

A photograph of a forest path with a white text box overlay. The path is covered in fallen leaves and gravel, leading into a dense forest of green trees.

EVIDENCE-BASED DECISION MAKING



- EXCLUSION STATUS
- RELEVANCY
- AUTHENTICITY
- CREDIBILITY
- RELIABILITY
- WEIGHT



... EVIDENCE YOU MUST INCLUDE ...

EXCULPATORY & INCULPATORY

Exculpatory evidence increases the likelihood of finding of **non-responsibility or non-liability**

Inculpatory evidence increases the probability of a finding of **responsibility or liability.**

PLEASE NOTE: investigations & findings of **INNOCENCE** and **GUILT** are not applicable to Title IX or student conduct grievances. These processes are administrative processes & are not civil or criminal in nature.



EVIDENCE REVIEW

How does the evidence compound to **CREATE OR INDICATE** a narrative?

Ask yourself these fundamental questions:

1. Why or why not should evidence be excluded or included?
2. If evidence must be excluded, how has it been communicated?
3. What's the process to challenge these decisions?

ALL DECISIONS SHOULD BE WRITTEN OUT IN A RATIONALE & DETERMINATION.



RELEVANCE



Relevant evidence makes a material fact MORE OR LESS LIKELY TO BE TRUE

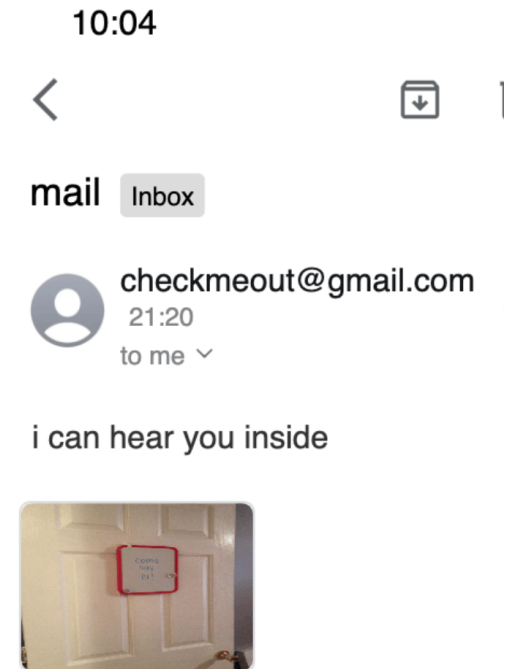
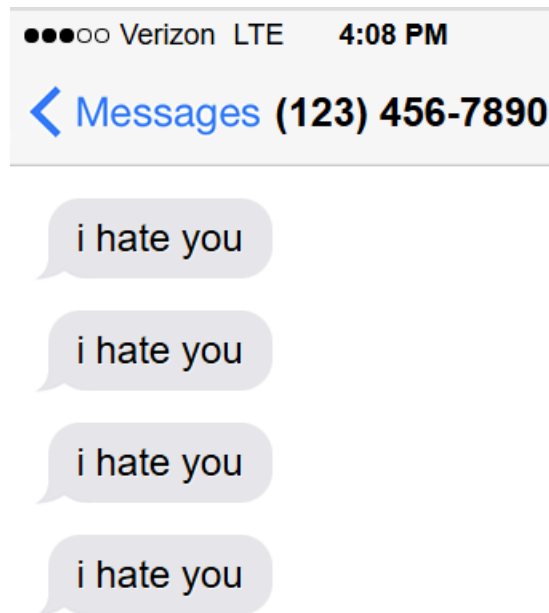
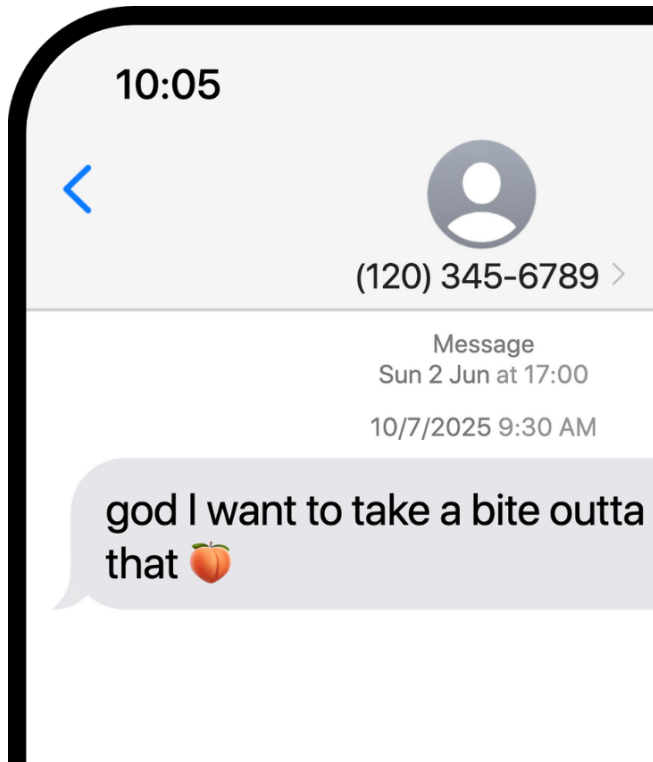
- Relevant evidence will make a direct connection to the charge(s)
- Irrelevant evidence should be noted
- Authenticity

AUTHENTICITY

TESTIMONY
CUSTODY
ELECTRONIC
AUTHENTICATION
ANALYSIS



AUTHENTICITY CONTINUED



CREDIBILITY

SPECIFICITY
CONSISTENCY
CONTRADICTION
MOTIVE TO DECEIVE
DEMEANOR & EVASION

Credibility judgments may feel subjective - decisionmakers are asked to evaluate whether a person *they don't know* is being honest in an unfamiliar and stressful situation.

