

This Emergency Regulation temporarily amends an existing regulation. These emergency amendments are being done to comply with changes recently made to section 1006.60, Florida Statutes. Changes to section 1006.60 were adopted during the recently legislative session and changes to Board of Governors Regulation 6.0105 were adopted on June 23, 2021. The University must be in compliance with these changes as of July 1, 2021. The emergency regulation procedure must be utilized to ensure the University is in compliance with the new state law in a timely manner. The Board of Governors Regulation Development Procedure does not require a public notice and comment period prior to approval of emergency regulations/regulation amendments. The emergency amendments below will be effective for a period not to exceed ninety (90) days – during this time, the University will propose regulation amendments through the standard public notice and comment process. Please follow the UCF Regulations page for future notice of regulation development.

NOTICE OF EMERGENCY REGULATION AMENDMENT

Date: July 1, 2021

REGULATION TITLE:
Student Academic Behavior Standards

REGULATION NO.:
UCF-5.015

SUMMARY OF EMERGENCY REGULATION AMENDMENT: This regulation is amended on an emergency basis to include changes necessary to comply with new language in Section 1006.60, Florida Statutes, which takes effect on July 1, 2021. The amended statute requires changes to university regulations concerning student conduct procedures for both students and student organizations. For example, the new law articulates specific timeframes for elements of the conduct process, directs the university to provide written notice containing certain elements, and expands the role of advisors, advocates, and legal representatives in the conduct process.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED EMERGENCY REGULATION AMENDMENT:
Regulations Administrator

COMMENTS CONCERNING THE EMERGENCY REGULATION AMENDMENT 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 EMERGENCY REGULATION AMENDMENT IS:

Regulations Administrator
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Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
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FULL TEXT OF THE EMERGENCY REGULATION AMENDMENT:

UCF-5.015 Student Academic ~~Behavior Standards~~ Misconduct Review Process

(1) The Office of Undergraduate Studies, College of Graduate Studies, Registrar's Office, and the Office of Student Rights and Responsibilities will review this regulation periodically.

(2) UCF is committed to a policy of honesty in academic affairs. Conduct that comprises a breach of this policy may result in academic action and/or disciplinary action. Academic action affects student assignments, examinations or grades. Disciplinary action could affect student enrollment status.

(3) Academic misconduct includes but is not limited to cheating, plagiarism, assisting another in cheating or plagiarism, and commercial use of academic materials. Violations of academic misconduct at the undergraduate and graduate level are listed and defined in the Rules of Conduct (UCF-5.008).

(4) Alleged violations of the UCF Rules of Conduct (Academic Misconduct) shall be reported in writing to the Director of Student Conduct and Academic Integrity (SCAI) or designee. When an instructor becomes aware of an alleged violation of academic misconduct, the instructor must document the alleged violation(s) through the Academic Misconduct Report Form (AMR), available at <http://scai.sdes.ucf.edu>. Upon receiving an alleged violation of academic misconduct, the Director of SCAI or designee may review relevant information and consult with relevant parties regarding the incident in question.

- (a) The Director of SCAI will refer all information warranting disciplinary action to the SCAI. SCAI will send notification to the student indicating the nature of the activity in question and what university rules were allegedly violated.
- (b) Upon receipt of an AMR form SCAI has six months to charge a student with a violation of academic misconduct. SCAI 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.
- (c) Students charged with alleged violations of academic misconduct will receive notice to attend a required preliminary conference with SCAI to discuss the charges. If the student fails to attend the conference, a hold will 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 the matter is resolved. The purpose of this meeting is to provide the student with 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 of how to contact the impartial advisor. At the conclusion of the meeting, SCAI will recommend an option for resolution of the academic misconduct charges. These options are case dismissal, informal hearing resolution conference, or academic formal hearing.

