



TITLE IX HEARING ORDER AND RULES OF DECORUM

Updated August 17, 2026

HEARING PREPARATION

The parties will be provided with a copy of the Investigative Report, including all exhibits and appendices, at least ten days prior to the hearing date. A party or advisor may not photograph, download, or print any document or record submitted by another party or witness, and may not publish such documents or records to any third party.

No witness, document, or tangible evidence will be permitted at the hearing unless such information is submitted during the investigation.

All parties and witnesses interviewed during the investigation must be invited to be present for and participate in the hearing. If a party or witness refuses to participate in the hearing process, all statement(s) and/or evidence provided by that party or witness may be relied upon by the decision maker when making a determination of responsibility. The decision maker will not draw inference about the determination of responsibility based solely on that party or witness's refusal to participate.

SETTING AND SCHEDULE

The responsibility for setting the hearing location solely rests with the University.

The live hearing may be conducted with all parties physically present in the same geographic location, venue where all parties and witnesses are present, along with their advisors and the decision-maker.

Parties and witnesses may attend through remote video conferencing applications, such as Microsoft Teams. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors not within the University's, a party's, or a witness's control.

The hearing schedule will be decided by the Title IX Coordinator. In determining the schedule, the decision-maker should consider the following:

- Equal and fair presentation of all relevant evidence.
- Breaks and overall hearing length.

Due to the difficulty of scheduling a hearing on multiple days, the decisionmaker should balance the needs of both parties equally and how such a schedule will impact their presentations. Once the impact is determined, the decision-maker should set the schedule in a way that minimizes any impact to the parties.

HEARING ORDER

Hearing Introductions and Explanation of Procedure

1. The Hearing Facilitator will explain the order of the hearing and rules of decorum and introduce the participants.

Investigator Presents the Final Investigation Report

2. The Investigator will then present a summary of the final investigation report and will be subject to questioning by the Hearing Officer and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process.
3. Neither the parties nor the Hearing Officer should ask the Investigator about their opinions on credibility, recommended findings, or determinations. The Investigator, Advisors, and parties will refrain from such discussion or questions. If such information is introduced, the Hearing Officer will direct that it be disregarded.

Parties Testimony and Questioning

4. Prior to giving a statement, parties and witnesses shall be asked to affirm that their testimony is truthful. Witnesses, other than the investigator, Complainant, and the Respondent, shall be present at the hearing only when presenting their testimony.
5. Once the Investigator presents their report and is questioned, the parties may provide relevant information in turn, beginning with the Complainant.
6. The Complainant will provide an opening statement of relevant information. The statement will be limited to five (5) minutes.
7. The Complainant will then submit to questioning by the Respondent's Advisor ("cross examination") and then the Hearing Officer.
8. The Respondent will provide an opening statement of relevant information. The statement will be limited to five (5) minutes.
9. The Respondent will then submit to questioning by the Complainant's Advisor ("cross examination") and then the Hearing Officer.

Witness Testimony and Questioning

10. The Respondent's witnesses will be called into the Hearing individually and allowed to provide a statement of relevant information.
11. The witnesses will be questioned by the parties through their Advisors ("cross examination") and then by the Hearing Officer.

12. The Complainant's witnesses will be called into the Hearing individually and allowed to provide a statement of relevant information.
13. The witnesses will be questioned by the parties through their Advisors ("cross examination") and then by the Hearing Officer.
14. The Hearing Officer may ask any individual testifying questions or direct them to elaborate on a particular line of inquiry. The Hearing Officer may also seek more information as needed to understand the incident.
15. The Hearing Officer may consider interview statements from witnesses who do not submit to cross-examination. Title IX does not compel employee participation in the hearing process. In evaluating such statements, the Hearing Officer will assess the relevance and credibility of each statement.
16. All questions are subject to a determination of relevance by the Hearing Officer. The Advisor will pose the proposed question verbally and then the proceeding will pause to allow the Hearing Officer to consider it, and the Hearing Officer will determine whether the question will be permitted, disallowed, or rephrased.
17. The Hearing Officer may explore arguments regarding relevance with the Advisors if the Hearing Officer chooses. The Hearing Officer will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Hearing Officer will explain any decision to exclude a question as not relevant, or to reframe it for relevance.
18. The Hearing Officer will limit or forbid questions if they are irrelevant, unduly repetitious (and thus irrelevant), impermissible or abusive.
19. The Hearing Officer has the final say on all questions and determinations of relevance, subject to any appeal. The Hearing Officer may consult with General Counsel on any questions of admissibility. The consultation shall occur during a short hearing break.

