

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: August 26, 2024

REGULATION TITLE:
Student Academic Misconduct Review Process

REGULATION NO.:
UCF-5.015

SUMMARY OF REGULATION AMENDMENT: This regulation sets out student academic behavior standards and outlines the process to be followed in the event of academic misconduct allegations and findings. Proposed amendments to this regulation include revising the language regarding the makeup of the panel for academic misconduct hearings and clarifying language regarding the academic misconduct review process as it relates to graduate students.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT: Dana Juntunen, Dean of Students, Division of Student Success and Well-Being

COMMENTS CONCERNING THE PROPOSED 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 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@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-5.015 Student Academic 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 Code of Conduct (UCF-5.008).
- (4) Alleged violations of the UCF Code 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 or designee 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 preliminary conference with SCAI to discuss the charges. At the preliminary conference, 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, and notice of how to contact the Student Government Impartial Advisor. At the conclusion of the conference, SCAI will recommend an option for resolution of the academic misconduct charges. These options are case dismissal, informal resolution conference, or academic formal hearing. If the student fails to attend the preliminary conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved, and SCAI may move forward with scheduling a formal hearing as a resolution for disciplinary charges. 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.

(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 Code of Conduct. An informal 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 Resolution Conference.** At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal 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 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 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 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 Hearing. If an alleged violation of academic misconduct is not dismissed or otherwise resolved, then SCAI shall 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.
- (d) Charged students in the Academic Misconduct Review Process shall be entitled to the rights listed in 5.009(4)(a)-(h), including but not limited to timely written notice and the right to an advisor, advocate, or legal representative who can participate in the proceedings.

(6) Academic Misconduct Formal Hearing Process

- (a) Academic Misconduct Formal Hearings. Students going through the Academic Misconduct formal hearing process may elect an Administrative Academic Misconduct Formal Hearing or a Panel Academic Misconduct Formal Hearing.
 - 1. Administrative Academic Misconduct Formal Hearing
 - a. Administrative Academic Misconduct Formal Hearings shall be conducted by one faculty member from the Student Conduct Board, who will be designated as an administrative hearing officer.
 - b. 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 responsible or not responsible of a violation of the Code 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 responsible or not responsible or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of responsible, they may adopt, modify, or reject the recommended decision and sanctions proposed by the administrative hearing officer, or remand the matter for a rehearing.
 - 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 Misconduct Panel Hearings.
 - a. A panel to consider an individual case shall be randomly selected by SCAI from the Student Conduct Board ~~where students comprise at least one-half of the membership 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. 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

- responsible or not responsible of a violation of the Code 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 responsible or not responsible or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of responsible, they may adopt, modify, or reject the recommended decision and sanctions proposed by the panel, or remand the matter for a rehearing.
 - 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.
- (b) Following the Academic Misconduct Formal Hearing.
1. Undergraduate students found responsible will be prescribed disciplinary and educational sanctions appropriate to the findings and recommendations. SCAI will report the outcome from the academic misconduct 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 misconduct 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 responsible 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. Graduate students found responsible will be prescribed disciplinary and educational sanctions appropriate to the findings and recommendations. For graduate students found responsible, SCAI notifies the instructor, the Dean or designee of the Academic College in which the graduate student resides, the program the student was in, and the Dean and Associate Dean of the College of Graduate Studies. The student's graduate program will then determine if additional program-level academic 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, who will notify SCAI if the graduate program recommends additional program action. Final results of the academic misconduct 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. ~~The College of Graduate Studies will then dismiss the student from the academic program and disallow matriculation in a graduate program for a period of one year (three semesters). After that time, a student can re-apply to the program from which they were dismissed or apply to another graduate program in the university. To do so, the student must submit a new application (application fee, letters of reference if applicable, AND a statement describing what has been learned about academic misconduct, and what he/she/they will do in the future to prevent it). If admitted, the student will continue to have the~~

~~original dismissal denoted on the transcript and, if readmitted to the same program, will continue with the same Program GPA held prior to dismissal. The student will be admitted on restricted status, any future instance of academic misconduct and, if the student is found to commit misconduct again, the College of Graduate Studies will refer the student to OSCAI and recommend permanent expulsion from the university.~~

4. Graduate students found not responsible will be notified within fifteen (15) business days. For graduate students found not responsible 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.

(c) Appeals.

1. Undergraduate or graduate students found responsible as the result of an academic misconduct formal hearing may appeal the finding(s) and sanction(s) imposed by the Director of SCAI or designee. 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 or designee. 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).~~5~~
except for graduate students where all sanctions are the same.
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 imposed by the student's undergraduate program, per UCF-5.016. Graduate Students may ~~not~~ appeal program sanctions provided by the student's graduate program, per UCF-5.017, dismissal for academic misconduct, but may be eligible for readmission per the Academic Misconduct Policy in the Graduate Catalog. Students found

responsible for academic misconduct are not eligible for academic appeal regarding the final grade issued by the course of the reported violation.

(7) Z Designation for Academic Misconduct

- (a) A Z designation denotes a student was found responsible of academic misconduct while enrolled in a course. A Z designation does not affect a student's grade point average.
- (b) ~~For undergraduate students,~~ Z designations will remain on a student's transcript if:
 - 1. The student is found responsible of academic misconduct and the punitive sanction is deferred disciplinary suspension for one or more semesters, disciplinary suspension for one or more semesters, disciplinary dismissal, or expulsion; or
 - 2. The student is found responsible 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 responsible of academic misconduct.
- (c) For both undergraduate and graduate students, if a student is found responsible 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 responsible of academic misconduct.
- (e) SCAI 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) ~~For graduate students, the College of Graduate Studies will communicate with the Registrar's Office to have the three semester dismissal placed on the student's transcript.~~
- ~~(g) The following applies to undergraduate students only:~~
 - ~~1.~~ Students have the opportunity to improve the letter grade recorded in association with a course in which they were found responsible of academic misconduct through the use of grade forgiveness. The Z designation however will still remain on the student's transcript.
 - ~~(g)2.~~ A student can attempt to have a Z designation permanently removed through participating in the Community ReEngagement and Educational Development (CREED) Program.
 - ~~(h)3.~~ 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, 9-23-21, 6-29-23, 6-25-24, ___-24.