

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.

---

---

---

---

---

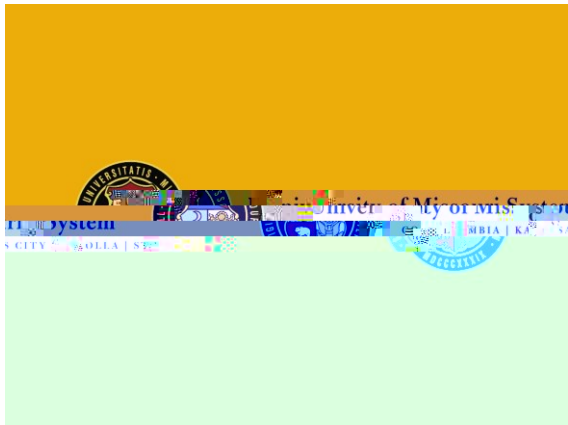
---

---

---



16



17

---

---

---

---

---

---

---

---