

Information Sheet for Complaint Parties and their Campus Advisers

The University's disciplinary process is initiated when a complaint of a possible violation of the University Code of Student Conduct is filed against a student. Complaints may be filed with the Office of Student Conduct or an Academic Integrity Facilitator. This information sheet is intended to guide complainants through the Rutgers disciplinary system. It summarizes the disciplinary process, but is not all-encompassing. Consult the University Code of Student Conduct (UCSC) and the Policy on Academic Integrity for detailed information.

It is the responsibility of the complaint party to present the case against the accused student. The burden of proof rests with the complainant. A student can be found responsible for a violation of the UCSC only if the complaint party has proven the allegations through a preponderance of information.

In all academic integrity cases, the student should not be penalized until the matter has been resolved. This means that the student should continue to attend classes and complete exams and assignments. If you must submit a course grade before the disciplinary process is complete, that grade should be a "TZ" or "Incomplete."

Throughout the disciplinary process, the complaint party has the right to:

- be treated with respect during the disciplinary process.
- make decisions regarding the disciplinary process without any duress, threats or coercion from any authority. No person is authorized to make a binding disciplinary agreement outside of the formal disciplinary process.
- the assistance of a Campus Adviser, a member of the University community who can help the complaint party navigate the disciplinary process. Campus Advisers may attend all meetings, Disciplinary Conferences, and University Hearings.

Non-Separable Academic Integrity Violations

If the complaint involves a ***non separable***¹ violation of academic integrity (see the Policy on Academic Integrity), the instructor making the complaint must notify the student of the allegation in writing and give the student at least ten (10) working days to respond. The instructor² then meets with the student. At this meeting, the student has the right to contest the allegation and to present information and witnesses in his or her defense.

After a review of the relevant information, the instructor determines whether the student is responsible for the violation and notifies the student of his or her decision in writing within ten (10) working days. If the student is found responsible, the instructor decides on an academic sanction. If the student accepts the finding and the sanction, the sanction is imposed and the outcome of the complaint reported to the Office of Student Conduct. If the OSC finds that the student has a prior history of academic integrity violations, the reported non-separable offense may be treated as separable.

Appeals

If the student contests the instructor's finding and/or sanction, he or she may file an appeal with the Campus Appeals Committee (CAC). If the student fails to file an appeal within ten (10) working days of receiving the instructor's decision, the finding and sanction are final.

The CAC considers the student's appeal based on information gathered by a Staff Investigator. The CAC may uphold the finding and sanction, dismiss the finding, or uphold the finding and modify the sanction. An instructor's finding of responsibility will be dismissed only if that finding is inconsistent with the evidence or if new and significant evidence is offered. A sanction is modified only if it is grossly disproportionate

¹ Non-separable violations carry potential sanctions less than suspension or expulsion.

² Non-separable academic integrity violations may also be adjudicated by an Academic Integrity Facilitator according to the procedures described here, if the faculty member chooses not to handle the matter.

to the offense. The CAC's decision is final and is not subject to further appeal. The complaint party has no right of appeal. The final outcome of the case is reported to the OSC and the sanction (if applicable) is imposed.

Non Separable Conduct Violations

Once a complaint has been received, a Conduct Officer conducts an inquiry called a **Preliminary Review**. The Conduct Officer collects information from the person bringing the complaint, the accused student, and any witnesses.

Before the Preliminary Review, the complainant should read and understand the University Code of Student Conduct and the Policy on Academic Integrity. Any questions about the disciplinary process should be directed to the Office of Student Conduct (732-932-9414).

The complaint party should also choose a Campus Adviser from a list of trained advisers, which can be obtained from the Conduct Officer or at <http://studentconduct.rutgers.edu>. The complainant may also choose any member of the University community as an adviser, but should be aware that only advisers on the list have received formal training in the disciplinary process. The University treats all conversations between the complaint party and his or her adviser as confidential; however, the University cannot guarantee that external authorities will respect this confidentiality.

During the Preliminary Review, the complainant should be prepared to describe the alleged misconduct in detail and provide evidence and the names of witnesses supporting the complaint.

