



Office of EEO & Title IX Compliance

Rules of Decorum for Title IX Grievance Hearings

Title IX of the Educational Amendments of 1972 (“Title IX”) prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. After a complaint alleging a Title IX violation is filed, the matter may proceed to a hearing (the “Hearing”). At Seton Hall University (the “University”), the Hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. They are primarily educational in nature. Accordingly, the University has promulgated these rules of decorum (“Rules of Decorum”) to be observed during a Title IX grievance hearing by all parties and their advisors regarding of whether they are in the role of Complainant or Respondent, as well as any other person participating in the Hearing.

The Rules of Decorum are as follows:

1. No person participating in the Hearing may act in a disorderly or disruptive manner or otherwise impede the orderly conduct of the Hearing.
2. Questions will be asked from a seated position.
3. Questions or other statements that are considered badgering or unduly repetitive will not be permitted. When the Hearing Officer determines a question has been previously asked and answered, or is otherwise irrelevant, the advisor must move on to the next question. If the Hearing Officer determines that an advisor violated the Rules of Decorum while asking a relevant question, such violation will not affect the question’s relevancy, and the Hearing Officer will permit the question to be asked again (or permit a replacement Advisor in cases where the advisor has been removed for the violation of the Rules of Decorum).
4. Interactions with the Hearing Officer, witnesses and all others present at the Hearing must be civil and respectful. In this regard, there shall be no conduct at the Hearing including, but not limited to, yelling, bullying, intimidation, intentional mis-gendering or misnaming, use of profanity and/or *ad hominem* attacks.
5. Cell phones and other electronic devices shall be turned off unless being offered as evidence.
6. Other than the audio recording being made by Seton Hall University, no participant may record any portion of the Hearing.
7. The Hearing Officer may establish specific additional rules for a Hearing in the interest of efficiency and orderly progress.



Individuals failing to follow the Rules of Decorum may be directed to leave the Hearing or disconnected (if the Hearing is held virtually), at the Hearing Officer's sole discretion. Although the Hearing Officer may provide warnings or reminders of the Rules of Decorum before such removals, a pre-removal warning or reminder will not necessarily be provided depending on the nature of the conduct in question.

Where the Hearing Officer removes a party's advisor from the Hearing, the party may select a different advisor of their choice, or accept an advisor provided by the University 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.

For flagrant, multiple, and/or continual violations of the Rules of Decorum, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the University in the advisor role on a temporary or permanent basis. There is no appeal of this finding.

Effective Date: February 10, 2022