

Decorum Policy for Title IX Sexual Harassment Grievance Process Hearings

Purpose of the Rules of Decorum

Rules of Decorum require that all parties, advisors, and institutional staff treat others who are engaged in the process with respect.

For the purpose of this document, all Administrative Hearing Officers are decision-makers in accordance with the Federal Title IX Regulations.

Rules of Decorum

Rules of Decorum are to be observed in the live hearing, and applied equally to all parties and advisors, regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

1. Questions must be conveyed in a neutral, respectful tone.
2. 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.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor 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 witnesses without obtaining permission from the Administrative Hearing Officers.
6. The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be investigative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Administrative Hearing Officer(s) or by the advisor in cross-examination. When the Administrative Hearing Officer(s) determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. 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.

Warning and Removal Process

The Administrative Hearing Officers shall have sole discretion to determine if the Rules of Decorum have been violated. The Administrative Officers will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules of Decorum, the Administrative Hearing Officers 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 Administrative Officers removes a party's advisor, the party may select a different advisor of their choice, or must 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 Administrative Hearing Officers 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

Relevant Questions Asked in Violation of the Rules of Decorum

When or if an advisor asks a relevant question in a manner that violates the Rules of Decorum, the question may not be deemed irrelevant by the Administrative Hearing Officers simply because of the manner it was delivered. Under that circumstance, the Administrative Hearing Officers 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 of Decorum). See, 85 Fed. Reg. 30331.