Closing Statements

20. The Complainant will have five minutes to present a closing statement.
21. The Respondent will have five minutes to present a closing statement.

POST-HEARING PROCEDURES

Determinations of Responsibility

The Hearing Officer will deliberate alone to determine, by a preponderance of the evidence, whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Officer will prepare a written Determination of Responsibility and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions. This report typically should not exceed five (5) pages in length and must be submitted electronically to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties in writing of the extension.

Notice of Outcome

Based on the Hearing Officer's written determination of responsibility, the Title IX Coordinator will issue a Notice of Outcome that includes the final determination, the supporting rationale, and any applicable sanctions. The Title IX Coordinator will then provide the Notice of Outcome to the parties and their Advisors within five (5) business days of receiving the Determination of Responsibility. Notification will be emailed to the official university-issued email address of the parties as indicated in official university records. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Sanctions Referral

The sanction resulting from a Hearing Officer's finding an employee responsible for a violation of the Prohibited Sexual Conduct Policy shall be a "Referral Sanction." A Referral Sanction is defined as a Hearing Officer's sanction of referring a finding of responsibility, along with possible disciplinary actions, to the University Official for consideration of appropriate disciplinary action.

When the Parties' options for appeal of the Hearing Officer's decision have been exhausted, the Hearing Officer will forward a copy of the decision sent to the Parties, a Referral Sanction, and the record of the Complaint Resolution Process to the University Official. The Hearing Officer will also forward a copy of the Referral Sanction to the Parties and the Title IX Coordinator.

Following receipt of a Referral Sanction, the University Official may issue employment discipline in accordance with the applicable employment policy. **Disciplinary actions are not part of the Complaint Resolution Process.** The University will adhere to UNC System Regulation 1300.11 in imposing disciplinary action following a Complaint Resolution Process. Employment discipline that may be considered shall be governed by the applicable University policies that pertain to the affected employee.

RULES OF DECORUM

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 Fayetteville State University (the "University"), the Hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational and/or administrative 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. Advisors will pose the proposed question verbally to the Hearing Officer for a determination of relevance. The proceeding will briefly pause to allow the Hearing Officer to consider it, and the Hearing Officer will determine whether the question will be permitted, disallowed, or rephrased.
3. Parties and witnesses may not respond to a question before the Hearing Officer has approved the question as relevant.
4. Questions will be asked from a seated position. Parties and Advisors may not approach the other party or any witness.
5. Questions must be conveyed in a neutral tone.
6. Questions or other statements that are considered badgering or unduly repetitive will not be permitted. When the Hearing Officer determines that a question has been previously asked and answered, or is otherwise irrelevant, the advisor must move on to the next question.
7. 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, use of profanity and/or personal attacks.
8. Parties and advisors may take no action at the hearing that a reasonable person 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.
9. Parties and others in attendance may not interrupt the proceedings with applause, heckling, outbursts or other disruptive behavior.
10. 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).

11. Cell phones and other electronic devices shall be turned off unless offered as evidence.
12. Other than the audio recording being made by the University, no participant may record any portion of the Hearing. The parties may not record the proceedings, and no other unauthorized recordings are permitted.
13. Access to the hearing recording (but not a copy) will be available to both parties within five business days after the hearing. Parties may request access to view the recording from the Title IX Coordinator within the time to submit an appeal. The recording will be retained by the University as required by federal or state regulations and the university's record retention regulations.
14. The Hearing Officer may establish specific additional rules for a Hearing in the interest of efficiency and orderly progress.

ORDER OR RULES VIOLATIONS

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 an 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.