

## UNIVERSITY OF IOWA RULES OF DECORUM FOR INTERVIEWS & HEARINGS

Processes for resolving complaints under the Interim Policy on Sexual Harassment and Sexual Misconduct are not civil or criminal proceedings. The University provides rules of order and decorum to facilitate these processes, and such rules may be enforced through the removal of Advisors who refuse to comply with the rules by postponements, and by the accountability of parties and witnesses to applicable codes of conduct. These rules and standards apply equally to all parties, their Advisors, and witnesses.

### Decorum Expectations for Advisors During Investigative Interviews

- Advisors are present during interviews primarily to assist the party being interviewed. The interviewed party is responsible for presenting their own information. Advisors are not typically permitted to speak for a party and do not have an active role during any meetings or interviews except to advise their advisee.
- Parties sign the *Advisor Consent and Privacy Form* permitting their Advisor to have copies of their records pertinent to the complaint.
- Advisors sign indicating receipt of the *Advisor Consent and Privacy Form* before university officials share records with them regarding the complaint.
- Advisors may not act abusively or disrespectfully toward the investigator(s) during the interview process. The Advisor may not yell, scream, badger, or physically invade an investigator's personal space.
- An Advisor may be removed or replaced if their presence is disruptive, obstructive, or unreasonably interferes with the university's ability to resolve the complaint. In such a case, the Complainant or Respondent may seek another Advisor.
- Advisors may take no action during the interview that a reasonable person would view as intended to intimidate a party, witness, or official into not participating in the process or meaningfully modifying their participation in the process. This behavior may also be a form of retaliation.

### Decorum Expectations for All Hearing Participants

- To avoid disruption to the hearing, participants should not leave the room or virtual space during hearing proceedings except during breaks. Breaks will be reasonably granted when requested.
- No participant may bring purses, backpacks, briefcases, or other large bags to the hearing unless advance permission is granted. An inspection may be required.
- Cell phones should be turned to the "OFF" setting during proceedings unless the Adjudicator grants permission for the use of a phone.
- During a virtual hearing or if participating virtually, participants should have their camera on so that hearing attendees can see them at all times during the hearing. This is true

even if a person is attending a portion of the hearing where their participation is not needed.

- The university will record proceedings and make the recording available to parties and Advisors. The University does not permit any other participant to record (including audio and/or video) any meeting, interview, or hearing without express written permission of the Title IX Coordinator.

### **Decorum Expectations for the Parties (Complainant and Respondent) During the Hearing**

- No party will address the other for any reason unless given express permission by the Adjudicator.
- To conduct cross-examination on a party or witness, only the other party's Advisor or the Adjudicator may speak to or address the testifying witness.
- No party or witness may interrupt the proceedings with applause, heckling, outbursts, or other disruptive behavior.
- Any threat of violence expressly made by any party will be immediately reported by the Hearing Facilitator or Adjudicator to the appropriate office for review and/or to law enforcement.
- No participant may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, the Adjudicator, or the Hearing Facilitator.

### **Decorum Expectations for Advisors During the Hearing**

- No Advisor may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, or the Adjudicator and Hearing Facilitator.
  - Advisors may not yell, scream, badger, or physically invade another person's personal space.
- Advisors should remain seated and may not approach the other party or witnesses without obtaining permission from the Adjudicator.
- The Advisor may not use profanity or make personal attacks that are irrelevant, unduly repetitious, or abusive 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 or questions that will elicit an answer that is repetitive. This includes questions that have already been asked by the Adjudicator or an Advisor.
  - When the Adjudicator determines that a question is duplicative or is otherwise not relevant, the Advisor must move on to another question.
- Advisors may take no action during the hearing that a reasonable person would view as intended to intimidate a party, witness, or university official into not participating in the process or significantly modifying their participation in the process. This behavior may also be a form of retaliation.

### **Warning and Removal Process During Interviews**

- During investigation interviews, the assigned Investigator(s) has/have the sole discretion to determine if the Advisor has violated the Rules of Decorum.
- The Investigator(s) has/have the discretion to exclude the offending Advisor from the interview or permit them to stay, provided they follow the Rules of Decorum after a warning.
- When an Investigator removes a party's Advisor, the party may select a different Advisor or may choose to proceed without an Advisor during the interview.
- Reasonable delays, including the temporary adjournment of the interview, may be anticipated should an Advisor be removed.
- A party is not required to have an Advisor during the investigation interview(s).

### **Warning and Removal Process During the Hearing**

- The Adjudicator has the sole discretion to determine if the Rules of Decorum have been violated and will notify the offending person when that has occurred.
- The Adjudicator has the discretion to exclude the offending person or to allow them to continue participating in the hearing or another part of the process after a warning.
- When the Adjudicator removes a party's Advisor, the party may select a different Advisor or accept an Advisor provided by the University of Iowa.
- Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an Advisor be removed.
- A party may not serve as their own Advisor in this circumstance.
- The Adjudicator shall document any decision to remove an Advisor in the written determination regarding responsibility.

### **Relevant Questions Asked in Violation of the Rules of Decorum**

- When an Advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or invading the witness' or party's personal space, the question will be deemed not relevant by the Adjudicator because it was asked in an abusive manner.
- Under that circumstance, the Adjudicator will notify the Advisor of the violation of the Rules, and, if the question itself is relevant, will allow the Advisor (or by a replacement Advisor, should the Advisor be removed for violation of the Rules) to re-ask the question in a respectful, non-abusive manner.

### **Authority to Prohibit Future Participation**

For flagrant or repeated violations of these Rules in one or more proceedings Advisors may be prohibited from participating in the Advisor role on a temporary or permanent basis in future proceedings at the University of Iowa as determined by the Title IX Coordinator.