

APPENDIX C – Rules for Advisors

I. Overview

Under this Policy, Complainants and Respondents may have an Advisor of choice during the process. The University developed these rules and requirements for Advisors, in accordance with the law, in order to promote fairness, remain true to the University's educational mission, and maintain the integrity and fairness of the process.

The University requires Advisors to adhere to the rules and requirements outlined below when participating in the processes under this Policy. Advisors may be asked to review and agree to these rules before participating in the University's process.

II. Who May Serve as an Advisor

An Advisor may be a faculty or staff member, a friend, a parent, an attorney, or any other person of the Party's choosing.

III. Role of an Advisor Before a Hearing

During meetings and/or the investigation phase of the Resolution Process, an Advisor's role is limited to:

- Being present with the Party during meetings and interviews;
- Supporting the Party;
- Consulting with and advising the Party;
- Suggesting questions for the Party to ask; and
- Reviewing evidence.

During meetings or interviews, an Advisor may quietly converse with or write notes to a Party. Advisors should be mindful that communication with the Party does not interrupt the meeting or interview.

Advisors may not act as participants, speak for or on behalf of a Party, present information, ask questions, make statements, or otherwise speak directly to the Investigators.

IV. Role of an Advisor During a Hearing

A. Process A – Title IX Sexual Misconduct

During a hearing under Process A for Title IX Sexual Misconduct, a party's Advisor is permitted to ask relevant questions of the other party and any Witnesses, but not their own party that they are advising.

The Advisor's questions must be asked directly, orally, and in real time, and must be relevant. The Advisor does not have the right to challenge a Decision-maker's determination of relevance during the hearing.

The Decision-maker may disallow or reframe any questions that are redundant, irrelevant, abusive, disrespectful, or unduly harassing.

During a Hearing, an Advisor may not otherwise speak for or on behalf of a party, including, but not limited to, by presenting opening or closing statements and/or by objecting to questions asked by the Decision-maker or the other party's Advisor, and Advisors and all parties will be expected to follow all Hearing rules established by the University.

B. Process B – Non-Title IX Sexual Misconduct

During a hearing under Process B for non-Title IX Sexual Misconduct, a party's Advisor is not permitted to directly ask questions of anyone, including the other party, any Witness, or their own party that they are advising. Instead, an Advisor may assist a party in drafting questions to submit to the Decision-maker to ask the other party or Witnesses.

The Decision-maker may disallow or reframe any questions that are redundant, irrelevant, abusive, disrespectful, or unduly harassing.

During a Hearing, an Advisor may not otherwise speak for or on behalf of a party, including, but not limited to, by presenting opening or closing statements and/or

by objecting to questions asked by the Decision-maker or the other party's Advisor, and Advisors and all parties will be expected to follow all Hearing rules established by the University.

V. Role of an Advisor for an Appeal

Generally Appeals will proceed based on written materials only. The role of an Advisor during an Appeal is to provide the Party advice on that Party's written statement and new evidence, as applicable.

VI. Advisor Communication

Except as required by law and outlined in Appendix B for Process B, Advisors will not be copied on University communications to the Parties. Parties are welcome to share information and communications received with their Advisors.

Advisors are not permitted to contact the Title IX Coordinator, or other University officials, directly to communicate on behalf of a party.

VII. Violations

If at any time during the process an Advisor does not act in accordance with these rules, the Title IX Coordinator and/or a Decision-maker has the authority to enforce these rules.

The Advisor will be warned that, if noncompliance persists, the Advisor will be required to leave. If the conduct continues, the Advisor will be required to leave. Under such circumstances, the party will be provided with a brief period of time to secure a replacement Advisor, or the University will appoint one, if necessary and required under Process A.