

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 13, 2020

REGULATION TITLE:
Student Conduct Appeals

REGULATION NO.:
UCF-5.010

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation has been amended to update and reorganize the provisions of the Community ReEngagement and Educational Development Program. The department name of Student Conduct & Academic Integrity has also been updated throughout.

AUTHORITY: BOG Regulations 1.001 and 6.0105

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

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
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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 ten (10) business days after the date the student was notified of the decision by the Director of ~~the~~Student Conduct & Academic Integrity (SCAI)-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, the appellate officer may: deny the appeal, thus sustaining the initial decision; alter the sanction(s); or return the case for a new hearing. Any decision by the appellate officer to alter sanctions or return a case for new hearing shall be accompanied by a concise and explicit written statement that explains the basis for that decision
- (e) 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 twenty (20) business days, the appellate officer shall notify the charged student in writing of the need for additional 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) ~~SCA~~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 OSCAI~~'s or designee's final decision letter.

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

- (a) Complainants and Respondents in matters involving allegations of sexual misconduct and/or interpersonal violence (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 Complainant are notified of the decision by the Director of ~~the OSCSCAI~~ 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, 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, the appellate officer may: deny the appeal, thus sustaining the initial decision; alter sanction(s); or return the case for a new hearing.
- (e) The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. The written decision shall issue to both the Complainant and the Respondent. Should the appellate officer require additional time for review beyond the twenty (20) business days, the appellate

officer shall notify the Complainant and Respondent in writing of the need for additional time. Decisions of the appellate officer reflect final university 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.

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

(a) The Community ReEngagement and Educational Development (CREED)

Program is designated for a student to have the opportunity to demonstrate that in the period following the conclusion of the Student Conduct Review Process, they have taken steps to become a productive and engaged member of the UCF Community.

- (ab) Upon completion of one semester of ~~D~~disciplinary ~~P~~probation, ~~Deferred Disciplinary Suspension, or Disciplinary Suspension~~, and completion of all educational ~~requirements~~sanctions, a student ~~has the opportunity to~~can request a review of their disciplinary ~~probation~~-status through the Community ReEngagement and Educational Development (CREED) Program. Students who have a Z Designation on their transcript are eligible to apply once the duration of their Disciplinary Suspension has ended and all educational sanctions are complete.

1. Students who have been found In Violation of a Rule of Conduct that required an investigation by the Office of Institutional Equity (OIE) are ineligible to apply for relief under the CREED Program.

2. Students who have been found In Violation of a Rule of Conduct that had a substantially negative impact on a person or group of people, as determined by SCAI, are ineligible to seek relief under the CREED Program.

- (cb) Requests ~~should~~must be submitted to the Director of ~~the OSC~~SCAI or designee via an online CREED Program submission form available at www.osc.sdes.ucf.edu/creed. This request can only be submitted once a semester.

(d) The Director of SCAI or designee will review applications submitted before the semesterly deadline(s) during the application review period(s). Information on

application deadlines and review periods can be found at www.osc.sdes.ucf.edu/creed. The Director of SCAI or designee shall conduct a preliminary review to ensure that the student's request meets the necessary eligibility and application requirements. The Director of SCAI or designee must communicate the finding of the preliminary review of the application as well as the date and time of the CREED Review Meeting that has been scheduled for a committee to conduct a review of the student's application, if applicable. The student has three (3) business days from when the Director of SCAI or designee sent their preliminary findings to request an alternate date and time of the CREED Review Meeting.

- ~~(e) — 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.~~
- ~~(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.~~

- (eg) 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 their disciplinary ~~probation~~ status should be altered or terminated or why the Z Designation should be removed from the student’s transcript. 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 will be given ten (10) business days to produce ~~requested- the~~ information and/or documentation. Upon receipt of the requested information and/or documentation, the committee will reconvene the CREED Review Meeting with the student.
- (hf) After the meeting, the committee will issue a recommendation to the Director of ~~the OSCSCAI~~ or designee. The Director of ~~the OSCSCAI~~ or designee will provide a final decision to the student in writing within ~~seven (7)~~ ten (10) business days of receiving the recommendation.
- (ig) If the request is denied by the Director of ~~the OSCSCAI~~ or designee the final 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.
- (jh) 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 with all educational sanctions completed in full.
- (b) A student conduct record may be sealed upon the successful submission and review of appropriate paperwork to ~~the Office of Student Conduct~~ SCAI.

- (c) The factors influencing the decision by the Director of ~~the~~ OSCAI 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, 7-20-17, 1-18-18, 7-18-19, _____-20.