(5) Options for Resolution of Academic Misconduct

- (a) Case Dismissal: The Director of SCAI or designee may dismiss a case if: the reported case fails to have sufficient facts or information to substantiate the claim of academic misconduct; or the reported violation is not seen to warrant punitive disciplinary action; or the reported behavior reported as academic misconduct is not a violation of the Rules of Conduct. An informal ~~conference~~non-disciplinary meeting may be held where the student may be instructed to complete an educational requirement to demonstrate what was learned from the reported behavior. Upon successful completion of the educational requirement, the reported incident will be dismissed.
- (b) Informal ~~Hearing~~Resolution Conference: At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal ~~hearing~~resolution conference. SCAI shall provide timely written notice to the student of the charges at least seven (7) business days before the informal resolution conference. At the informal ~~hearing~~resolution conference, the charged student has the opportunity to meet with a SCAI staff member or designee and accept responsibility for the charges of violation of academic misconduct. At the informal ~~hearing~~resolution conference level the matter will be settled by the following outcomes: punitive sanction (disciplinary warning, disciplinary probation, deferred disciplinary suspension) 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. The outcomes from an informal ~~hearing~~resolution conference process (decision of responsibility and recommended sanctions) are final and are not eligible for appeal. The student will receive written notice of the Resolution Agreement within ten (10) business days, except in extraordinary circumstances. Written notice of the Resolution Agreement will include the determination regarding responsibility for conduct violations and applicable sanctions.
- (c) Academic Misconduct Formal Hearings: If an alleged violation of academic misconduct is not dismissed or otherwise resolved, then SCAI shall ~~present in writing formal charges~~provide timely written notice to the student of the charges at least seven (7) business days before the formal hearing. The charged student's formal hearing shall be open only to the charged student/co-charged students involved in the same incident, selected advisor, witnesses (when called upon), the university's legal representative, and a representative from SCAI. ~~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 were prepared.~~
 - ~~4.—Names of potential witnesses known at the time formal charges were prepared.~~
 - ~~5.—A description of any physical or written documentation known at the time charges were prepared.~~
- (d) Charged students in the Academic Misconduct Review Process shall be entitled to the rights listed in 5.009(4)(a)-(g).

(6) Academic Misconduct Formal Hearing Process

(da) Academic ~~Integrity-Misconduct~~ Formal Hearings: Students going through the Academic ~~Misconduct-Integrity~~ formal hearing process may elect an Administrative Academic ~~Integrity-Misconduct~~ Formal Hearing or a Panel Academic Integrity Formal Hearing.

1. Administrative Academic ~~Integrity-Misconduct~~ Formal Hearing

- a. Administrative Academic Integrity formal hearings shall be conducted by one faculty member from the Student Conduct Board. ~~The charged student shall be informed of the hearing officer assigned to the case and shall have the opportunity to challenge the impartiality of the assigned hearing officer.~~
- b. At hearings conducted by an administrative hearing officer, a SCAI staff member shall act as an advisor to the administrative hearing officer. The Director of SCAI or designee shall receive the administrative hearing officer's proposed finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any punitive and or educational sanctions proposed by the administrative hearing officer.
- c. The Director of SCAI or designee may accept the proposed finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of "in violation," they may approve, mitigate, or increase the sanctions proposed by the administrative hearing officer.
- d. Any decision by the Director of SCAI 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.

2. Academic Integrity Panel Hearings.

- a. A panel to consider an individual case shall be randomly selected by SCAI from the Student Conduct Board and shall consist of at least one (1) faculty member, one (1) additional faculty or administrative staff member, and two (2) student members. One panel member shall be selected by SCAI to chair the hearing and report the finding(s) and recommended sanctions, if any, to the Director of SCAI or designee.
- b. For panel hearings, a SCAI staff member shall act as an advisor to the panel. The Director of SCAI or designee shall receive the panel's proposed finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any punitive or educational sanctions proposed by the panel.
- c. The Director of SCAI or designee may accept the proposed finding(s) of "in violation" or "not in violation" or remand the case for rehearing.

If the Director of SCAI or designee accepts the proposed finding(s) of “in violation,” they may approve, mitigate, or increase the sanctions proposed by the panel.

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

(eb) Following the Academic Integrity Formal Hearing:

1. Undergraduate students found “in violation” will be prescribed punitive and educational conduct sanctions appropriate to the findings and recommendations. SCAI will report the outcome from the academic integrity hearing back to the instructor of record and department chair. In consultation with the college dean or designee, the instructor and the department chair will determine if further course or academic action should be imposed. If the undergraduate program recommends further course or program action, the undergraduate program must notify SCAI and Academic Services. Final results of the academic integrity hearing and/or course or program action must be made available to the student in writing within fifteen (15) business days following the date of the hearing.
2. Undergraduate students found “not in violation” will be notified within fifteen (15) business days. SCAI will report the findings back to the instructor, department chair, and college dean or designee. Students may have proposed course or academic action removed and the instructor may determine a new grade since no violation was found.
3. For graduate students found “in violation”, SCAI notifies the instructor, Associate Dean of Graduate Studies, and the Dean or designee of the Academic College in which the graduate student resides. The college dean or designee will in turn notify the graduate program that a student is in violation and ask if the program wishes to invoke any program-level academic action(s). The student’s graduate program will determine if program action is necessary. If deemed necessary, recommendation of program action will be made using the *Probation/Dismissal Form* and/or *Conditional Retention Plan*. This information will be forwarded to the College of Graduate Studies. SCAI will be notified if the graduate program recommends additional program action. The results of any hearing and/or program action should be available for the student within fifteen (15) business days.
4. For graduate students found “not in violation” of academic misconduct, SCAI notifies the instructor, Associate Dean of Graduate Studies and the Dean or designee of the Academic College in which the graduate student resides. The graduate student may have their proposed course or program action removed and the instructor may determine a new grade since no violation was found.

(fc) Appeals:

1. Undergraduate or graduate students found “in violation” as the result of an academic integrity formal hearing may appeal the finding(s) and sanction(s) imposed by the Director of SCAI. The appeal must be made in writing to the appellate officer (Provost or designee) within ten (10) business days after the date the student was notified of the decision by the Director of SCAI. The person designated to hear the appeal may not have directly participated in any other proceeding related to the charged violation. Students may appeal the finding and sanction(s) imposed on the basis of one or more of the following:
 - a. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.
 - b. Discovery of new and significant information that could have affected the outcome of the hearing and which was not known or could not reasonably have been discovered and/or presented at the time of the hearing.
 - c. The sanction(s) are extraordinarily disproportionate to the violation(s).
2. Any decision by an appellate officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
3. The appellate officer should issue a written decision to the student’s appeal within twenty (20) business days of receipt of the appeal. Should the appellate officer require additional time for review beyond the 20 business days, the appellate officer will notify the charged student in writing of the need for additional time. Decisions of the Provost or designee reflect final agency action.
4. Any decision by the Provost 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.
5. Undergraduate students may appeal program sanctions provided by the student’s undergraduate program, per UCF-5.016. Graduate Students may appeal program sanctions provided by the student’s graduate program, per UCF-5.017. Students found “in violation” for academic misconduct are not eligible for academic appeal regarding the final grade issued by the course of the reported violation.

(67) Z Designation for Undergraduate Student Academic Misconduct

- (a) A Z designation denotes a student was found “in violation” of academic misconduct while enrolled in a course. A Z designation does not affect a student’s grade point average.
- (b) Z designations will remain on a student’s transcript if:

1. The student is found “in violation” of academic misconduct and the punitive sanction is disciplinary suspension for one or more semesters, disciplinary dismissal, or expulsion; or
 2. The student is found “in violation” of academic misconduct twice during their UCF academic career.
 - a. The punitive sanction received in either academic misconduct case has no bearing on the Z designation being permanently placed on the student’s transcript.
 - b. A Z designation will be placed in association with both courses in which the student was found “in violation” of academic misconduct.
- (c) If a student is found “in violation” of academic misconduct a Z designation will be placed on their transcript in association with the final course letter grade recorded (ex. ZA, ZB, ZC, ZD, ZF).
- (d) A Z designation will be denoted on the student’s transcript as a ZW if a student withdrew from the course prior to the conclusion of the conduct process and was subsequently found “in violation” of academic misconduct.
- (e) OSC will communicate with the Registrar’s Office to have Z designations placed on student’s transcript following the conclusion of the Conduct Review Process.
- (f) Students have the opportunity to improve the letter grade recorded in association with a course in which they were found “in violation” of academic misconduct through the use of grade forgiveness. The Z designation however will still remain on the student’s transcript.
- (g) A student can attempt to have a Z designation permanently removed through participating in the Community ReEngagement and Educational Development (CREED) Program.
- (h) A Z designation will remove a student from consideration for academic awards and honors (e.g. President’s List and Dean’s List) for the academic semester in which the violation occurred.

Authority: BOG Regulation 1.001. History – Formerly 6C7-5.0042, Amended 8-10-09, 9-4-12, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, _____-21.