

## NOTICE OF PROPOSED REGULATION AMENDMENT

**Date:** February 4, 2015

**REGULATION TITLE:**  
Student Conduct Appeals

**REGULATION NO.:**  
UCF-5.010

**SUMMARY OF REGULATION AMENDMENT:** This regulation is amended to add a process for victim appeals within the Student Conduct Review Process, including the requirements for the submission of such an appeal. Additional language has also been added to the section on the Disciplinary Sanction/Review request to clarify the process to request a sanction review and what actions the University may take after reviewing such a request. Additional minor edits and formatting changes made throughout.

**AUTHORITY:** BOG Regulations 1.001 and 6.0105

**NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:**  
Michael Gilmer, Director of Student Conduct

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDEMENT 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 AMENDMENT IS:**

Regulations Administrator  
4365 Andromeda Loop North  
Millican Hall, Suite 360  
Orlando, FL 32816-0015  
Phone: (407) 823-2482  
e-mail: [regulations@mail.ucf.edu](mailto:regulations@mail.ucf.edu)

**FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:**

### **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 the~~ 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 or designee.  
The appeal form can be found at <http://osc.sdes.ucf.edu/resources>.

- (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-disproportionate to the violations~~ and the Appellate Officer finds the sanction to be ~~inappropriatedisproportionate~~, the Appellate Officer may reduce the sanction.
  2. If the student alleges that there was a defect in procedure or new information ~~iswas~~ 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~~The Office of Student Conduct 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 or designee's final decision letter.

## (2) Appeals Within the Student Conduct Review Process - Victims

- (a) Victims of sexual assault, dating violence, domestic violence, and stalking may appeal the finding(s) and sanction(s) imposed of a student conduct formal hearing. The appeal must be made in writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date both the charged student and victim were notified of the decision by the Director of the OSRR or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/resources>.
- (b) Victims 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, one must state the reason(s) for appeal, supporting facts, and the recommended solution. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of the 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 victim alleges that the sanction was disproportionate to the violation(s) and the Appellate Officer finds the sanction to be disproportionate, the Appellate Officer may alter the sanction.
  2. If the victim alleges that there was a defect in 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 victim and charged student shall receive a written decision to the appeal concurrently. 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.

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

- (a) Upon completion of~~After a student has completed~~ one semester of ~~their~~ disciplinary probation and one semester of~~or half of their~~ disciplinary suspension, and completion of all educational requirements, the~~a student have~~has the opportunity to request a review of their disciplinary probation and/or disciplinary 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](http://www.osc.sdes.ucf.edu). This request can only be submitted once a semester.
- (c) This request is intended to provide a~~will allow the~~ student with the opportunity to discuss in writing what they have done to proactively address their behavior while on disciplinary probation~~/~~ or disciplinary suspension.
- (d) In considering this request, a student~~'s~~ should provide information showing how they have been going~~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~~
1. Positive change in ethical decision making and personal accountability
2. Proof of counseling ~~and~~/or assessment (if applicable)
3. Involvement in educational programs and academic progress
4. Community involvement ~~/~~ and service
- ~~5. Occupational growth~~

- (f) Upon receipt of the request, This request will first be reviewed by the Director of the OSRR or designee will review 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 any or all of the above mentioned criteria, the ~~committee student~~ student will ~~then be~~ contacted the student within fourteen (14) business days to schedule a "disciplinary 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~~ altered or terminated. No alterations shall be made to include new or increased sanctions. Should the committee feel that further information and/or documentation is necessary in order to render a recommendation, the review may be temporarily recessed. A time frame of not more than two (2) weeks will be given to the student to produce requested information and/or documentation. Upon receipt of the requested information and/or documentation, the committee will reconvene the review with the student.
- (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~~ five to seven (25-7) 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 and suggested action items for the student's success.
- (j) There is no appeal process for a Disciplinary Sanction Review.

(34) 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: BOG Regulations 1.001 and 6.0105. History – Formerly 6C7-5.00431, New 6-18-09.*

*Amended \_\_\_\_\_-15.*