



TITLE IX OFFICE

Finance and Administrative Affairs

GENERAL GUIDANCE AND RULES OF DECORUM FOR ADVISORS under Chapter UWS 17 as amended by Emergency Rule 2027

Purpose

In accordance with applicable federal and state law, disciplinary procedures for addressing nonacademic misconduct under Chapter UWS 17 are primarily educational in nature and not civil or criminal judicial proceedings. While all individuals involved in a disciplinary proceeding under Chapter UWS 17 are expected to treat each other with civility and respect, institutions may also provide specific, reasonable guidance related to order and decorum for individuals who serve as advisors throughout a disciplinary proceeding under Chapter UWS 17. This guidance applies equally to all individuals who serve as advisors and may be enforced by removing an advisor who refuses to comply with the provisions outlined below.

General Provisions

If a party wishes to authorize the release of any information to an advisor, UWM must receive a completed consent for release form. UWM students will find directions for accessing this form at:

<https://uwm.edu/onestop/wp-content/uploads/sites/82/2017/06/Student-Information-Release-and-the-Family-Right-and-Privacy-Act.pdf>

Given the sensitive nature of any disciplinary proceeding under Chapter UWS 17 and the privacy afforded to UWM students under applicable laws and university policies, UWM expects that advisors will not share any information (including conversations, correspondence, evidence, and all associated records) related to the proceeding with third parties, publicly disclose this information, or use this information for any purpose not explicitly authorized within the context of the specific disciplinary proceeding in which they are serving. UWM may seek to restrict the role of any advisor or remove any advisor who does not respect the sensitive nature of this information or fails to abide by UWM's general expectations for privacy as outlined in this paragraph.

A party is not obligated to use the same advisor throughout the proceeding (e.g., one advisor may work with a party during the investigation phase of the disciplinary proceeding, and another advisor may work with this same party during the hearing phase.) However, if a party changes advisors, consent to share information with the previous advisor must be terminated, in writing, by e-mailing UWM's Title IX Coordinator (titleix@uwm.edu) and if a party wishes to authorize the release of any information to a new advisor, UWM must receive a completed consent for release form using the link provided above.

The Role of the Advisor

The role of the advisor is narrow in scope: the advisor may attend interviews or meetings connected to the disciplinary process that the party whom they are advising is invited to attend, but the advisor may not actively participate in these interviews or meetings except to advise the student and ask procedural questions, and may not serve as a proxy for the party.

The advisor may attend the hearing and may ask relevant questions of the parties and witnesses at the hearing; the advisor may not otherwise actively participate in the hearing except to advise the student in a nondisruptive manner. In addition, while advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the student they are advising.

Specific Guidance Addressing Order and Decorum

UWM expects all individuals serving as advisors to observe the following rules of order and decorum throughout any disciplinary proceeding (to include all phone conversations, meetings, interviews, hearings, and any related appeal processes):

- a) While an advisor may be a licensed attorney, there is no legal duty to engage in zealous advocacy within these disciplinary proceedings. The advisor is expected to provide advice and guidance ethically, with integrity, and in good faith.
- b) An advisor should interact with all individuals (including parties, witnesses, advisors, UWM staff members, and hearing committee members) in a civil and respectful manner.
- c) An advisor may not yell, scream, badger, or physically “lean in” to the personal space of any other individual (to include parties, witnesses, other advisors, UWM staff members, and hearing committee members).
- d) An advisor may not use any gratuitous profanity, engage in name calling, or attack the character of any party or witness.
- e) An advisor will refer to other individuals participating in the process by the name and gender used by the person and shall not intentionally mis-name or mis-gender any individual.
- f) An advisor should pose questions in a neutral tone. Questions are meant to be interrogative statements used to test knowledge, and not be posed as accusations.
- g) An advisor is expected not to spend time on undisputed facts or evidence that would be duplicative. An advisor may not ask unduly repetitive questions, which may include questions that have already been asked at the hearing by the hearing examiner or hearing committee, another advisor, or any investigating officer. When the hearing examiner determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
- h) If an advisor asks a relevant question at hearing in a manner that violates provisions of this guidance (e.g., by yelling, screaming, badgering, or leaning-in to a party’s personal space), the question may not be deemed irrelevant by the hearing examiner simply because of the manner it was delivered. Under that circumstance, the hearing examiner will notify the advisor of the violation, and, if the question is relevant, will allow the question to be re-asked in a respectful, compliant manner by the advisor, or the hearing examiner may ask the question in a way that complies with these rules.
- i) Generally, the advisor may not introduce evidence, including witness testimony, at the hearing that they did not identify (or was not otherwise identified) prior to the hearing. However, the hearing examiner has discretion to accept or exclude additional evidence presented at the hearing and will favor admitting evidence if the party can demonstrate that the evidence was not reasonably available prior to the hearing.
- j) During the hearing, an advisor may not physically approach the other party, any witness, another advisor, any UWM staff member, or any hearing committee member unless given permission to do so by the hearing examiner.

- k) The advisor may not engage in any action that a reasonable person would construe to be harassment, intimidation, or retaliation.

Procedures for Warning and Removal

Prior to the hearing, any concerning behavior committed by an advisor during phone conversations, meetings, or interviews may be reported in writing to the Title IX Coordinator. Prior to hearing, the Title IX Coordinator shall have sole discretion to determine if a violation has occurred under this guidance. The Title IX Coordinator will notify the advisor of any violation in writing and state which specific provision has been violated.

If a second or further violation occurs prior to hearing, the Title IX Coordinator or the assigned hearing examiner shall have discretion to remove the advisor from the disciplinary proceeding. The Title IX Coordinator will issue a written decision that states which specific provisions of this guidance have been violated. If the Title IX Coordinator removes a party's advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at hearing. Reasonable delays in the disciplinary proceeding may be anticipated, should an advisor be removed.

At hearing, the hearing examiner shall have sole discretion to determine if a violation has occurred under this guidance. The hearing examiner will notify the advisor of any violation, issue a verbal warning on the record to the advisor, and state which specific provision has been violated.

If the second or further violation occurs at hearing, the hearing examiner shall have discretion to remove the advisor from the disciplinary proceeding. If the hearing examiner removes a party's advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution 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 at hearing. The hearing examiner shall document any decision to remove an advisor in the written determination regarding responsibility issued in accordance with Chapter UWS 17.18(9).

For flagrant, multiple, or continual violations of this guidance in one or more proceedings, advisors may be prohibited from participating in future proceedings at UWM on a temporary or permanent basis. Evidence of offending behavior will be gathered by the Title IX Coordinator, who is authorized to issue a written prohibition of participation.

Limited Remedy

An advisor accused of violating any provision of this guidance prior to hearing may provide an explanation or alternative evidence in writing for consideration by the Title IX Coordinator. If the advisor is accused of violating any provision of this guidance during a hearing, the ruling of the hearing examiner shall stand.