



HEARING TITLE IX ADVISORS AND QUESTIONING

Title IX processes in the higher education setting are not formal civil or criminal proceedings. Institutions may provide reasonable 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 Investigation 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.
- Students are required to sign a privacy release form that permits their Advisor to have copies of their student records pertinent to the complaint.
- Advisors are required to sign the El Paso Community College non-disclosure agreement before any information can be shared 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 El Paso Community College's ability to address the complaint. In such a case, the Complainant or Respondent may seek another Advisor, including one provided by El Paso Community College.
- 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 Participants for In-Person Hearings

- To avoid disruption to the hearing, participants should not leave the room or the online meeting during hearing proceedings except during breaks. Breaks will be reasonably granted when requested.
- Cell phones should be turned to the "OFF" setting during proceedings unless the Hearing Officer grants permission for the use of a phone.
- The El Paso Community College will record proceedings and make available investigation interview and hearing recordings or transcripts. Title IX Coordinator 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 During the Hearing

- No party will address the other for any reason unless given express permission by the Hearing Officer.
- During cross-examination, only a party's Advisor or the Hearing Officer or Decision Maker may speak to or address the other party or witnesses.
- No party or witness will 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 Officer or Decision Maker to the appropriate office for review and/or to law enforcement.
- A party may be held accountable under the code of conduct for condoning, facilitating, and/or tacitly permitting misconduct by their Advisor, any witness, or other party.
- No participant may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, or the Hearing Officer.

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 Hearing Officer.
 - The Advisor may not yell, scream, badger, or physically invade a party, witness, or the Hearing Officer's personal space.
- Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Officer and should remain seated.
- The Advisor may not 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.
- 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 Hearing Officer or an Advisor during cross-examination.
 - When the Hearing Officer 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 El Paso Community College official into not participating in the process or meaningfully 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 Decorum Expectations for Advisors During Investigation Interviews set forth above.
- The investigator(s) has/have the discretion to remove the offending Advisor from the interview or permit them to stay, provided they follow the Decorum Expectations after a warning.
- When an investigator removes a party's Advisor, the party may select a different Advisor of their choice, including one provided by El Paso Community College, 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 an investigation interview.

Warning and Removal Process During the Hearing

- The Hearing Officer has the sole discretion to determine if the Decorum Expectations concerning hearings have been violated.
- The Hearing Officer will notify the offending person of any violation and has the discretion to remove the offending person or may allow them to continue participating in the hearing or another part of the process after a warning.
- When the Hearing Officer removes a party's Advisor, the party may select a different Advisor of their choice, or accept an Advisor provided by the El Paso Community College.
- 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 Hearing Officer 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 Decision Maker because it is abusive.
- 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 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, multiple, or continual 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 El Paso Community College as determined by the Title IX Coordinator or their designee.

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