



### Title IX Hearing Rules of Decorum

The Rules of Decorum are to be observed in any Hearing pursuant to the [Title IX Sexual Harassment Procedures](#) and apply equally to all parties and advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of a Party (e.g., Complainant or Respondent) or witness. Any questions about the Rules of Decorum should be directed to the Associate Vice Chancellor for Equal Opportunity and Title IX at [titleix@du.edu](mailto:titleix@du.edu).

#### Rules

1. Questions must be conveyed in a neutral, respectful tone.
2. If an advisor, Party, or witness is referencing another person, including the Hearing participants, as much as possible the person's name or role (i.e. Complainant, Respondent) should be used.
3. If an advisor, Party, or witness is referencing another person, including the Hearing participants, it is the expectation that the person is referenced by their gender as they identify it. No participant shall intentionally mis-gender another person.
4. During cross-examination, the Hearing Officer must approve all questions before the Party or witness responds. As much as possible, the Hearing Officer and advisors are expected to restrict the use of compound, redundant, irrelevant, or otherwise impermissible questions.
5. The advisor may not use profanity or make irrelevant attacks on 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.
6. Hearing participants are prohibited from:
  - Interrupting other participants;
  - Using profanity directed toward another participant;
  - Objectively offensive or aggressive gestures;
  - Harassing another participant;
  - Yelling, screaming, badgering;
  - Physically "leaning in" to the personal space of another participant;
  - Approach a participant without the express permission of the Hearing Officer;

- Take any action that a reasonable person may see as intended to intimidate a participant or meaningfully modify someone's participation in the process; or
- Engaging in any other behavior to deliberately disrupt the hearing.

### **Objections to Relevance of Testimony or Evidence**

Only the Parties may raise objections to the relevance of testimony or evidence. Such objections must be directed to the Hearing Officer, who will determine whether the testimony or evidence is relevant and should be admitted or irrelevant and, thus, inadmissible.

### **Warning and Removal Process**

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

Upon a second or further violation of the Rules of Decorum, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the Hearing.

Where the Hearing Officer removes a party's advisor, the party may select a different advisor of their choice or must accept an advisor provided by the University for the limited purpose of cross-examination at the Hearing. Reasonable delays, including temporary adjournment of the Hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor.

The Hearing Officer shall document any decision to remove an advisor in the Written Determination regarding responsibility.

For flagrant, multiple, or continuing violations of these Rules, in one or more proceeding, advisors may be prohibited from participating in future proceedings at the University 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 Hearing Officer simply because of the manner in which it was delivered. Under that circumstance, the Hearing Officer 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, appropriate manner by the advisor (or by the replacement advisor, should the advisor be removed for violation of the Rules of Decorum).