Decision Making/Analysis Flow

Policy Violation	Point of Fact Confirming	Point of Fact Refuting

Analysis/Rationale Questions to Consider:

- Is there a preponderance (51% did happen, or 51% did not happen) of evidence?
    - If there is, explain that.
        - "Quinn, I have thoroughly reviewed the facts at hand as presented in the investigation report and hearing. This included your testimony, the testimony of the complainant, witness testimony and documentary evidence. I have found that there is a preponderance of the evidence that shows you are responsible for violating the University of Missouri Collected Rules and Regulations 600.020: Sexual Misconduct, nonconsensual sexual intercourse."
    - If there is not, explain that.
    - Identify the facts, one/two sentence paragraphs are okay.
        - "Quinn, text messages provided by Blake have identified that you both had been talking about attending this party for two weeks prior, and in those conversations Blake expressed how they were concerned because they did not drink often, and their tolerance was low. Blake also shared with you that they on a prescription for depression that sometimes had adverse interactions with Alcohol."
- What's the respondent's defense?
    - If the facts at hand support their defense, identify that.
    - If the facts at hand do not support their defense, identify that.
        - "You stated in your interview with the University Investigator that you did not give Blake any drinks, or see Blake drink alcohol on the night the incident occurred, so how would you know how much they had to drink? However, through the course of the investigation multiple witnesses attested to seeing you give Blake drinks which summed to 6 alcoholic beverages, and 3 alcoholic Jell-O shots of unknown strength in the span of two hours, and overheard you actively encouraging Blake to "get wasted". I have no reason to doubt the credibility of these witnesses, and believe that you are factually incorrect on this point."
- How would "A Reasonable Person" respond?
    - A Reasonable Person is: a fictional person with an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something (as the existence of negligence)
    - Use "a reasonable person" in your language
    - If the respondent's behavior was contrary to what "a reasonable person" would do, explain that as well.
        - "You attested to observing Blake not handling the alcohol well. A reasonable person would have been able to tell, after observing Blake's slurred speech, stumbling, passing in and out of consciousness, and vomiting that they were incapacitated, and as defined by University Policy, unable to provide consent to any sexual activity.
- What is the appropriate Remedy to this situation?
    - Consider the impact to the complainant and/or respondent in your rationale.
    - Weigh the wishes of the complainant.
    - If there is anything else that impacted your thought process, now is the time to include that.
        - "Quinn, the evidence in this matter is substantial, it is also clear that you actively lied to the University Investigator throughout the process, as the majority of your points of fact were debunked by neutral witnesses. Given the significant impact that this incident of non-consensual sexual intercourse has had on Blake, and the predatory nature of your actions leading up to the event, I have determined the only course of action available to me to protect the S&T community is University Expulsion. You are immediately expelled from Missouri University of Science & Technology."