

Rules of Decorum

The purpose of these rules is to ensure that hearings held pursuant to the CUNY Policy on Sexual Misconduct (“the Policy”) are conducted in a fair and respectful manner. The following Rules of Decorum must be observed by the parties and their advisors:

General:

1. Parties and advisors are expected to be familiar with the Policy and conform to the policies and procedures set forth therein.
2. Parties and advisors must sign an “Agreement Regarding the Copying and Use of Investigative and Hearing Materials: Hearings Under CUNY’s Policy on Sexual Misconduct” (“Agreement”) before any investigative or hearing materials (“materials”) are disclosed.
3. Materials will not be provided to an individual unless and until the individual signs and returns the Agreement.
4. An advisor’s failure or refusal to sign the appropriate Agreement will disqualify that individual from performing as an advisor in the instant matter.
5. Parties and advisors must refer to other parties, witnesses, advisors, and CUNY/College staff using the surname and gender used by the person and shall not intentionally misname or misgender that person in communication or questioning.
6. All electronic devices must be turned off and put away during hearings.
7. Disrespectful or abusive behavior is prohibited.
8. Each Party or Advisor must wait to be acknowledged by the Chairperson prior to speaking and, with the exception of voicing an objection, must not speak at the same time as any other party. This preserves the integrity of the proceeding and clarity of the hearing recording.
5. The College is required to make a recording¹ of each hearing, which shall be the sole record of the hearing. Parties and advisors are prohibited from recording or streaming the hearing.

Questioning:

9. Questions must be conveyed in a respectful tone.
10. Arguing with witnesses or yelling, screaming, badgering, or physically “leaning in” to a party or witness’s personal space is prohibited.
11. Parties and advisors must obtain permission from the Adjudication Committee Chairperson before approaching a witness.

¹ A recording is defined within the CUNY Sexual Harassment Policy as: "a stenographic transcript, an audio recording or the equivalent..."

12. Parties or Advisors may not use profanity or make irrelevant comments about a party or witness's character, motive, or physical attributes.
13. Parties or Advisors may not refer to documents not already in evidence.
14. Argumentative questions are prohibited. An argumentative question is defined as an argument or accusation disguised as a question.
15. When questioning a witness, parties and advisors may not provide testimony themselves, whether directly or in the form of testimony disguised as a question.
16. Parties or Advisors may not ask questions that intentionally mischaracterize evidence or prior witness testimony.
17. All objections must be directed to the Adjudication Committee Chairperson.

Warning and Removal Process

The Adjudication Committee shall have sole discretion to determine if the Rules of Decorum have been violated at a hearing. The University Title IX Director, in consultation with the University Director of Student Conduct, when appropriate, will have the discretion to determine if the Rules of Decorum have been violated throughout other parts of the investigation or disciplinary process.

The Adjudication Committee will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Adjudication Committee shall have the discretion to remove the offending person.

Should the Adjudication Committee remove a party's advisor, the party may select a different advisor of their choice. Removal of an advisor may necessitate a reasonable delay, including the temporary adjournment of the hearing.

If the Adjudication Committee removes a party's advisor, the Committee Chairperson must notify the University Title IX Director of the removal. The University Title IX Director maintains the sole discretion to determine whether a removed advisor will be permitted to serve as an advisor in future hearings.

The Adjudication Committee shall document any decision to remove a party or advisor in the written determination regarding responsibility.