



A Witness's Guide to the Disciplinary System

You have been asked to appear as a witness in a disciplinary proceeding. A student has been accused of violating the University Code of Student Conduct (Code), and your testimony is needed to resolve the matter. Your service as a witness is your duty as a member of the Rutgers community and an important part of the University disciplinary system, for your testimony will help the deciders of fact uncover the truth.

This guide will outline what will be expected of you as a witness. Keep in mind that the University's disciplinary system is very different from the criminal or civil courts. The University's system is not intended to be an adversarial one; the goal is to discover the facts of the matter, and your role in that pursuit is simply to tell the truth.

The Disciplinary Process

The two parties in a student conduct case are the student accused of violating the Code and the person bringing the complaint. Allegations of misconduct are heard at either a Disciplinary Conference or a University Hearing. Both parties may present evidence, call witnesses, and be assisted by a Campus Adviser, who will help him or her prepare and present the case.

You will be identified as either a **factual** witness or a **character** witness. As a factual witness, you will be expected to present facts or observations directly relevant to the incident in question. If you are a character witness, you will be offering your opinion of the accused student's character and reputation.

The party who has named you as a witness (and/or his or her adviser) will want to speak with you before the proceeding to review your testimony. However, the opposing party should not contact you outside of the hearing or conference. If you are contacted by the opposing party or his or her representative, you should decline to speak with him or her and notify the Office of Student Conduct (732-932-9414) immediately.

You are expected to testify truthfully in any disciplinary proceeding. If you are a Rutgers student, you should know that providing false information or willfully refusing to testify are violations of the Code (see the University Code of Student Conduct, Parts 10(s) and 10(z)).

The Disciplinary Conference or University Hearing

Make sure that you know the date, time, and location of the proceeding. The party who called you as a witness should provide you with this information. Arrive at the location at

least 10 minutes early; it disrupts the proceedings if witnesses are not present when their testimony is needed.

When the proceeding begins, you will be called into the room with the other participants. In a Disciplinary Conference, those participants will include:

- The Conduct Officer conducting the conference
- The Conduct Officer who investigated the case
- The complaint party and his or her Campus Adviser
- The accused student and his or her Campus Adviser
- Witnesses for both parties.

In the case of a University Hearing, the participants will be:

- The Hearing Board, which consists of three students and two faculty
- The Hearing Officer conducting the hearing
- The Conduct Officer who investigated the case
- A representative from the Office of Student Conduct
- The complaint party and his or her Campus Adviser
- The accused student and his or her Campus Adviser
- Witnesses for both parties.

Either party may also have an attorney present, but attorneys have no role in the proceeding and cannot speak or question witnesses.

The Conduct Officer or Hearing Officer will explain the procedures to be followed and ask everyone present to identify him- or herself. You and the other witnesses will then be asked to step outside until you are called to testify. You should not discuss the case with anyone, including other witnesses, outside the room.

Your Testimony

When you return to the room, the Hearing Officer or Conduct Officer will ask you to affirm that your testimony will be truthful. You will be asked to describe the incident in question in your own words; then you will be questioned. In a Disciplinary Conference, you will be questioned by the Conduct Officer, the complaint party, and the accused student. In a University Hearing, you will be questioned by the Hearing Board, the complaint party, the accused student, and the Hearing Officer.

When giving testimony, remember these points:

- The proceeding is being recorded, so speak loudly and clearly in the direction of the microphone. Respond to questions verbally, not with nods or gestures.
- Listen carefully to the question before answering.

- If you don't know the answer to a question, say so; don't guess.
- If you don't understand a question, ask that it be repeated. Don't try to guess at the questioner's intent.
- Even if you have strong feelings about the case, answer all questions calmly and courteously. Maintaining your composure will enhance your credibility as a witness.
- Don't try to slant your testimony to favor one party. Your responsibility is to provide accurate, truthful information, not to act as an advocate.
- You may testify only to information of which you have direct personal knowledge. You cannot testify to information that you have heard secondhand.

When your testimony is over, you will be asked to step outside. At this point, you may be permitted to leave, or if the Conduct Officer or Hearing Officer anticipates that there may be more questions for you, you may be asked to stay longer. The length of the proceeding depends on the complexity of the case, but you should allow 2 to 3 hours for a Disciplinary Conference and 3 to 5 hours for a University Hearing. If you must miss a class to attend the hearing or conference, the Office of Student Conduct can provide documentation for your instructor.

You are expected to keep all aspects of the proceeding strictly confidential. You should not discuss the parties involved or the charges, evidence, or testimony with anyone outside the disciplinary process.

Affidavits

If you cannot appear at the hearing, you may submit written testimony in the form of an affidavit. Keep in mind that an affidavit is not as useful as live testimony, since you cannot be questioned about the statement. If it is impossible for you to appear at the hearing or conference and you must submit an affidavit, follow these guidelines when preparing your statement:

- Be thorough. Since you will not be present to answer questions, the Conduct Officer or Hearing Board must rely solely on what you have written. Your affidavit should identify you by name; explain your relationship to the party who has called you as a witness (if any); note the date, time and location of the events you are describing; identify others who were present (if possible); and provide a clear, detailed description of what you personally saw, did, and heard in relation to the incident in question.
- Have your statement witnessed by a Rutgers dean or by a notary public. Your statement will **not** be accepted without this step.

- Provide your affidavit to the party who called you as a witness as soon as possible. The participants are required to submit affidavits at least 5 working days before the proceeding.

Visit <http://studentconduct.rutgers.edu/> for detailed information on preparing affidavits.

Further Information

If you have questions about your role as a witness, the disciplinary process, or about the University Code of Student Conduct, contact the Office of Student Conduct at 732-932-9414 or visit <http://studentconduct.rutgers.edu>.