



Hearing Board and Faculty Advocate Training

Part V: Preponderance of
Evidence and Deliberation

Recorded June 2025

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Learning Objectives

1. Articulate the differences in the various standards of proof and explain how the preponderance of the evidence standard is used in the hearing process
2. Identify how deliberations can influence the final decision made after the hearing
3. Learn the difference between empathy and sympathy during the hearing process



Preponderance of the Evidence Standard

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Standard of Proof versus Burden of Proof

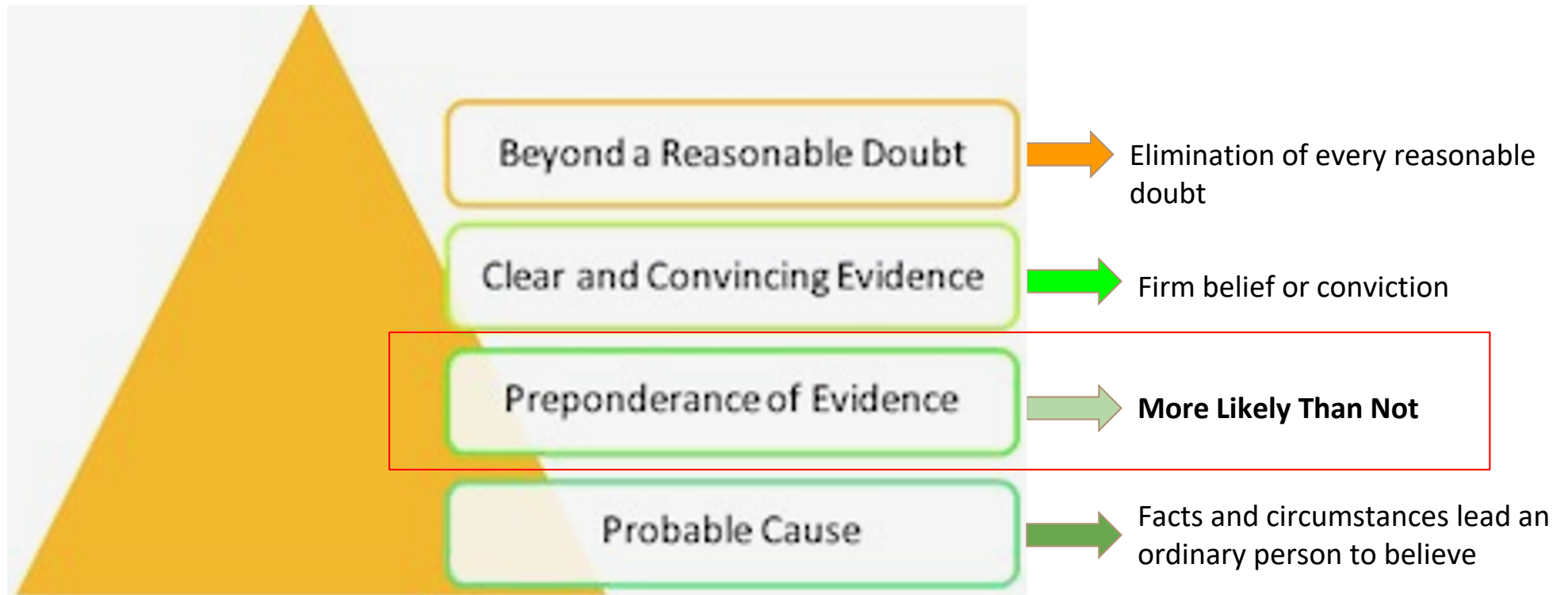
Standard of Proof

- How much information is necessary for a deliberative body to make a decision about responsibility

Burden of Proof

- Which party has the responsibility to provide enough information to meet the standard of proof to the deliberative body

Preponderance of the Evidence



Preponderance of the Evidence

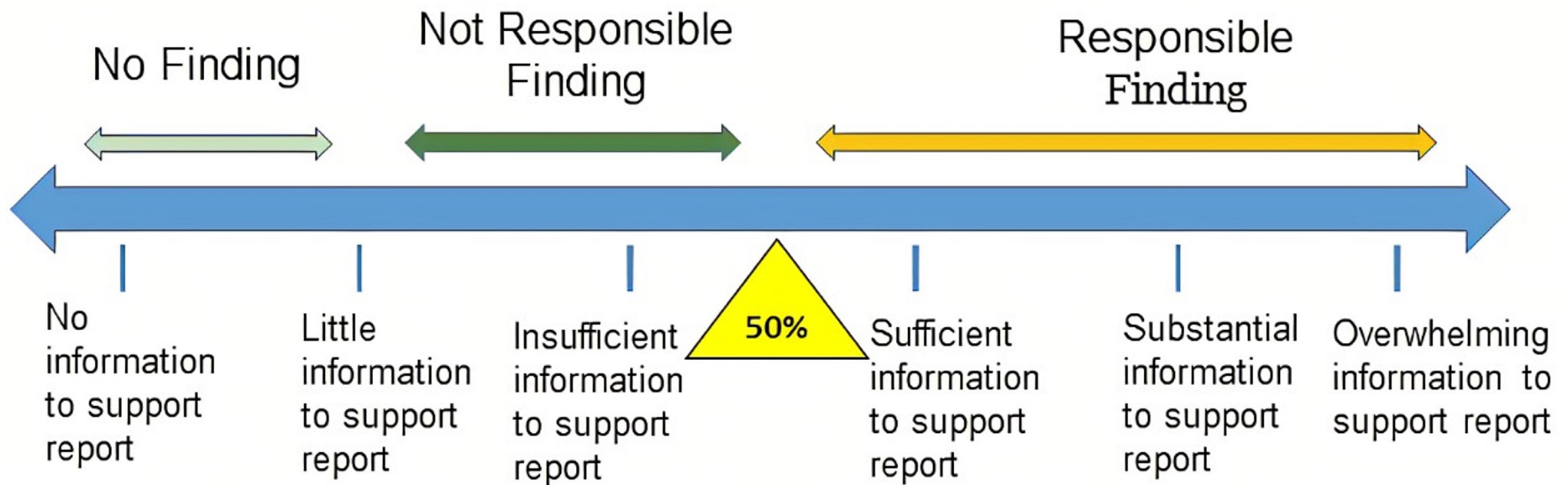
Evidence that when compared to that opposed to it, the reasonable conclusion is more convincing, creating the belief that the information is more likely true than not

