is required to have a panel hearing.

Formal notification shall include:

1. The student's name and address.
2. Date, time and location of the formal hearing.
3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
4. Names of potential witnesses known at the time formal charges are prepared.
5. A description of any physical or written documentation known at the time charges are prepared.

(3) Formal Hearings.

There are two types of formal hearings – panel hearings and administrative hearings.

(a) Panel Hearings.

1. A panel to consider an individual case shall be randomly selected by the Office of Student Conduct from the Student Conduct Board and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members. One panel member shall be selected by the Office of Student Conduct to chair the hearing and report the finding(s) and recommended sanctions, if any, to the Director of the OSRR or designee.

2. At hearings conducted by a panel, an Office of Student Conduct staff member shall act as an advisor to the panel. The Director of the OSRR shall receive the panel's finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions recommended by the panel.

3. The Director of the OSRR or designee may accept the finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding(s) of "in violation," they may approve, mitigate or increase the sanctions recommended by the panel, listed in the Disciplinary Sanctions section of the Student Conduct Review Process.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(b) Administrative Hearings

1. Administrative hearings shall be conducted by a faculty or staff member randomly selected by the Office of Student Conduct from the Student Conduct Board. The

charged student shall be informed of the hearing officer assigned to his/her case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The student shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a student has opted not to challenge the impartiality of a hearing office prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled. Administrative Hearings are not an option in cases of alleged Harmful Behavior or Sexual Misconduct (see Regulation UCF-5.008, Rules of Conduct).

2. At hearings conducted by an administrative hearing officer, an Office of Student Conduct staff member shall act as an advisor to the administrative hearing officer. The Director of the OSRR or designee shall receive the administrative hearing officer's finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions recommended by the administrative hearing officer.

3. The Director of the OSRR or designee may accept the finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding(s) of "in violation," they may approve, mitigate or increase the sanctions recommended by the administrative hearing officer, listed in the Disciplinary Sanctions section of the Student Conduct Review Process.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(c) Conduct of Formal Hearings - the following is furnished as a guide to the sequence of events in a formal hearing:

1. Reading of charges.
 2. Student response of “in violation” or “not in violation.”
 3. Presentation of information in support of the charges.
 4. Opening statement by the charged student.
 5. Questioning of the charged student by the hearing body.
 6. Presentation and questioning of witnesses in support of the charges.
 7. Presentation and questioning of witnesses by the charged student.
 8. Final questions of the charged student by the hearing body.
 9. Closing remarks by the charged student.
 10. Deliberation (in confidential executive session).
 11. Announcement of the finding(s) and recommended sanctions if any.
- (d) Case Record for Formal Hearing - The case record shall consist of the following items:
1. A copy of the formal charges in writing.
 2. A recording of the formal hearing.
 3. All staff memoranda submitted.
 4. All items of physical or written documentation submitted, provided such items are not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before return.
 5. The finding(s) and recommended sanction(s) by the hearing panel or administrator, if any.
 6. The Director of the OSRR’s decision.
- (4) Student Rights in the Student Conduct Review Process

(a) The following rights shall be explained to each charged student prior to the commencement of any formal disciplinary hearing:

1. The charged student shall be afforded reasonable written notice, at least five (5) business days prior to the formal hearing, unless waived in writing. Written notice sent to the charged student's electronic and/or physical address listed in the Registrar's records shall constitute full and adequate notice. Written notice shall include:

- (i) The student's name and address.
- (ii) Date, time and location and nature of the proceeding of the formal hearing.
- (iii) The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
- (iv) Names of potential witnesses known at the time formal charges are prepared.
- (v) A description of any written or physical documentation known at the time charges are prepared.

2. The student may have at his or her own expense and initiative, an advisor present at the hearing. It is the student's responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the student but shall not speak for or present the case for the student or otherwise participate directly in the proceeding. The Office of Student Conduct shall maintain a list of impartial advisors and resources available to the student.

3. All hearings shall be conducted on the basis that the charged student is not in violation until the preponderance of evidence proves otherwise. The burden of proof in a student conduct hearing is not on the student charged with a violation of the Rules of Conduct.

4. The student may inspect any information presented in support of the charges.

Information may be presented in support of the student.

5. The university cannot compel any person to attend a student disciplinary hearing.

However, all parties to the student conduct hearing may arrange for witnesses to voluntarily present relevant information during the proceeding. Pertinent information may be accepted as information for consideration by the person or body conducting the hearing. The student may hear and question adverse witnesses who testify at the hearing.

6. The student shall not be forced to present self-incriminating information; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case.

7. The finding of “in violation” or “not in violation” on the charges shall be based solely on the information presented at the hearing.

8. Should the finding of the hearing body be in violation, prior conduct history will then be reviewed and may affect sanctioning.

9. The results of any formal hearing shall be made available to the student within two (2) business days following the hearing (deadline can be extended by mutual agreement of the charged student and the Director of the OSRR or designee).

10. The student’s enrollment status shall remain unchanged pending the University’s final decision in the matter, except in cases where the VP of SDES or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.

(5) Sanctions

(a) Disciplinary Warning- An official warning that the student's behavior is in violation of the UCF Rules of Conduct, and that if the student is subsequently found in violation of a rule while on disciplinary warning; subsequent action may be more severe.

(b) Disciplinary Probation- Disciplinary probation status shall be for a specific length of time. Restrictive conditions may be imposed and vary according to the severity of the offense. Restrictive conditions may include, but may not be limited to the following: loss of good standing, which may become a matter of record; ineligibility to receive any University award, scholarship, loan, honorary recognition, or initiation into any local or national organizations, and denial of the privilege to occupy a position of leadership or responsibility in any University student organization, publication, or activity, or ability to represent the University in an official capacity or position. Under disciplinary probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with University rules. However, if the student is subsequently found in violation of a rule while on disciplinary probation, the University may suspend or expel the student from the University. While on Disciplinary Probation, a hold will be placed on a student's record for record keeping purposes.

(c) Disciplinary Suspension- A student involved in an offense warranting consideration of action more serious than disciplinary probation or one involved in repeated misconduct may face suspension. During the period of suspension, a student may not attend classes, participate in University related activities, whether they occur on or off campus. A student under disciplinary suspension may not otherwise be present on University premises unless authorized in writing in advance under conditions approved by the Director of the OSRR. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of the OSRR or designee shall consider whether the suspension creates an

undue hardship on the suspended student in regard to considerations that include, but are not limited to, the medical needs of the student. An overlay will be placed on a student's record during the period of suspension. Further, while on disciplinary suspension, a hold will be placed on a student's record for record keeping purposes. All assigned educational sanctions must be completed prior to the conclusion of disciplinary suspension; otherwise the disciplinary suspension will remain in effect.

(d) Disciplinary Expulsion- Expulsion is a sanction which removes the student from his/her academic program and permanently separates a student from the University of Central Florida without opportunity to graduate or re-enroll at the university in the future. An overlay will be permanently placed on the student's record. Further, a hold will be permanently placed on a student's record for record keeping purposes.

(e) Educational Sanctions- In conjunction with an administrative sanction, a student found to have been in violation of any of the Rules of Conduct will be assigned educational sanctions such as, but not limited to, reflective/research papers, classes/seminars, community service, interviews, etc. If a student has any outstanding educational sanctions at the conclusion of disciplinary probation or suspension, a student's disciplinary probation or suspension status and hold will remain in effect pending the completion of the educational sanctions.

*Authority: Florida Board of Governors Resolution dated January 7, 2003. History -
Formerly 6C7-5.0041, New _____.*