

K. APPEALS WITHIN THE STUDENT CONDUCT REVIEW PROCESS

1. Appeal Requests

The Charged Student or Organization may appeal the outcome of a conduct hearing in writing within three (3) class days from the date of the decision letter by filing a written appeal. The appeal of the outcome of a conduct hearing held by the Hearing Officer shall be considered by the Dean of Students or designee. The appeal of the outcome of a conduct hearing held by the Hearing Body shall be considered by the Vice President for Student Affairs or designee. An appeal must be based on one or more of the following grounds:

- a) Due process errors involving the University's failure to provide the Charged Student or Organization with Notice or an opportunity to be heard;
- b) The sanction(s) is (are) extraordinarily severe in relation to the offense committed; or
- c) New information can be provided that was not available at the time of the original proceeding.

2. Appeal Hearings

- a) The necessity for an appeal hearing will be at the discretion of the University Official to which the Charged Student or Organization has appealed. This decision is based on the Charged Student's or Organization's written information provided in the appeal. If an appeal is granted, the burden of proof rests with the Charged Student to show, by a preponderance of the information presented, that the grounds for an appeal have been met.
- b) If an appeal is permitted, it will be scheduled within ten (10) class days of receiving the written request for appeal unless good cause exists for deferring the scheduling more than ten (10) class days after receiving the Noticed appeal. The Charged Student may waive the ten (10) day period and request the appeal be heard at a mutually agreeable time.
- c) Students impacted by acts of violence may participate in the appeals process pursuant to Section H of the Code.
- d) The Charged Student is permitted to continue to attend classes while under appeal and, unless otherwise notified in writing by the Dean of Students or designee, is permitted to continue to live in University Housing.

3. Appeal Decisions

- a) Based on information presented on appeal, the original determination may be upheld, modified, reversed, or a new hearing may be ordered. The appeal decision shall be

communicated to the Charged Student or Organization in writing. The decision shall state the reasons for the original determination being upheld, modified, reversed or that a new hearing will be ordered.

- b) All appeal decisions are communicated in writing to the Charged Student or Organization within ten (10) class days of the appeal hearing, unless notification is given that additional time is necessary for consideration of the record on appeal.
- c) The Charged Student's academic status will remain unchanged during the appeal or review process; however, University Housing status and other activities may be affected.
- d) The appeal decision of the Vice President for Student Affairs or designee is final and the Charged Student or Organization shall be informed that they may appeal the final decision to an outside judicial forum.

L. STANDARDS FOR BEHAVIOR IN THE CLASSROOM

Faculty members have the primary responsibility of managing the classroom environment whether in-person or online. Faculty members may remove a student from the classroom for disruption on the day that it occurs. If the student continues to disrupt the classroom, the faculty member should make a written incident report to the Dean of Students' Office. The report is processed in accordance with the investigation and student conduct review process as outlined in the Student Code of Conduct.

M. RESOLUTION OF ALLEGATION OF ACADEMIC DISHONESTY

1. A student charged with academic dishonesty will have the case resolved as follows:
 - a) The faculty member of record for the class communicates with the Charged Student and informs him or her of the allegations against them. If the Charged Student accepts responsibility for the academic dishonesty, the student will receive an academic sanction determined by the faculty member of record, which may include a failing grade in the class. In concert with this meeting, the faculty member completes the Faculty Referral/Summary Adjudication Form and secures the signature or other form of acceptance by the Charged Student. Faculty Referral/Summary Adjudication forms are available online at:

<http://studentservices.fgcu.edu/studentconduct/forms.html>.

The completed Faculty Referral/Summary Adjudication form is then submitted to the Dean of Students' Office to be included in the student's conduct file.

