

## Disciplinary Process: Frequently Asked Questions from Family/Support Persons

### Resources

- Office of Student Affairs Compliance: Family Educational Rights and Privacy Act (FERPA) (<http://compliance.rutgers.edu/ferpa/>)

The Office of Community Standards recognizes that family members are a critical factor in the success of students, and works diligently to make family members a part of the discussion. However, the Office of Community Standards must also balance this with privacy allowances made for students under the Family Educational Rights and Privacy Act (FERPA) and the recognition that students, as young adults, must assume more responsibility for their own academic and lifestyle matters.

The Office of Community Standards encourages family members to discuss situations with students prior to contacting our office. In most cases, the Office of Community Standards cannot discuss a student's disciplinary case with family members without his or her explicit written consent.

For your convenience, here are answers to the most frequently asked questions from family members. For more information about FERPA, visit the U.S. Department of Education website (<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>).

### **Q: I just received a letter telling me that my son/daughter needs to come in for an Investigation. How can I find out what is happening?**

A: It makes the most sense to start with your son or daughter and to ask them. Our policy is to communicate directly with students. Normally, the Office of Community Standards will share information with a third party only if the student has provided written authorization to do so. Even in these instances, we will continue to communicate directly with the student while also providing information to the parent or guardian. Students are expected to represent themselves in the disciplinary process at all times. Our web page lists the disciplinary processes and procedures (<https://deanofstudents.camden.rutgers.edu/conduct-process>) so you can read up on what will happen and how. We are always willing to answer any general questions about the disciplinary process. If your son or daughter would like our office to share information with you, they should complete a Release Authorization Form (<https://deanofstudents.camden.rutgers.edu/disciplinary-records-release-form/>) granting us permission to do so.

### **Q: My son/daughter just told me that s/he is involved in a disciplinary matter. What can I do?**

A: The student disciplinary process at Rutgers University does not provide for the direct involvement of the parent or guardian of a student. Each student is expected to manage his or her own disciplinary matters with the University. However, parents can provide

important moral support to their son or daughter and can assist the student in understanding both the disciplinary process and the expectations of the University.

**Q: My son/daughter is scheduled to appear at a hearing. Can I attend?**

A: Parents can attend a hearing as support persons if requested by the student. A support person is required to sit behind the student and is not permitted to address anyone during the hearing. Parents are also welcome to sit in a waiting area and consult with the student during breaks.

**Q: My son/daughter is concerned about getting removed from the University. Should I hire or consult with an attorney?**

A: Decisions as to whether or not to consult legal counsel are personal ones, to be based on whatever factors the student and his or her parent/guardian find to be compelling. However, please understand that attorneys are considered support persons, and while they may accompany the student to disciplinary proceedings, they may not participate in any fashion. If you choose to consult with an attorney, you do so at your own expense.

**Q: My son/daughter is also in trouble with the courts. Can the campus proceedings be delayed until the conclusion of the criminal process?**

A: The Office of Community Standards is obliged to move forward with all disciplinary matters as soon as it has collected sufficient information to do so. The University is not required to defer to the timeline of the criminal courts and will not typically grant requests made on this basis. Please remember that the University is not attempting to determine if a student committed a crime—only to determine whether or not the Rutgers University Code of Student Conduct has been violated.

**Q: My son/daughter has been the victim of an offense by another student. What are his/her rights?**

A: Any student who has been the victim of an offense by another student also has specific rights (<https://deanofstudents.camden.rutgers.edu/rights>) in the disciplinary process. The victimized student can file a complaint directly, or the student can speak with one of our Dean of Students (<https://deanofstudents.camden.rutgers.edu/>), who can file the complaint on his or her behalf. If a complaint results in a University Hearing or Disciplinary Conference, the complaint party has the right to attend the entire hearing or conference, provide information, have access to the case file, ask questions, provide witnesses, and have a Campus Adviser and/or support person present. A victim can also submit an impact statement, explaining how he or she has been affected by the violation. This impact statement is considered in the sanctioning process.