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**UNIVERSITY OF ALABAMA  
OFFICE OF EQUAL OPPORTUNITY AND TITLE IX PROGRAMS**

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**ROLE OF THE SUPPORT PERSON/ADVISOR DURING TITLE IX AND SEXUAL  
MISCONDUCT GRIEVANCE PROCESSES**

Pursuant to the Title IX and Sexual Misconduct Policy (“the Policy”), Respondents and Complainants<sup>1</sup> are entitled to one support person/advisor (used interchangeably throughout the Policy and this document) throughout the Title IX and Sexual Misconduct grievance processes.<sup>2</sup>

The support person is someone chosen by the individual party to provide support and guidance throughout the process. The support person may be anyone the party chooses (friend, family member, attorney, University-provided support person, etc.), and the support person does not have to be affiliated with the University. Any fees charged by the support person are the sole responsibility of the requesting party. Students who elect to utilize a support person must complete a Family Education Rights and Privacy Act (FERPA) waiver prior to the support person participating in the process.

The parties are responsible for selecting their own support person and arranging for the support person to be present at meetings during the grievance process, if the party so chooses. The Title IX Office will work with the party to arrange for a mutually agreeable time for meetings but will not unreasonably delay the investigation process based on the support person’s availability. Parties may change their advisor at any time during the grievance process.

Each support person is subject to the limitations as outlined herein.

**Parameters of Support Person’s Participation in the Grievance Processes**

The role of the support person is limited: the support person/advisor may attend any meeting or proceeding connected with the grievance process but may not actively participate in meetings or proceedings connected with the process, except as specifically required during formal hearings under the Title IX Process.<sup>3</sup> The University (including any official acting on behalf of the University such as the Title IX Coordinator, investigator, or Decision-Maker) has the right at all times to determine

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<sup>1</sup> When an employee or community member is the Respondent, no support person/advisor may be present during any meeting under the Policy. If an employee is the Respondent and is also a student, no support person may be present during any meeting under this Policy except for charges being pursued through the Code of Student Conduct. The only exception to this prohibition is during formal hearings under the Title IX Process. For additional information, see the Title IX Advisor handout found on the Title IX Office website.

<sup>2</sup> For additional information about the different grievance processes, please review **Appendices 1 and 2** of the Policy.

<sup>3</sup> Parties are required to have an advisor during formal hearings under the Title IX Process to conduct cross-examination. The parties may also select a support person or second advisor during formal hearings under the Title IX Process, whose sole role will be to provide support as outlined herein. For additional information, please review the Title IX Advisor handout found on the Title IX Office website.

what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance.

The support person may accompany the party to meetings and proceedings with the Title IX Office or Office of Student Conduct related to the process. The support person may confer with the party during investigative meetings or proceedings. The party should request to take a short break from the meeting or proceeding to confer with the support person. The party may be asked to answer any question previously posed to them prior to taking a short break to confer with their support person.

The support person may provide emotional and personal support to the party,<sup>4</sup> including notifying the party of available University supportive measures. The support person may also notify Title IX staff of the party's need for assistance with supportive measures. The support person may assist the party in understanding the University's policies and procedures and help the party identify questions about the process. The support person may notify Title IX staff of alleged retaliation against the support person, party, or a witness related to the Prohibited Conduct report and/or participation in the investigation.

All support persons are expected to adhere to the following guidelines:

- The support person must keep confidential and may not disseminate, absent a court-order, any information shared or learned throughout the investigation or hearing process with anyone other than the party to whom they are acting as a support person or Title IX Office staff.
- The support person may not act as an advisor to both parties in the same investigation.
- The support person may not impede or obstruct the investigation process.
- A support person's failure to comply with the participation limitations outlined in this Policy and the Code of Student Conduct may cause the University to bar the support person from participation in the investigation and hearing process and/or future investigations and hearing processes outlined in the Policy.

### **Communication with University Officials During the Grievance Process**

The parties are expected to speak on their own behalf during the grievance process. The support person may not speak on the Complainant's or Respondent's behalf or otherwise directly participate in any part of the investigation, except as specifically required during formal hearings under the Title IX Process.<sup>5</sup> The support person's only role is to provide support, assistance, or consultation to the Complainant or Respondent. The support person may be legal counsel, but participation will be limited as stated herein.

All communications regarding the process from the University will be sent directly to the Complainant or Respondent. Direct communication between the Title IX Office staff and the

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<sup>4</sup> Only those individuals who qualify for the confidentiality privilege by law will maintain confidentiality in all circumstances. See H.2(a) of the Policy.

<sup>5</sup> For additional information, please review the Title IX Advisor handout found on the Title IX Office website.

Complainant or Respondent is important throughout the process and, therefore, the University will not, as a practice, permit the Complainant or Respondent to communicate via their support person.

If the Complainant or Respondent has identified a support person during the process, the Title IX Office may include the support person in communications to the student. Additionally, prior to the completion of the Investigative Report, the investigator(s) will send each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Complainant or Respondent may otherwise share information received from the Title IX Office or other University departments related to the process with their support person if they choose to do so.

### **University-Provided Support Persons**

Upon request by a Complainant or Respondent, the University may assist the parties with obtaining access to University-provided support persons for meetings and proceedings during the process, subject to any conflicts between the University-provided support person and the parties and the University-provided support person's scheduling demands. To request a University-provided support person or for any questions regarding the University-provided support person's role, contact 205-348-5496 or [titleix@ua.edu](mailto:titleix@ua.edu).