

# Rules of Decorum

## 2020 Title IX Grievance Process Final Rule

The following Rules of Decorum are to be observed in the Title IX hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

- Questions must be conveyed in a neutral tone.
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
- While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- Parties and advisors may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witness without obtaining permission from the Student Conduct Advisor.
- The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- The advisor may not ask repetitive questions. This includes questions that have already been asked by the decision-maker, the advisor in cross-examination, or the party or advisor in direct testimony. When the decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
- Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

If any party repeatedly disrupts a hearing, (by shouting, repeatedly interrupting others, or verbally or physically threatening individuals involved in the hearing,) the student conduct hearing advisor has the right to remove the disruptive individual from the hearing after they fail to heed a warning from the student conduct hearing advisor. The hearing shall continue in the absence of any removed party. If the removed party is an advisor, an advisor will be provided. This may cause a delay in the hearing proceedings.

### Warning and Removal Process for Advisors:

- The Student Conduct Advisor and/or the decision-maker shall have discretion to determine if the Rules of Decorum have been violated. The Student Conduct Advisor will notify the offending person of any violation of the Rules.
- Upon a second or further violation of the Rules, the Student Conduct Advisor shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.
- Where the Student Conduct Advisor removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.
- The Student Conduct Advisor shall document any decision to remove an advisor in the written determination regarding responsibility.
- For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and

presented to the Vice President for Student Affairs or designee. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President for Student Affairs or designee. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice. The Vice President for Student Affairs or designee shall consider the evidence and issue a decision. The decision shall be issued in writing to all relevant parties. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice President for Student Affairs or designee no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

- Relevant Questions Asked in Violation of the Rules of Decorum
  - Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).