

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