If the Conduct Officer determines, as a result of the Preliminary Review, that there is sufficient evidence to charge the accused student with a non separable violation of the Code, the accused student is asked to answer the charges. If the student accepts responsibility for the violation(s), the officer determines an appropriate sanction.

If the student denies responsibility for the violation, the case is referred to a **Disciplinary Conference**, an informal review of information and testimony. In a Disciplinary Conference, a single Conduct Officer is the sole finder of fact. He or she questions the complaint party, the accused student, and any witnesses. The complaint

party and accused student may question one another and all witnesses. When all testimony and information has been presented, the Conduct Officer decides whether the student is responsible for the violation(s).

If the officer finds the student not responsible for violating the Code, the case is closed. If the accused student is found responsible, the Conduct Officer determines an appropriate sanction. In deciding upon a sanction, the officer will consider the student's previous disciplinary record and any statements submitted by the accused student, the complaint party (if any), the victim, the officer who conducted the Preliminary Review, and any character witnesses.

Appeals

A student found responsible for a non separable violation of the Code has a right to appeal the decision and sanction to the Director of Student Conduct. The Director's decision is final and is not subject to further appeal. The complaint party has no right of appeal.

Separable Academic Integrity and Conduct Violations

All **separable**³ violations (both academic integrity and conduct) are adjudicated according to the procedures summarized below.

Once a complaint has been received, a Conduct Officer (or AIF, in the case of academic integrity violations) conducts an inquiry called a **Preliminary Review**. The Conduct Officer collects information from the person bringing the complaint, the accused student, and any witnesses.

Before the Preliminary Review, the complainant should read and understand the University Code of Student Conduct and the Policy on Academic Integrity (if applicable). Any questions about the disciplinary process should be directed to the Office of Student Conduct (732-932-9414).

The complaint party should also choose a Campus Adviser from a list of trained advisers, which can be obtained from the Conduct Officer or at <http://studentconduct.rutgers.edu>. The complainant may also choose any member of the University community as an adviser, but should be aware that only advisers on the list have received formal training in the disciplinary process. The University treats all conversations between the complainant and his or her adviser as confidential; however, the University cannot guarantee that external authorities will respect this confidentiality. During the Preliminary Review, the complainant should be prepared to describe the alleged misconduct in detail and provide evidence and the names of witnesses supporting the complaint.

If the Conduct Officer determines, as a result of the Preliminary Review, that there is sufficient evidence to charge the student with a separable violation of the Code, the accused student is asked to answer the charges. If the student accepts responsibility for the violation(s), the officer determines an appropriate sanction. If the officer chooses suspension or expulsion as the sanction, that determination represents a

³ Separable violations carry potential sanctions of suspension or expulsion.

recommendation to the Chief Academic Officer (in academic integrity cases) or Senior Student Affairs Officer (in conduct cases), who must approve all sanctions involving separation from the University.

If the student denies responsibility for the violation, the case is referred to a University Hearing or to a Disciplinary Conference. A **University Hearing** is a review before a five-member⁴ Hearing Board under the direction of a Hearing Officer. The complaint party and the accused student present their versions of events and any supporting information. The board members and Hearing Officer question the complaint party, the accused student, and any witnesses. The complainant and accused student question one another and the witnesses. When all testimony and information has been presented, the Hearing Board determines whether the accused student is responsible for the charges.

If the board finds the student not responsible for violating the Code, the case is closed. If a student is found responsible, the board recommends an appropriate sanction, after reviewing the student's past disciplinary history (if any) and hearing statements from the accused student, the complaint party, the victim, the officer who conducted the Preliminary Review, and any character witnesses.

The board's sanction is a recommendation to the Chief Academic Officer or the Senior Student Affairs Officer, who must approve the sanction. Both the complaint party and the accused student may submit a statement⁵ for the sanctioning official to consider before finalizing the sanction.

A **Disciplinary Conference** is an informal review of information and testimony similar to a University Hearing; however, in a Disciplinary Conference, a single Conduct Officer is the sole finder of fact. He or she questions the complaint party, accused student, and any witnesses. The complaint party and accused student may question the opposing party and witnesses. When all testimony and information has been presented, the Conduct Officer decides whether the student is responsible for the violation(s).

