

Bishops Short Course on Title IV  
March 2011

Chart on Consequences and Burdens of Proof

	<i>Potential worst Consequences</i>	<i>Standard of Proof</i>	<i>Rules of Evidence</i>	<i>Right to Appeal</i>
<b>Criminal Court</b>	Loss of Life- execution Loss of Liberty - jail	Beyond a Reasonable Doubt	Very, Very strict	Only defendant
<b>Civil Court for Punitive Damages</b>	Payment of very large sums of money- enough to damage the entity	Clear and Convincing	Reasonably strict	Both sides
<b>Civil Court for Compensatory Damages</b>	Payment of reasonable amounts of money to compensate for harm done	Greater Weight or Preponderance or More likely than not	Reasonably strict	Both sides
<b>Professional Licensing Processes</b>	Loss of professional license	Clear and Convincing or Preponderance	Very lax or non-existent	Only respondent
<b>Employment Termination</b>	Loss of job	Business Judgment Rule	None	Varies but often none
<b>Decisions in Daily Life</b>	To get married or divorced, to have children, to move, where to eat, which house to buy	None	None	None
<b>Title IV Conference</b>	Deposition – loss of functioning as clergy	None	None	Both sides
<b>Title IV Hearing</b>	Deposition – loss of functioning as clergy	Clear and Convincing	Reasonably strict	Both sides

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Four Hypotheses to Consider regarding Complainant's or  
Respondent's Story

1. Everything the person says is completely fabricated or false, with or without malice
  2. Some of what the person says is true but some is exaggerated or made up
  3. What the person says is accurate and true; there is no more or no less to the story than what is told
  4. What the person says is true but is only the tip of the iceberg in terms of the extent of misconduct
- Consider your actions and decisions under each hypothesis
  - Is what you would do or decide different depending on which hypothesis you are operating under?
  - Are there things you would not want to have said, done or decided if the hypothesis you are operating under turns out to be false?
  - Are there things you would want to have said, done or decided if the hypothesis you are operating under turns out to be false?
  - Are there other hypothesis you could consider?
  - Does it matter which hypothesis is more likely to be true in you deciding what to do?