

1

THE PRESUMPTION



5

PRESUMPTION OF NON-RESPONSIBILITY

- Respondent is presumed not responsible for any violation; determination regarding responsibility should be made *only* at the conclusion of the process after consideration of the relevant evidence.
- Fact-finders are not charged with finding a *particular* outcome.
- Fact-finders should avoid pre-conceived notions and consider only the information provided during the process.



3

WHAT IS RELEVANT EVIDENCE?

- Evidence is relevant if:
 - It has a tendence to make a fact more or less probable than it would be without the evidence; <u>and</u>
 - The fact is of consequence in determining the action. (FRE 401)
- The Hearing Officer or Panel Chair _____trunction determine the relevance of any witness or documentary evidence and may exclude information that is



QUESTIONING & CROSS-EXAMINATION UNDER T



Puppen of Proof	
BURDEN OF PROOF	
13	
Burden of Proof	
The level of certainty What is "Burden and the degree of of Proof?" evidence necessary	
to establish a violation of policy.	
14	
COMMON BURDENS OF PROOF	
Beyond a Reasonable Doubt. "firmly convinced"	
Clear and Convincing: "substantially more likely than not"	
<u>Preponderance of the Evidence</u> : "more likely than not"; 50%+ This is the standard of proof in the Title IX and Equity	
Resolution processes.	
15	

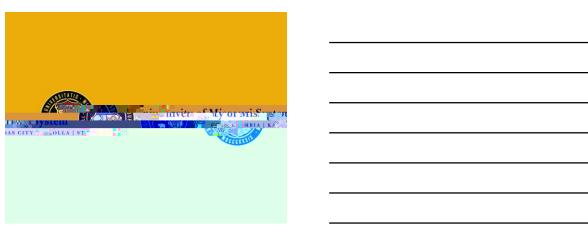
5

PREPONDERANCE OF THE EVIDENCE

This preponderance is based on the more convincing evidence and its probable truth or accuracy and not on the amount of evidence. ... A preponderance of evidence has been described as "just enough" evidence to make it more likely that the fact the claimant seeks to prove is true.



16



17