

# Relevancy of Questions and Evidence



## Relevancy and Evidence

Fact-finders should determine the "facts" based on the relevant evidence presented at the hearing.

Fact-finders must address conflicting evidence that bears on the outcome of the proceeding.

The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Hearing Officer, whose ruling shall be final.

## What Evidence Should <sup>(not)</sup> be Considered?

The formal rules of evidence do not apply, but the evidence must be relevant.

Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless offered to prove that someone other than the Respondent committed the alleged conduct.

Evidence concerning specific incidents of the Complainant's prior sexual behavior with respect to the Respondent is not relevant unless it is offered to prove consent.

Character evidence is of limited utility and should not be admitted unless relevant.

Incidents or behaviors of a party not directly related to the alleged conduct should not be considered unless it shows a pattern of related misconduct that is deemed relevant.

Records of a party made or maintained by a physician or similar professional in connection with the provision of treatment to a party may not be used without the party's express consent.

Information protected under a legally recognized privilege shall not be allowed, relied upon or otherwise used unless the person holding the privilege has waived that privilege.

## Questioning of parties and witnesses at a hearing under §60r