Many traditional approaches to assess credibility may **REINFORCE BIASES** rather than promote an effort to get at the truth.

The areas on the left can help decisionmakers determine credibility.



ASSESSING CREDIBILITY

SPECIFICITY	<ul style="list-style-type: none">• Some witnesses may have a lot of info• Others may have value even with less specific information
CONSISTENCY	<ul style="list-style-type: none">• Consistency of witness' testimony with prior statements• Corroborate with information provided by others
CONTRADICTION	<ul style="list-style-type: none">• Contradictions within testimony may reduce credibility• Be mindful of "perfect testimony"



ASSESSING CREDIBILITY continued

<p>MOTIVE TO DECEIVE</p>	<ul style="list-style-type: none">• Is there a presence of a motivation to deceive?• What factors play into credibility judgments?• Conflicts of interest or bias• Coaching• Any information that has been intentionally destroyed?
<p>DEMEANOR & EVASION</p>	<ul style="list-style-type: none">• Exercise caution• Apply cultural competence when examining body language & demeanor to evaluate credibility• Behaviors traditionally associated with evasion may not tell you what you think it does

RELIABILITY



SOURCES

BIAS

RECALL

RELEVANCY

ACCURACY

PURPOSE

KINDS OF EVIDENCE



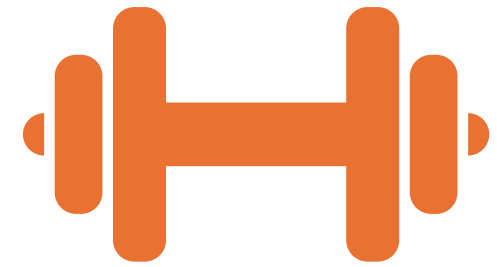
DIRECT

CORROBORATING



CIRCUMSTANTIAL

ASSESSING WEIGHT



DIRECT

First-hand observations & evidence of incident or surrounding circumstances

CONSIDERABLE WEIGHT (e.g. witness testimony of first-hand account of incident).

CORROBORATING

Statements or tangible materials that confirm direct evidence regarding incident

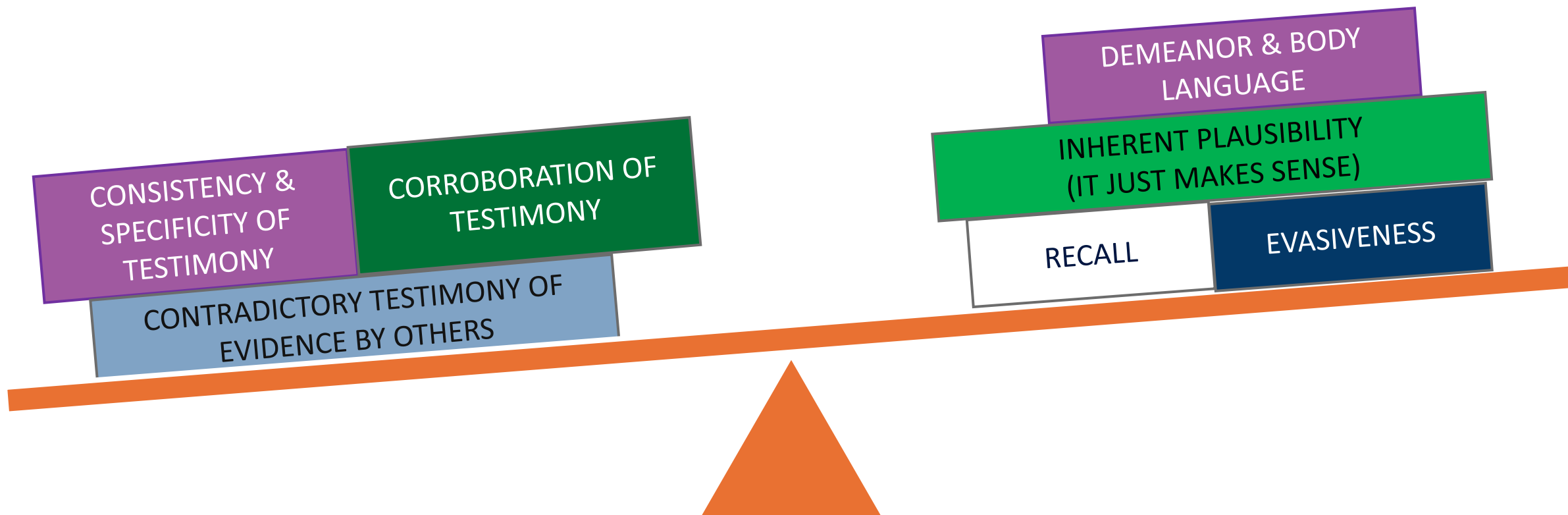
SOME WEIGHT (e.g. video evidence, text message threads, security footage, swipe card records, business records, medical records).

CIRCUMSTANTIAL

Statements or tangible materials that rely on inference to connect to a conclusion of fact

LEAST WEIGHT (e.g. photo of location of alleged sexual assault showing several empty vodka bottles & solo cups).





MORE SUBJECTIVE, SO USE CAUTION