

# Impartiality, Bias, Prejudgment &



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## **Impartiality**

basing a conclusion or decision on the facts rather than on a preference for one party over another; unbiased.

## **Bias**

a pre-disposition or pre-conceived opinion that prevents one from impartially evaluating facts

## **Conflict of Interest**

demonstrating bias or inability to be impartial because it will be to one's own personal benefit or other competing interest

## **Prejudgment**

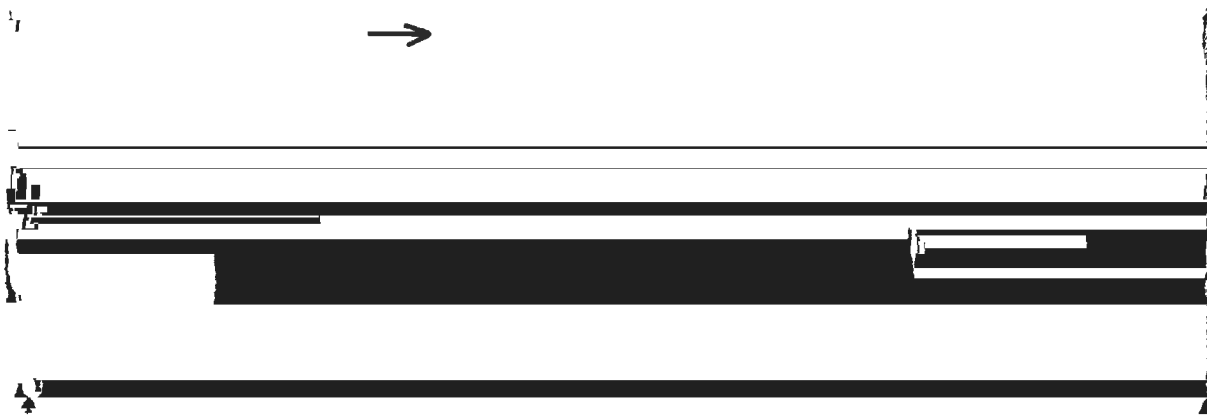
reaching a conclusion before considering all relevant evidence

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- September 4, 2020 Guidance
- Title IX Rule does not adopt the Federal Rules of Evidence for hearings conducted under Title IX.



~~“The final regulations do not define relevance, and the ordinary~~



• Evidence is relevant if:

- It has any tendency to make a fact more or less probable

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September 4, 2020 Guidance

- The Regs direct schools to exclude the following evidence and information:

• a party's treatment records, without the party's prior written

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consent [§ 106.45(b)(5)(i)];

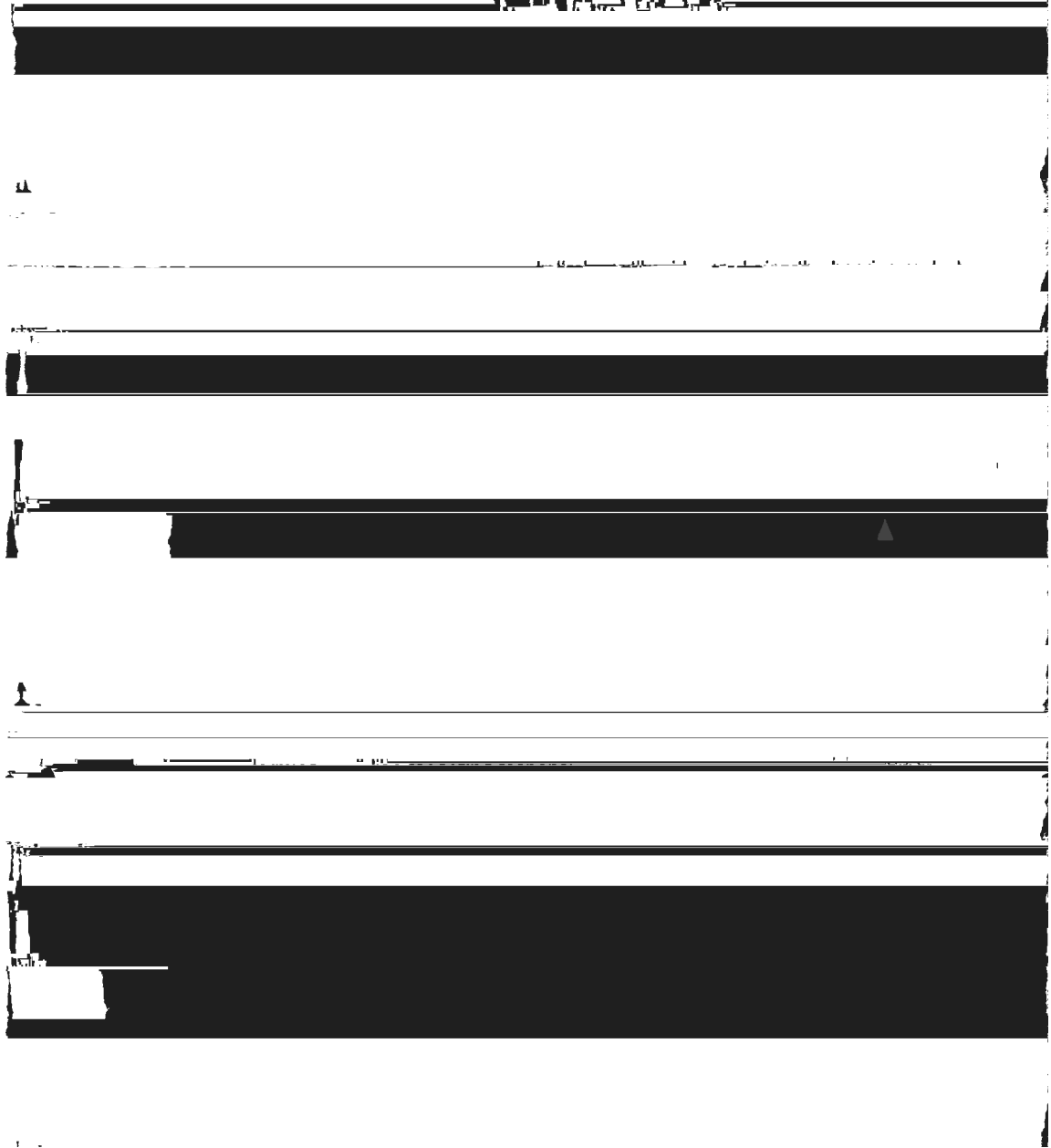
• information protected by a legally recognized privilege

- May weigh evidence

- Considerations:

- Is it corroborated?
- Is there a reason the source might not be reliable?
- Is it logical given other established facts?

The case requires the opinion maker to objectively evaluate



- Knowingly making false statements or submitting false information
- Sexual Harassment not covered in the regulations but violating campus policies

• ~~Violations occurring in programs or at locations outside~~

Student  
Code of Conduct



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the current definition

- Violations that don't meet the standards under the regulations

Student Conduct violations

Employee Conduct standards

*Update notice with later-discovered allegations.*



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