

Role of Advisors in the Sexual Harassment/Title IX Process

1. Advisors Overview

- a. An Advisor is a friend, faculty member, family member or legal counsel that assists the Complainant or Respondent through the Sexual Harassment/Title IX Grievance Process.
- b. Parties are required to have an Advisor.
- c. Advisors can be changed at anytime as long as there is written communication to the Title IX Coordinator.
- d. The Complainant and Respondent in a Sexual Harassment/Title IX Proceeding are permitted to select a single Advisor of their choice.
- e. If a Complainant or Respondent retains legal counsel as an Advisor, all communications as to process and procedures relevant to the University's Sexual Harassment/Title IX Process will be communicated directly to the party's legal counsel by the Office of the General Counsel of the University. Parties that choose to retain legal counsel as an Advisor must do so at their own expense.
- f. If the Complainant or Respondent does not have an Advisor within five (5) business days after the written notice of allegations, the University will provide, without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney on that party's behalf.
- g. In order to schedule any investigative interviews or meetings, the University must send written correspondence to the party and their Advisor.

2. What is the role of an Advisor in a Sexual Harassment/Title IX Investigation?

- a. Advisors are permitted to attend all meetings.
- b. At the conclusion of the investigation, the Investigator will send a draft of the investigative report and all evidence gathered to the parties and their Advisors.
- c. The parties and their Advisors will have ten (10) days to inspect, review, and respond the draft investigative report and evidence before the investigative report and evidence is finalized.
- d. The parties and their Advisors will receive the finalized investigative report and all evidence at least ten (10) business day before the Administrative Educational Conduct Review.

3. What is the role of an Advisor in an Administrative Educational Conduct Review?

- a.** The Advisors must be present throughout the entire Administrative Educational Conduct Review Process.
- b.** Each Advisor is provided an outline regarding their role in the Administrative Educational Review Process. However, if an Advisor is a practicing attorney, the General Counsel will contact them prior to the Administrative Educational Review Process.
- c.** At the commencement of the Administrative Educational Conduct Review, the role expectations for the Advisors are reviewed.
- d.** Each party's Advisor will have opportunity to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility of the other party or any witness. Cross-examination must be conducted orally by the party's Advisor. Advisors alone have the ability to cross-examine witnesses and parties. Parties do not have the ability to cross-examine the other party or witnesses, but can present questions through their Advisor.
- e.** Only relevant cross-examination or other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a question asked by the other party's Advisor, the Procedural Facilitator will determine whether the question is relevant. If the Procedural Facilitator deems the question not to be relevant, they must explain to the party's Advisor asking the question why it is not relevant. For example, questions and evidence regarding a party or witnesses' prior sexual behavior or history is irrelevant, unless offered to prove that someone other than the Respondent committed the alleged misconduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Rules of evidence used in courts of law are not used in this process.
- f.** Within five business days of the Administrative Educational Review Process, the Administrative Educational Conduct Review Officers will electronically send a written determination to both parties and their Advisors.