- b) If, after the faculty member of record communicates with and informs the student(s) of the allegation against him or her, the student denies responsibility for the actions or the allegations are so egregious (such as the student(s) having more than one incident of academic dishonesty on record with the University or in the course), the matter is

- immediately referred to the Dean of Students' Office to coordinate the hearing process.
- c) Faculty must contact the Dean of Students Office with the student's name and University Identification Number (UIN) to determine if the student has a prior academic dishonesty history. Only emails sent from the faculty's University email account will be accepted.
 - d) The faculty member of record in the class informs the student(s) that he or she has been submitted by direct faculty referral for a suspected academic integrity violation to the Dean of Students' Office for investigation of the allegation and to coordinate the hearing process through the Academic Integrity Committee.
 - e) Once the Dean of Students Office has been contacted, upon request of the faculty member making the referral, the Dean of Students Office will notify the Registrar's Office that the student may not withdraw from the class during the investigation/hearing process. If a student attempts to drop a class prior to the end of the investigation/hearing process, the student will be restored to the class roster and the appropriate grade or penalty will be imposed, if applicable. The faculty member is responsible for notifying the student that he or she has been reenrolled in the class.
 - f) In circumstances where a case is more complex, the University may determine the type of hearing to be utilized for resolution of the case.
 - g) The Charged Student may inspect any available information presented in support of the charges and take notes prior to the hearing with the faculty member or the Academic Integrity Committee.
 - h) The Academic Integrity Committee will hear the case and make a determination of whether there is a preponderance of information to find the student responsible for academic dishonesty. If the student is determined to be "responsible" for academic dishonesty, the committee will recommend a disciplinary sanction which may include expulsion.
 - i) The Dean of Students will review the decision of the Academic Integrity Committee, make the final determination, and provide written notice of the determination to the student and faculty of record. The final determination will include the basis for the determination and if the determination of the Dean of Students is different from the recommendation of the Committee, then the reasons of those differences will be included in the written decision.
 - j) After the determination by the Academic Integrity Committee, the faculty of record will assign the student a final grade (which may include a failing course grade). The faculty member may then, if necessary, process the appropriate grade change with the Registrar's Office.

2. Academic Integrity Committee

- a) The Academic Integrity Committee is coordinated by the Dean of Students' Office to resolve cases of alleged academic dishonesty referred by the faculty. It is comprised of faculty and students in the following structure:
- b) The Dean of Students or designee serves as Facilitator to the Academic Integrity Committee to coordinate the hearing process and to assist the committee in providing fair and impartial hearings for students accused of academic dishonesty.
- c) Five (5) faculty members from each academic college are recommended by the Dean of the College to serve for a one- year appointment that can be renewed.
- d) Two (2) students from each college are selected in consultation with Student Government through an interview process established by the Dean of Students' Office.
- e) When a student is referred for a hearing, the Dean of Students' Office convenes a committee from the pool of appointees to serve on the committee for the case using the following guidelines:
 - 1) Two (2) faculty members from the college making the referral (if available),
 - 2) One (1) faculty member from any of the remaining colleges, and
 - 3) Three (3) students from a different college than the college making the referral (if available).
- f) The Chair of each hearing will be selected from the committee members comprising the Hearing Body.
- g) Charged Students have the right to appeal a decision of the Academic Integrity Committee to the Vice President for Student Affairs or designee in accordance with the appeal procedure described herein.
- h) The Academic Integrity Committee process is separate from the Grade Appeals process, which is managed by the Colleges in the Division of Academic Affairs.

N. CONDUCT PROCEDURES FOR VIOLATIONS OCCURING DURING THE LAST TWO WEEKS OF THE FALL OR SPRING SEMESTER OR DURING SUMMER SESSIONS

When a student is charged with violations occurring during the last two weeks of the semester or during summer sessions, the Dean of Students' Office or designee will determine the type of hearing provided for the student to ensure that the student is given adequate Notice and that due process is observed. Only under certain circumstances, hearings may

occur in the subsequent semester. Such circumstances include, but are not limited to, complex, extenuating circumstances, such as emergency or illness of the Charged Student, faculty, staff, or witness, or end of the term when the violation(s) occurred.

O. PERIODIC REVIEW OF THE STUDENT CODE OF CONDUCT AND STUDENT CONDUCT REVIEW PROCESS

The Vice President for Student Affairs or designee shall establish a committee to review the Student Code of Conduct and Student Conduct Review Process. The committee shall review the Student Code of Conduct and Student Conduct Review Process at least once every two years. The committee membership shall have students make up at least one half of the membership.

*Action by Florida Gulf Coast University Board of Trustees
Approved 09/08/2015*

Specific Authority

§§1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes; Board of Governors Regulations 1.001 and 6.0105

History of Regulation

New 1/15/08; Amended 1/18/11, 9/20/11, 04/17/12, 6/19/12, 6/17/14, 09/08/15

Effective Date of Regulation

09/08/2015