

A. Advisors

- a. Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense. The advisor may accompany the party to all meetings and may provide advice and counsel to the advisor's respective party throughout the Sexual Misconduct process, including providing questions, suggestions, and guidance to the party, but may not actively participate in the process except as outlined in [BOR 6.7.4\(E\)](#). All communication during the Sexual Misconduct process will be between the institution and the party and not the advisor. With the party's permission, the advisor may be copied on all communications.

1. What does an Advisor do?

An Advisor accompanies a party to a Title IX case to meetings related to the resolution process, advises the party on that process, and conducts cross-examination for the party at the hearing, if one is held.

2. Do both the Complainant and the Respondent in a Title IX case get an Advisor?

Yes, both parties have the right to an Advisor of their choosing. Each party may select whomever they wish to serve as their Advisor. Advisor must not have any institutionally conflicting roles (such as being a Title IX Coordinator, a supervisor who would implement sanctions in the event of a finding of responsibility, or a witness in the process).

3. Who can serve as an Advisor?

The Advisor may be a friend, family member, attorney, neighbor, or other individual.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, but at the hearing stage, the party without an Advisor would be appointed Advisor to conduct the cross-examination during the hearing. The party can reject the appointed Advisor in favor of selecting their own Advisor, but the party cannot proceed in the hearing without an Advisor present. This is the case because the parties are not permitted to directly cross-examine each other or any witness.

4. What is an Advisor's role in the investigative process?

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present. Advisors should help the parties prepare for the meetings and interviews. Advisors are expected to advise ethically and with integrity (i.e., not permitting a party to lie or to present false evidence).

Gordon State College cannot guarantee equal Advisory experiences, meaning that if one party hires an attorney to serve as their Advisor and the other party does not hire an attorney, the College is not obligated to provide an attorney Advisor for the other party.

All Advisors are subject to the same Gordon State College policies and procedures, whether they are attorneys or not. Advisors are expected to advise without disrupting proceedings. Advisors should not address the Gordon State College officials in a meeting or interview unless they are permitted to do so by the investigators—for instance to ask procedural questions. Advisors are not permitted to make

presentations or opening/closing statements during any meeting or proceeding (including during a hearing). Advisors are also prohibited from speaking on behalf of the advisee to the Investigator(s) or the Decision-maker (at a hearing), except during the cross-examination at the hearing.

Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

5. What happens if an Advisor breaks the rules outlined in Question #4?

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, and the Title IX Coordinator will determine how to address the Advisor's non-compliance moving forward. The Title IX Coordinator may prohibit the Advisor from continuing to act in that capacity in future meetings/proceedings. The party will be allowed to select a new Advisor.

6. Is my Advisor allowed access to information collected as evidence during the Title IX case?

Gordon State College expects that the parties may wish to have documentation and evidence related to the allegations of Title IX sexual harassment with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. If the party wants the Gordon State College to share documentation and evidence with Advisors, Gordon State College will provide the party with a FERPA authorization to disclose consent form to sign. The authorization will remain in the Title IX file.

If a party requests that all communication be made through their Attorney Advisor, Gordon State College will not comply with that request.

7. Can an Advisor schedule a meeting with the Title IX Coordinator?

It is permitted for an Advisor to request to meet with the Title IX Coordinator in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Gordon State College's policies and procedures.

8. Can a party change Advisors during the Title IX resolution process?

Yes. If a party changes Advisors, the party is expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time during the proceedings. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of the new Advisor at least two (2) days before a meeting where the party and their Advisor is to be present. If a party changes Advisors before the hearing, the party is expected to inform the Title IX Coordinator of that change at least two (2) business days before the hearing.

9. Are there any other expectations of an Advisor?

Gordon State College expects Advisors to adjust their schedules to allow them to attend scheduled meetings and proceedings. The College may make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by video conferencing with a link provided by the College as may be convenient, but only if the advisee agrees to the provision.