

1



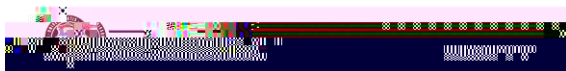
THE PRESUMPTION



2

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 tendency to make a fact more or less probable than it would be without the evidence; and
 - The fact is of consequence in determining the action. (FRE 401)
- The Hearing Officer or Panel Chair _____ to determine the relevance of any witness or documentary evidence and may exclude information that is



QUESTIONING & CROSS-EXAMINATION
UNDER T



BURDEN OF PROOF

BURDEN OF PROOF



13

BURDEN OF PROOF

What is "Burden of Proof?"

The level of certainty and the degree of 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"

Preponderance of the Evidence: "more likely than not"; 50%+

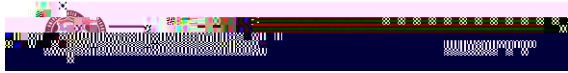
This is the standard of proof in the Title IX and Equity Resolution processes.



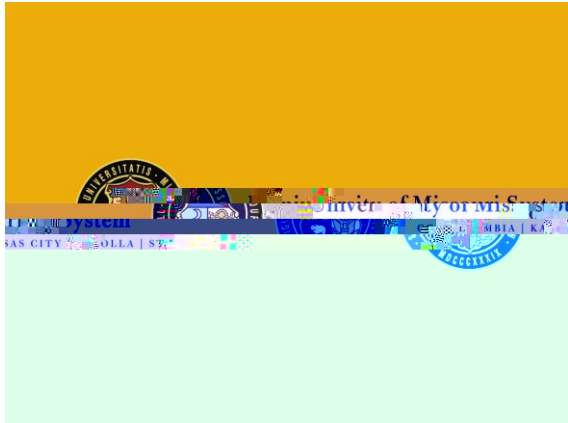
15

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
