



Relevance

FOR INVESTIGATORS, ADVISORS, AND HEARING OFFICERS

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In the new rule, relevance is emphasized

- ▶ The only evidence to be considered is relevant evidence
- ▶ The only questions to be answered during live cross-examination are relevant questions



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Relevance:

- ▶ Relevance is simply the noun form of the adjective "relevant," which means "important to the matter at hand." Artists and politicians are always worried about their relevance. If they are no longer relevant, they may not keep their job. Someone without relevance might be called "irrelevant."
- ▶ According to Collins' Dictionary of Law: Relevance is a key concept in the law of evidence that considers the link between a piece of evidence and the enquiry itself 'Facts relevant in relation to each other if according to the common course of events one either taken by itself or in connection with other facts proves or renders liable to proof the past, present, or future or non-existence of the other'.



The US Dept. of Education doesn't offer a definition...


- ▶ Which means this definition could vary
- ▶ At Stetson, we will use the definition where relevance is the link between the evidence and the question at hand (whether a violation has occurred and the respondent is responsible)

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Investigators use relevance

- ▶ As they identify what evidence to consider and include in their report
- ▶ To ensure they include both inculpatory (tending to incriminate) and exculpatory (tending to exonerate) evidence
- ▶ To identify which witnesses have information necessary to the investigation

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It is expected that investigators will gather a lot of evidence

- ▶ But they will only use the relevant evidence in their report
- ▶ Complainants and Respondents can disagree about the relevance of evidence – both included and excluded – and should note this in their response to the draft report

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Advisors are limited in what they can ask during cross-examination:

- ▶ Hearing officers determine the relevance of questions before they are answered;
- ▶ The hearing is not conducted in the same manner as a typical court process;
- ▶ Rulings on relevance cannot be appealed during the hearing

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Advisors and Relevance

- ▶ The advisor can help the party identify potential relevant evidence/witnesses
- ▶ The advisor cannot question relevance during interviews
- ▶ The advisor can help the party review the report
- ▶ The advisor can help develop relevant questions for the cross-examination

Hearing Officers and Relevance

- ▶ Determining relevance of evidence is an important task for the hearing officer(s).
- ▶ Hearing officers determine the relevance of any question asked by an advisor during the live cross-examination.
- ▶ Hearing officers use relevance as a component to determining credibility.

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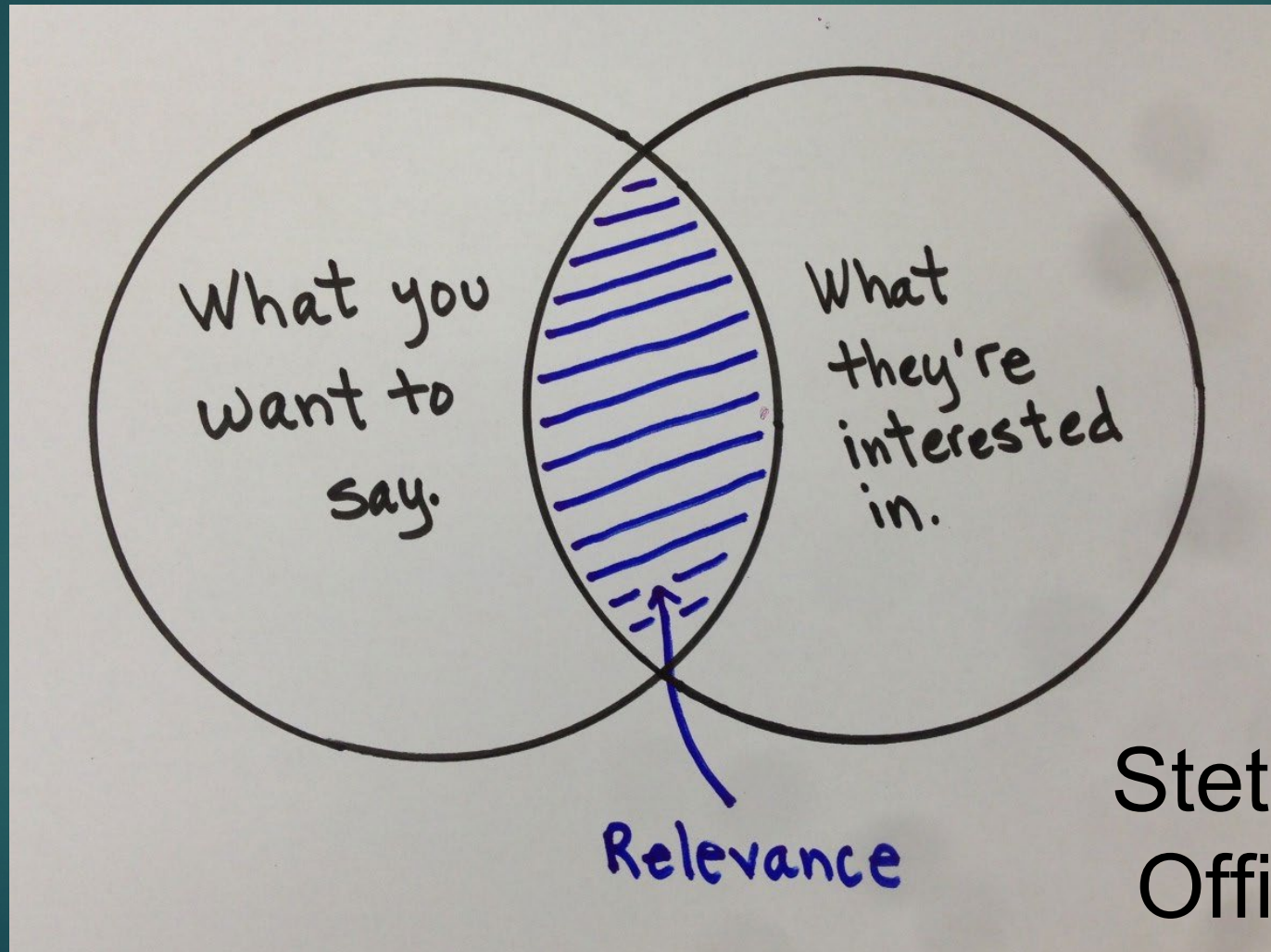
Sexual history, predisposition, prior behavior

- ▶ Is not relevant, and covered by rape shield laws except:
 - ▶ When it is used to prove another individual committed the offense; or
 - ▶ When it is used to prove consent

Ultimately, the hearing officer(s) determine whether evidence/questions related to prior history/predisposition are relevant.

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“Relevance is never irrelevant”



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Need more information?

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