- Anything more than 50%
- 50% and a feather
- 50% and a grain of sand



Preponderance of Evidence Standard

*A Requirement that **More than 50%** of the Evidence Points to Something*



True or False

What one board member believes constitutes a preponderance of the evidence is applicable across the board?

False



An example of preponderance of the evidence

- Walking down a hallway
- See broken water balloons
- Find someone who denies knowing anything about the water balloons being thrown
- Basket of water balloons behind the person



More practice in Moodle

Be sure to review and complete the practice standard of proof exercises in the Moodle course for this module.





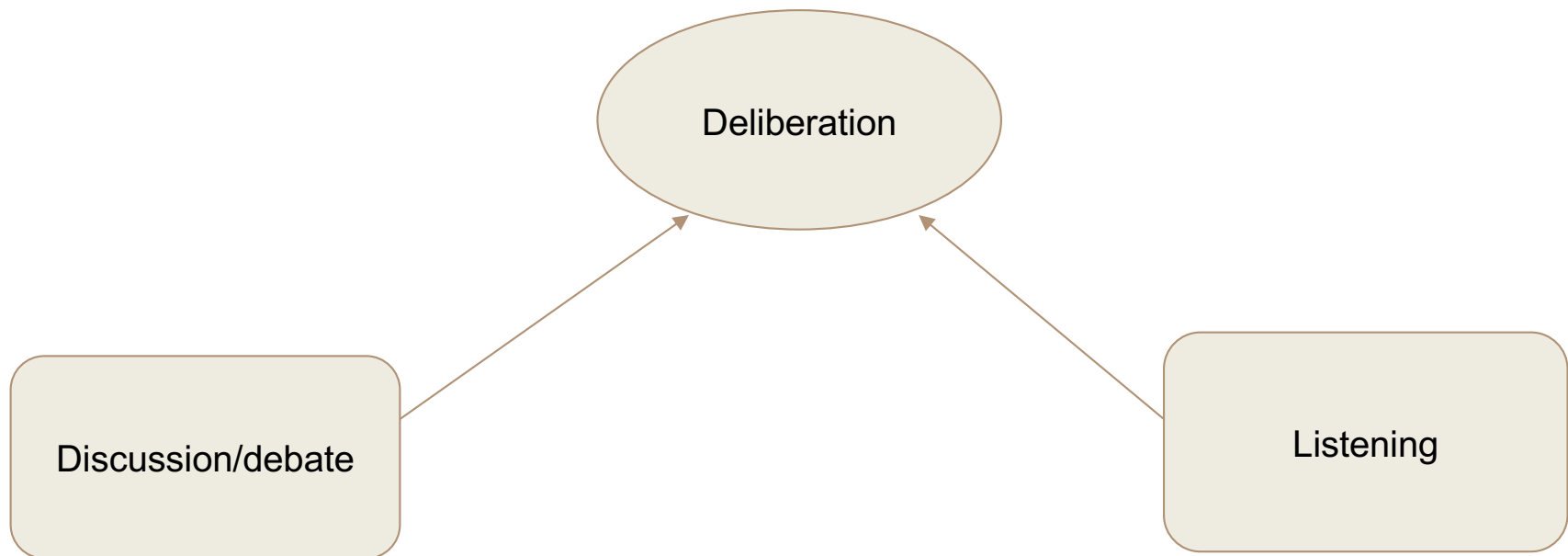
Deliberation and Decision making

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Deliberation

- Critical examination of an issue involving the weighing of information and reasons for or against a course of action
- Process required by the Code of Conduct that allows the board members to receive and exchange information, and to critically examine an issue.

Deliberation



Rules of Deliberation

- One (1) decision is always made during each deliberation
 - Responsible or not responsible
- A decision regarding responsibility must be made for each charge
- Each decision is independent of the other decision

Rules of Deliberation (cont'd)

- Everyone's vote counts the same (only the board members vote)
- Consider all of the information carefully for each charge
- Decisions are majority vote, not necessarily unanimous

Rules of Deliberation (cont'd)

- Board members will need to provide a rationale for each decision
- Board members will contribute to the outcome letter



Empathy during Hearings

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Empathy vs Sympathy

Sympathy = Feeling for someone

Empathy = Feeling with someone



Empathetic or Sympathetic

**That must be
really hard**

Sympathy

**I felt what you are
feeling and you
are not alone**

Empathy

**I can feel the
frustration as
you are
describing it**

Empathy

Empathetic Listening

A way of listening not just to understand, but to *connect*

Active listening process is present in empathetic listening, while also bringing empathy into your approach

Involves sitting in uncomfortable feelings for a bit, not rushing to problem solve

Empathetic listening process: listening, internalizing, validating



Empathy and Sympathy in a Hearing

- Empathy is an important part of our hearings
- Take care not to let sympathy cloud judgement
- Sympathy and empathy are not a reason to find someone “not responsible” for a violation

What happens next?

We will discuss the sanctioning.