

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: July 21, 2017

REGULATION TITLE:
Student Conduct Appeals

REGULATION NO.:
UCF-5.010

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to update language regarding appeals for cases involving sexual misconduct and interpersonal violence, and to specify that students shall receive a written decision to an appeal within twenty business days. Additional minor changes made throughout the regulation.

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 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
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Millican Hall, Suite 360
Orlando, FL 32816-0015
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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 formal hearing may appeal 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 OSC or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/process>.

- (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 disproportionate to the violation(s) and the Appellate Officer finds the sanction to be disproportionate, the Appellate Officer may reduce the sanction.
 2. If the student alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome and the Appellate Officer agrees, the Appellate Officer will order a new hearing.
- (e) The student shall receive a written decision to the appeal within twenty business days (deadline can be extended by mutual agreement of the charged student and the Appellate Officer). ~~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 Appellate Officer reflect final agency action.

- (f) 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.
- (g) 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 OSC's or designee's final decision letter.

(2) Appeals within the Student Conduct Review Process ~~for Complainants~~ Cases Involving Sexual Misconduct and/or Interpersonal Violence

- (a) Complainants and Respondents in matters involving allegations of sexual ~~misconduct and/or interpersonal violence~~ assault, dating violence, domestic violence, and stalking (as defined above in Regulation UCF-5.008(5)) may appeal the finding(s) and sanction(s) imposed ~~from~~ 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 Respondent and Claimant ~~charged student and victim~~ are notified of the decision by the Director of the OSC or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/process>.
- (b) Complainants and Respondents 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, ~~on~~ the student 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 Complainant or Respondent 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 Complainant or Respondent alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome and the Appellate Officer agrees, the Appellate Officer will order a new hearing.
- (e) The Complainant and Respondent~~victim and charged student~~ shall receive a written decision within twenty business days (deadline can be extended by mutual agreement of the charged student and the Appellate Officer)~~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 Appellate Officer reflect final agency action.~~
- (f) 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.
- (g) If the decision of the Appellate Officer is to modify the sanction, the Complainant and Respondent shall each be afforded the right to file an appeal of the modified sanction, in accordance with the procedures outlined in Regulation UCF-5.010(2)(a)-(f). Unless the appeal results in a further modification of the sanctions, no further appeal is allowed and the decision becomes final.~~The Complainant shall be afforded the right to file an appeal following final review of the Appellate Officer's decision should the result of the decision modify sanctions.~~

(3) Community ReEngagement and Educational Development (CREED) Program

- (a) Upon completion of one semester of disciplinary probation ~~and one semester of disciplinary suspension,~~ and completion of all educational requirements, a student has the opportunity to request a review of their disciplinary probation ~~or disciplinary suspension~~-status through the Community ReEngagement and Educational Development (CREED) Program.
- (b) Requests should be submitted to the Director of the OSC or designee via an online CREED Program submission form available at www.osc.sdes.ucf.edu. This request can only be submitted once a semester.
- (c) The CREED Program is designed for a student to have the opportunity to demonstrate that in the period following a violation of the Rules of Conduct, they have taken steps to become a productive and engaged member of the UCF community.
- (d) In considering this request, a student should complete all outlined requirements of the CREED Program which can be reviewed online at www.osc.sdes.ucf.edu.
~~Students that simply fulfill the minimum requirements of their sanction(s) will not be eligible for the CREED Program.~~
- (e) A CREED Program application should include information such as the following:
 - 1. Reflection Essay
 - 2. Faculty/Staff/Advisor (Academic or Organization) Letter of Recommendation
 - 3. Community Service
 - 4. Residential Life Letter of Support (On-Campus or Affiliated Residential Students only)
 - 5. Proof of Counseling/Assessment (if applicable)
 - 6. Academic Progress (if applicable)
 - 7. Termination of Probation Letter (Admission Clearance Only, and if applicable)
- (f) Upon receipt of the CREED Program packet, the Director of the OSC or designee will review to determine whether or not the student meets criteria for review. If the Director of the OSC or designee agrees that the student's request meets any or all of the above mentioned criteria, the student will be contacted within fourteen

(14) business days to schedule a “CREED review meeting” with a committee appointed by the Director of the OSC or designee, comprised of faculty, staff and students.

- (g) Prior to this meeting, the committee will have reviewed the submitted packet and will prepare 10-15 questions for the student to address, as well as provide the student with the opportunity to further discuss why the disciplinary probation ~~or suspension~~-status should be 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 OSC or designee. The Director of the OSC or designee will provide a decision to the student in writing within seven (7) business days of receiving the recommendation.
- (i) If the request is denied by the Director of the OSC 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 CREED Review Meeting decision.

(4) 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 disciplinary suspension, disciplinary dismissal, or disciplinary expulsion and/or if the student is not current on disciplinary probation or deferred suspension. ~~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 OSC 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 3-5-15, 10-29-15, 7-28-16, _____-17.