

NOTICE OF NEW REGULATION

Date: May 19, 2009

REGULATION TITLE:
Student Conduct Appeals

REGULATION NO.:
UCF-5.010

SUMMARY OF REGULATION: The purpose of this new regulation is to explain appeals within the student conduct review process, disciplinary sanction review requests, and the sealing of conduct records.

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
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FULL TEXT OF THE PROPOSED REGULATION:

UCF-5.010 Student Conduct Appeals

- (1) Appeals Within the Student Conduct Review Process
 - (a) Students found in violation as a result of a hearing may appeal that finding(s) and sanction(s) imposed. The appeal must be made in writing to the Appellate Officer (VP of SDES

or designee) within seven (7) business days after the date the student was notified of the decision by the Director of the OSRR.

(b) Students may appeal the finding and sanction(s) imposed on the basis of one or more of the following:

1. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.

2. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.

3. The sanction(s) are extraordinarily disproportionate to the violation(s).

(c) On the appeal form, the student must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because a student is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an appeal.

(d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s) or do one of the following:

1. If the student alleges that the sanction was inappropriate and the Appellate Officer finds the sanction to be inappropriate, the Appellate Officer may reduce the sanction.

2. If the student alleges that there was a defect in procedure or new information is presented and the Appellate Officer finds that there was a defect in the procedure or new information was presented which was sufficiently substantial to have affected the outcome, the Appellate Officer will order a new hearing.

(e) The student shall receive a written decision to the appeal. There is no definitive timeline for receiving an appeal response. It depends on many factors including the complexity of the case and the information mentioned in the appeal, as well as the Appellate Officer's appeal load at that particular time. Decisions of the VP of SDES or designee reflect final agency action.

(f) OSC cannot place an overlay on the student's record until the appeal decision is completed or if the student chooses not to appeal. At such time, if appropriate, a hold, and/or overlay, is placed on the student's record. If the Appellate Officer upholds the original findings, the effective date of any disciplinary sanction(s) imposed will revert back to the date of the Director of the OSRR's final decision letter.

(2) Disciplinary Sanction Review Request (Probation/Suspension)

(a) After a student has completed one semester of their disciplinary probation or half of their disciplinary suspension, they have the opportunity to request a review of their probation and/or suspension status.

(b) Requests should be submitted to the Director of the OSRR or designee via an online Disciplinary Sanction Review request form available at www.osc.sdes.ucf.edu. This request can only be submitted once a semester.

(c) This request will allow the student the opportunity to discuss what they have done to proactively address their behavior while on disciplinary probation/suspension.

(d) In considering this request a student's good behavior shall assume that the student is performing above and beyond the basic requirements of their sanction(s). Students that simply fulfill the minimum requirements of their sanction(s) will not be subject for a disciplinary sanction review.

(e) A request for disciplinary sanction review should include information such as the following:

1. Proof of involuntary and or voluntary psychological testing
2. Proof of counseling and/or assessment
3. Involvement in educational programs and academic progress
4. Community involvement/service
5. Occupational growth

(f) This request will first be reviewed by the Director of the OSRR or designee to determine whether or not the student meets criteria for review. If the Director of the OSRR or designee agrees that the student's request meets the above mentioned criteria, the committee will then contact the student within 14 business days to schedule a "sanction review meeting" with a committee appointed by the Director of the OSRR or designee, comprised of an equal number of faculty, staff and students.

(g) At this meeting, the student will have the opportunity to further discuss with the committee why their disciplinary probation and/or suspension status should be changed.

(h) After the meeting, the committee will issue a recommendation to the Director of the OSRR or designee. The Director of the OSRR or designee will provide a decision to the student in writing within two (2) business days of receiving the recommendation.

(i) If the request is denied by the Director of the OSRR or designee the decision shall include a concise and explicit written statement that explains the basis for that decision.

(j) There is no appeal process for a Disciplinary Sanction Review.

(3) Sealing of Records

(a) A student's conduct record is eligible to be sealed if the incident(s) in question are minor and do not result in suspension or expulsion and where further violations would not likely result in suspension or expulsion from the university.

(b) A student conduct record may be sealed upon the successful submission and review of appropriate paperwork to the Office of Student Conduct.

(c) The factors influencing the decision by the Director of the OSRR for sealing are the severity of the violation, effect of the violation on the University community, sanctions applied, completion of sanctions, and ethical development demonstrated by the student.

(d) There is no appeals process regarding student conduct record sealing.

Authority: Florida Board of Governors Resolution dated January 7, 2003. History - Formerly 6C7-5.00431, New _____.