⁴ three students and two faculty members

⁵ These statements must be submitted no later than five (5) working days after the hearing.

If the officer finds the student not responsible for violating the Code, the case is closed. If the accused student is found responsible, the Conduct Officer determines an appropriate sanction. In deciding upon a sanction, the officer will consider the student's previous disciplinary record (if any) and any statements submitted by the accused student, the complaint party, the victim, the officer who conducted the Preliminary Review, and any character witnesses.

If the officer determines that a sanction less than suspension or expulsion is appropriate, that determination is final. If the recommended sanction is suspension or expulsion, the Chief Academic Officer (in academic integrity cases) or Senior Student Affairs Officer (in conduct cases) must approve the sanction. Both the complaint party and the accused student may submit a statement⁶ for the sanctioning official to consider before finalizing the sanction.

Appeals

A student found responsible for a separable violation of the Code has a right to appeal the decision and sanction to the Campus Appeals Committee and then to the President of the University. See the University Code of Student Conduct, Parts 56 through 67 for detailed information on appeals.

⁶ These statements must be submitted no later than five (5) working days after the hearing.

Preparing for a Disciplinary Conference or University Hearing

Before the conference or hearing, the complaint party and his or her Campus Adviser should:

- Provide the Office of Student Conduct with the name of the student's Campus Adviser and support persons⁷ (if any).
- If the accused student would like a third party (such as a parent) to have access to information about the case, submit a release form (available at <http://studentconduct.rutgers.edu>) granting such access.
- Make an appointment with the Office of Student Conduct (732-932-9414) to review the case file.
- Review the Conduct Officer's Preliminary Review report, which is included in the case file.
- Develop a list of evidence that helps to prove the complainant's version of events. Provide this list and copies of the evidence to the Office of Student Conduct by the submission deadline⁸; **information that is submitted late may be disallowed.**
- Develop a list of witnesses whose testimony supports the complainant's version of events. This list should:
 - include the witnesses' names, telephone numbers, and e-mail addresses
 - indicate whether each person is a **factual witness** (an individual who has direct, relevant knowledge of the matter in question) or a **character witness** (an individual who will testify to a party's good character)
 - include a brief summary of the information each witness will testify to.Present this list to the Office of Student Conduct by the submission deadline⁸.

⁷ A support person may attend a Disciplinary Conference or University Hearing, but may not speak or otherwise participate.

⁸ Two (2) working days prior to a Disciplinary Conference; five (5) working days prior to a University Hearing

- Meet with the complainant's witnesses before the conference or hearing and review their testimony. The complaint party should share the "Guide for Witnesses in the Rutgers Disciplinary System" (available at <http://studentconduct.rutgers.edu>) with them.
- Confirm the witnesses' attendance and be sure that they are aware of the date, time and location of the conference or hearing.
- Obtain a statement (or affidavit) from any witness who cannot attend the proceeding. In order to be admissible, the affidavit **must** be witnessed by a Dean of Students or by a notary public. **Affidavits that are not properly witnessed or notarized will not be accepted.** Visit <http://studentconduct.rutgers.edu> for information on preparing affidavits. Submit any statements to the Office of Student Conduct by the submission deadline⁸.
- Review the accused student's witness list. Anticipate the information that may be presented by these witnesses and prepare questions for them that will elicit information supporting the complaint party's case.
- Review the "Hearing Procedures" or "Disciplinary Conference Procedures" at <http://studentconduct.rutgers.edu>.
- Prepare a short **opening statement**. This is a brief summary, given at the beginning of the conference or hearing, of the facts the complainant plans to show the Hearing Board or Conduct Officer.
- Prepare a **narrative statement**. This is a full, detailed description of the incident in question and the complaint party's version of events. Supporting evidence and fact witnesses will be introduced during the narrative.
- Prepare a **closing statement**. This is a brief summary of the information presented by the complainant and the conclusions to be drawn from that information.
- In the event that the accused student is found responsible, prepare a statement recommending an appropriate sanction.