

Preliminary Review Checklist for Conduct Violations and Separable Academic Integrity Violations

- ❑ Interview the complainant. Describe the student disciplinary process and the role of the complainant in it. Give the complainant a copy of the information sheet for complainant and campus adviser. Explain that matters discussed in the preliminary review may be used at a Disciplinary Conference or hearing.
- ❑ Describe the jurisdiction of the student disciplinary process. If there appears to be any potential for criminal charges or civil action, advise the complainant that s/he may wish to consider these options as well, and may, at his/her own expense, wish to consult with an attorney for advice.
- ❑ Give the complainant a list of campus advisers. Explain that s/he may choose any member of the University community as a campus adviser, but that only those on the list are specifically trained in the disciplinary process. If the respondent¹ chooses as a campus adviser a member of the University community who has a law degree, the complainant may also, but not otherwise. Explain that the University will treat all discussions between complainant and campus adviser as confidential, but cannot guarantee external authorities will likewise respect this privilege.
- ❑ Explain to the complainant that s/he may also hire an attorney at his/her own expense to advise him/her. The attorney may attend all meetings and hearings, but may not speak on behalf of the complainant.
- ❑ Explain to the person bringing the charge that only members of the University community may serve as complainants. In certain cases where the complaint is credible and University interests are involved, a member of the Rutgers community may be appointed to serve as complainant in place of the non-University member bringing the charge.
- ❑ Ask the complainant to fully describe the incident.
- ❑ Ask the complainant for the names of individuals from whom you might get further information. Get their names and telephone numbers.
- ❑ Interview appropriate witnesses to gather evidence. It may not always be necessary to interview all potential witnesses in order to move the case forward. The interviewing of complainant and respondent's witnesses may overlap one another.

¹ Respondent is the term used in the student disciplinary process for the student accused of violating the Code of Student Conduct.

- ❑ See respondents one at a time even if the violations involved a group.
- ❑ Give the respondent a copy of the information sheet for respondent and campus adviser.
- ❑ Have the respondent review the information sheet before you begin.
- ❑ Remind the respondent that the information s/he gives you may be used at a hearing, and that the respondent has a right to remain silent and that no negative inference will be assumed from that choice.
- ❑ Inform the respondent of the allegations that have been made and the potential corresponding charges should the allegations prove credible.
- ❑ Outline the procedure for investigation and adjudication of a violation. Explain the possible consequences if the respondent is found responsible.
- ❑ Give the student a list of campus advisers. Explain that s/he may choose any member of the University community as a campus adviser, but that only those on the list are specifically trained in the student disciplinary process. Explain how s/he may choose, at her/his own expense, to have an attorney advise but not represent her/him. Explain that the University will treat all discussions between respondent and campus adviser as confidential, but cannot guarantee external authorities will likewise respect this privilege.
- ❑ Ask the respondent to describe the incident for you and whether s/he was responsible for the alleged behavior. If s/he chooses to speak, take notes.
- ❑ If s/he chooses not to speak, tell her/him that a determination of charges will be made based on the information available. Suggest s/he seek advice from a campus adviser.
- ❑ Ask him/her if there are any persons from whom you might get information that would help prove her/his version of the incident. Get addresses and phone numbers.
- ❑ Interview appropriate witnesses for the respondent to gather evidence. It may not be necessary to interview all potential witnesses in order to determine whether to bring charges.
- ❑ After conducting the preliminary review make one of the following determinations:
 - ♦ Dismiss the complaint.
 - ♦ If the offense is minor, charge student with a non-separable violation.
 - ♦ If the offense is minor and it appears warranted, defer disciplinary action for another intervention such as counseling or mediation.

- If the offense is serious, formally charge the student with a separable violation if there is sufficient evidence to bring this case to a hearing (whether or not the student accepts responsibility for the offense).
 - If there is insufficient evidence at this time, make a follow-up appointment with the respondent. Suggest that in the interim s/he speak with a campus adviser while you continue your review with other witnesses.
-
- If charging the respondent, ask how s/he pleads to each charge. In the case of a separable offense, ask whether s/he wishes to consider the option of a disciplinary conference in lieu of a hearing.

 - Advise respondent, complainant, and the Office of Student Conduct of the outcome of the preliminary review.