

Helpful Hints About Relevance

- A. The most basic rule of evidence is that the information must be relevant to the case. Irrelevant evidence should be excluded because it often times confuses the real issues.
 - 1. *For example:* If we are trying to adjudicate an issue of quid pro quo harassment, the witnesses should shed light on the facts around the allegations of quid pro quo harassment and not whether the faculty member who is alleged to have engaged in the offering of the quid pro quo is part of a group of faculty members who regularly grade harshly and fail male and female students alike.

- B. Think of relevance as having a two-part test definition. To be relevant, the information must have the tendency to:
 - 1. prove or disprove a fact, and that fact
 - 2. must be of consequence in determining the action.

- C. All relevancy arguments boil down to logic and common sense.
 - 1. Ask yourself: Will the evidence help in some way (no matter how small) to reach a good decision, either by itself or in conjunction with other evidence?

Some Common Relevancy Issues

- A. Remoteness in Time or Place

Remoteness in time or place reduces the relevancy of information. Events taking place at times or locations distant from the event at issue are of little or no relevancy.

 - 1. *For example:* A photo of the Complainant showing her smiling with a group of people, one of them (four people away from the Complainant) is the Respondent is more relevant to show they had a cordial relationship if the picture was taken one week before the conduct that is the center of the allegations than if it was taken two years ago.
 - 2. *Another Example:* An act of stalking between the Complainant and the Respondent is more relevant if two weeks before she reported an act of domestic violence than if the incident of stalking took place three years before.

- B. Prior similar events

The similarity of a prior event affects relevancy. Prior events involving different people or objects are of little or no relevancy.

1. *For Example:* Prior acts of domestic violence between the Complainant and Respondent are more relevant than prior violence between the Respondent and another person.
2. *Another Example:* Previous times when the Respondent threatened the Complainant are more relevant to show the need for supportive measures than incidents when the Complainant threatened other people. On the other hand, it may be very relevant to provide instances where the Respondent has threatened other people, if the possibility of an emergency removal is being discussed.

C. Backgrounds and Relationships Among Parties

1. It may be relevant to point out the background and relationship among the parties and the events leading up to the party's or witness's involvement in the case at hand. It is also generally permissible to describe the prior relationship between the parties.

D. Evidence That Someone Else Committed the Offense. One area where it is permissible to discuss the Complainant's prior sexual behavior is when it is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Other than these instances, prior sexual behavior is irrelevant.