**Hillsborough Community College Rules of Decorum for the Sexual Harassment Live Grievance Hearing**

**Purpose of the Rules of Decorum**—Title IX grievance hearings are not civil or criminal proceedings, and are not designed to mimic formal legal or trial proceedings. They are primarily educational in nature. The U.S. Department of Education, writing about Title IX in the Final Rule “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party Advisor or Decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.” To achieve this purpose, Hillsborough Community College (HCC) has established reasonable rules of order and decorum, which will be enforced through the removal of an Advisor who refuses to comply with the rules.

These Rules of Decorum require that all parties, Advisors and HCC staff to treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties, whether Complainant or Respondent, their Advisors regardless of sex, gender or other protected class.

**HCC Rules of Decorum**

The following Rules of Decorum are to be observed in the Grievance Hearing and applied equally to all parties (the Complainant and Respondent) and Advisors:

1. Questions must be conveyed in a neutral 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 grievance 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 Decision-maker.
6. The Advisor may not use profanity or make irrelevant verbal character attacks regarding 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. 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.
8. Parties and Advisors may take no action at the Grievance 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 Decision-maker shall have sole discretion to determine if the Rules of Decorum have been violated.

The Decision-maker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Decision-maker 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 Decision-maker removes a party’s Advisor, the party may select a different Advisor of their choice, or accept an Advisor provided by HCC 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 Decision-maker 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 HCC proceedings 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, and presented to the Chief Diversity Officer.

The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Chief Diversity Officer within fifteen (15) calendar days of receipt of a notice of a charge. There shall be no right to a live hearing, oral testimony, or cross-examination. The Chief Diversity Officer shall consider the evidence and issue a finding in writing. There is no appeal of this finding. 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 Chief Diversity Officer no earlier than three-hundred 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 a violation of the rules.)