

A) As is:

(9) The Hearing Panel shall proceed to a decision as expeditiously as possible, and then shall notify the Judicial Administrator of its decision without delay. All decisions by the Hearing Panel shall be in writing, including a rationale and any dissenting opinions. The burden of proof on violation shall rest on the complainant, and the standard of proof on violation shall be clear and convincing evidence, which is a higher standard than the civil law's more-likely-than-not standard but a lower standard than the criminal law's beyond-a-reasonable-doubt standard. After hearing, the Hearing Panel can:

- (a) sustain a defense of lack of jurisdiction or other inapplicability of this Code, including that off-campus conduct did not meet the requirement of being a serious violation of this Title, and dismiss the case, although any such defense shall be deemed waived if not raised by the conclusion of the hearing;
- (b) find the accused did not violate this Code and dismiss the case; or
- (c) find the accused violated this Code and impose a penalty and/or remedy.

B) As the President desires:

(9) The Hearing Panel shall proceed to a decision as expeditiously as possible, and then shall notify the Judicial Administrator of its decision without delay. All decisions by the Hearing Panel shall be in writing, including a rationale and any dissenting opinions. The burden of proof on violation shall rest on the complainant, and the standard of proof on violation shall be *more likely than not* clear and convincing evidence, which is a higher standard than the civil law's more-likely-than-not standard but a lower standard than the criminal law's beyond-a-reasonable-doubt standard. After hearing, the Hearing Panel can:

- (a) sustain a defense of lack of jurisdiction or other inapplicability of this Code, including that off-campus conduct did not meet the requirement of being a serious violation of this Title, and dismiss the case, although any such defense shall be deemed waived if not raised by the conclusion of the hearing;
- (b) find the accused did not violate this Code and dismiss the case; or
- (c) find the accused violated this Code and impose a penalty and/or remedy.