

### **Purpose of the Rules of Decorum**

Title IX hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. The U.S. Department of Education has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a hearing process that will reassure the parties that the institution “is not throwing a party to the proverbial wolves.” To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules.

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect. The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

### **Rules of Decorum**

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

1. No advisor shall represent or speak for a party and shall not participate directly in any meeting or proceeding. The advisor may be present and speak privately with the party they are supporting during any meeting.
2. Questions must be conveyed in a neutral tone.
3. 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.
4. No party or advisor may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
5. No party or advisor may yell, scream, badger, or physically “lean in” to a party or witness’s personal space. No party may approach the other party or witnesses.
6. No party or advisor may 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.
7. No party may ask repetitive questions. When the Hearing Chairperson determines a question has been “asked and answered” or is otherwise not relevant, the party must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person 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 Hearing Chairperson shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Chairperson will notify the offending person of any violation of the Rules. The Hearing Chairperson shall have sole discretion to remove the offending person.

Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed.

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**

Where a party 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 party.