

## Information Sheet for Accused Students

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. This information sheet is intended to guide students accused of code violations through the Rutgers disciplinary system. It summarizes the disciplinary process, but is not all-encompassing. Students should consult the *University Code of Student Conduct* (UCSC) and the *Policy on Academic Integrity* for detailed information.

Throughout the disciplinary process the accused student has the right to:

- remain silent or to discuss his or her view of the facts when speaking with a Conduct Officer. The choice to remain silent will not be considered evidence of guilt, nor will a negative inference be drawn from it.
- be presumed innocent and treated with respect during the disciplinary process. The burden of proof rests with the person bringing the complaint. 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.
- 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 with a student outside of the formal disciplinary process.
- the assistance of a Campus Adviser, a member of the University community who can help the student navigate the disciplinary process. Campus Advisers may attend all meetings, Disciplinary Conferences, and University Hearings.

## **Non-Separable Academic Integrity Violations**

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If the complaint involves a ***non-separable***<sup>1</sup> violation of academic integrity (see the *Policy on Academic Integrity*), the instructor making the complaint must notify the student of the allegation in writing, schedule a meeting, and give the student at least ten (10) working days to respond.

Before meeting with the instructor, the student should thoroughly review the *Policy on Academic Integrity*. At the meeting, the instructor<sup>2</sup> will explain the allegations and present the supporting evidence. The student has the right to contest the allegations 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.

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<sup>1</sup> Non-separable violations carry potential sanctions less than suspension or expulsion.

<sup>2</sup> 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.

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. A 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 to the offense. The CAC's decision is final and is not subject to further appeal. The final outcome of the case is reported to the OSC and the sanction (if applicable) is imposed.

## Non Separable Conduct Violations

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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 accused student 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 student 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 student 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 accused student and his or her adviser as confidential; however, the University cannot guarantee that external authorities will respect this confidentiality.

During the Preliminary Review, the accused student should ensure that he or she understands:

- that he or she has the right to remain silent
- that any information provided during the Preliminary Review will become part of the case file and may be introduced at later disciplinary proceedings
- what violations are alleged to have been committed
- who is making the complaint
- what evidence and witnesses support the complaint
- the consequences of accepting or denying responsibility

- that he or she may provide the Conduct Officer with the names of witnesses and other information in his or her defense (if the student has chosen not to remain silent)
- the range of possible sanctions if the student is determined to be responsible for the violation(s).

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 respondent 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 respondent 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, 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.

## Separable Academic Integrity and Conduct Violations

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All **separable**<sup>3</sup> violations (both academic integrity and conduct) are adjudicated according to the procedures described in the *University Code of Student Conduct* and 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.

Prior to the Preliminary Review, the accused student 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 student 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 student 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 accused student and his or her adviser as confidential; however, the University cannot guarantee that external authorities will respect this confidentiality.

During the Preliminary Review, the accused student should ensure that he or she understands:

- that he or she has the right to remain silent
- that any information provided during the Preliminary Review will become part of the case file and may be introduced at later

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<sup>3</sup> Separable violations carry potential sanctions of suspension or expulsion.

disciplinary proceedings

- what violations are alleged to have been committed
- who is making the complaint
- what evidence and witnesses support the complaint
- the consequences of accepting or denying responsibility
- whether the case may be heard at a Disciplinary Conference or at a University Hearing and the difference between the two proceedings
- that he or she may provide the Conduct Officer with information and the names of witnesses in his or her defense (if the student has chosen not to remain silent)
- the range of possible sanctions if the student is determined to be responsible for the violation(s).

If the Conduct Officer determines, as a result of the Preliminary Review, that there is sufficient evidence to charge the respondent 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 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 respondent 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-member<sup>4</sup> 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 complainant, the respondent, and any witnesses. The complaint party and respondent question one another and the witnesses. When all

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<sup>4</sup> three students and two faculty members

testimony and information has been presented, the Hearing Board determines whether the accused student is responsible for the charges.

If the board finds the respondent not responsible for violating the Code, the case is closed. If a respondent is found responsible, the board recommends an appropriate sanction, after reviewing the respondent'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 respondent may submit a statement<sup>5</sup> 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).

If the officer finds the respondent 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

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

suspension or expulsion, the Chief Academic Officer or Senior Student Affairs Officer must approve the sanction. Both the complaint party and the respondent may submit a statement<sup>6</sup> for the sanctioning official to consider before finalizing the sanction.

### **Appeals**

A respondent 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.

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

## Preparing for a Disciplinary Conference or University Hearing

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Before the conference or hearing, the accused student and his or her Campus Adviser should:

- Provide the Office of Student Conduct with the name of the student's Campus Adviser and support persons<sup>7</sup> (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 student's version of events. Provide this list and copies of the evidence to the Office of Student Conduct by the submission deadline<sup>8</sup>; **information that is submitted late may be disallowed.**
- Develop a list of witnesses whose testimony supports the student's version of events. This list should:
  - include the witnesses' names, telephone numbers, and e-mail addresses
  - indicate whether each witness 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 the respondent's good character)
  - include a brief summary of the information each witness will testify to.

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

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

Present this list to the Office of Student Conduct by the submission deadline<sup>8</sup>.

- Meet with the student's witnesses before the conference or hearing and review their testimony. 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 deadline<sup>8</sup>.
- Review the complaint party's witness list. Anticipate the information that may be presented by these witnesses and prepare questions for them that will elicit information supporting the accused student'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 student 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 accused student'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 student 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.