

Title IX

INFORMATION FOR STUDENT PARTY ADVISORS

Pursuant to the [Title IX and Sexual Misconduct Policy](#), student parties are entitled to one advisor throughout the grievance processes. In general, this advisor has a limited role to provide support and guidance throughout the grievance process and is generally not permitted to actively participate in any meetings or proceedings, except as specifically provided in the Policy and Procedure 1.

CHOICE OF ADVISOR

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

The parties are responsible for selecting their own advisor and arranging for the advisor to be present at meetings. 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 advisor's availability. Parties may change their advisor at any time during the grievance process.

Upon request by a party, the University may assist the parties with obtaining access to University-provided advisor for meetings and proceedings during the process. To request a University-provided advisor or for any questions regarding the University-provided advisor's role, contact 205-348-5496 or titleix@ua.edu.

ADVISOR PARTICIPATION IN INVESTIGATIVE PROCEEDINGS

The role of the advisor is limited: the advisor may attend any meeting or proceeding connected with the grievance process but may not actively participate in meetings or proceedings, except as specifically required by Procedure 1 during the formal hearing.

The advisor may confer with the party during investigative meetings or proceedings. The party should request to take a short break to confer with the advisor. The party may be asked to answer any question previously posed to them prior to taking a short break to confer with their advisor. The advisor may provide emotional and personal support to the party, including notifying the party of available University supportive measures. The advisor may also notify Title IX staff of the party's need for assistance with supportive measures. The advisor may assist the party in understanding the University's policies and procedures and help the party identify questions about the process. The advisor may notify Title IX staff of alleged retaliation against the advisor, party, or a witness related to the Prohibited Conduct report and/or participation in the investigation.

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COMMUNICATION WITH ADVISORS DURING GRIEVANCE PROCESS

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

The Title IX Office may include the advisor in communications to the student. Additionally, prior to the completion of the Investigative/Finding 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 parties may otherwise share information received from the Title IX Office or other University departments related to the process with their advisor if they choose to do so.

ADVISOR PARTICIPATION IN FORMAL HEARINGS

Once the case is referred to a live formal hearing under Procedure 1, both parties **must** have an advisor to conduct cross-examination on behalf of their respective parties. The advisor can be selected by the parties and may be an attorney at the parties' own expense. If the parties do not have an advisor, the University will provide an advisor for the live formal hearing at no expense to the parties. If a party identified an advisor for the pre-hearing meeting who then fails to appear at the formal hearing, the University will assign an advisor to conduct cross-examination for the party at the live formal hearing. This may require the formal hearing be rescheduled to allow for an advisor to be assigned to the party.

PRE-HEARING MEETING

Prior to the formal hearing, the Title IX Coordinator will schedule separate pre-hearing meetings with the parties and their advisors. Attendance is mandatory for both the parties and their advisors to discuss processes for the live formal hearing and appropriate decorum.

CROSS-EXAMINATION

Advisors must conduct cross-examination on behalf of their respective parties at the formal hearing. The goal of the advisor during cross-examination is to pose questions intended to advance their respective party's perspective with respect to the specific allegations at issue. Advisors are essentially a proxy for the parties, with the goal of relaying their respective party's own questions to the other party or witness. Following direct examination by the

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Decision-Maker, the parties' advisors may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questioning must be conducted directly, orally, and in real time by the parties' advisor and never by a party.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker's determination regarding a question's relevancy is considered final and may not be challenged during the hearing by the parties or their advisors.

A party's advisor may appear and conduct cross-examination even when the party whom they are advising does not appear.

If the University provides an advisor, the party cannot "fire" the assigned advisor during a hearing. If, however, the party asserts the assigned advisor is refusing to "conduct cross-examination on the party's behalf," the University will provide the party an advisor to perform that function, whether that means counseling the assigned advisor to perform that role or stopping the hearing to assign a different advisor.

REMAINDER OF FORMAL HEARING

Other than the cross-examination portion of the hearing, the parties are expected to speak on their own behalf during the formal hearing. The party's advisor may not otherwise make statements, speak on the parties' behalf, challenge relevancy determinations, or otherwise directly participate in the proceedings. Other than conducting cross-examination, the advisor is subject to the other limitations and requirements imposed by the University on advisors.

The Decision-Maker may remove or dismiss an advisor who becomes disruptive or who does not abide by the limitations on their participation and require the party to use a different advisor.

GUIDELINES AND RULES OF DECORUM FOR ADVISORS

All advisors are expected to adhere to the following guidelines:

- Advisors 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 an advisor or Title IX Office staff.
- The advisor may not act as an advisor to both parties in the same investigation.
- The advisor may not impede or obstruct the investigation process.

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In addition, all advisors are expected to adhere to the following rules of decorum when conducting cross-examination during a formal hearing:

- Advisors are prohibited from questioning parties and witnesses in an abusive, intimidating, or disrespectful manner.
- Advisors may only ask questions relevant to the allegations during cross-examination. Duplicative questions, including those asked and answered, are considered irrelevant.
- Advisors (as well as the parties) are not permitted to challenge the Decision-Maker's relevancy determinations during the formal hearing.
- Advisors must only ask a party or witness one question at a time to allow the Decision-Maker time to issue a determination regarding the question's relevancy. Advisors must give the Decision-Maker sufficient time to issue the relevancy determination before proceeding with further questioning.
- Advisors must refrain from repeating or echoing answers provided by a party or witness in response to cross-examination questions.
- Advisors must refrain from speaking over the party or witness being questioned and should allow the questioned individual sufficient time to answer the question posed.
- Advisors must refrain from making gestures, facial expressions, audible comments, or the like, as displays of approval or disapproval during cross-examination or at any other time during the formal hearing.

The University has the right to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance. If the University determines that the advisor is refusing to comply with the limitations as stated in the Policy and Code of Student Conduct (as well as stated herein), the University may take steps to end the behavior, including barring the advisor's participation in current/future proceedings and providing the party with an alternate advisor.

SUPPORT PERSONS DISTINGUISHED

In addition to their advisors, parties may also elect to have a support person accompany them to meetings and proceedings under the grievance process. In this case, the support person's participation will be limited to providing support and guidance, similar to the advisor. During the formal hearing, if a party elects to have an advisor to conduct cross-examination and a support person to provide guidance and support, their participation will be limited based on their stated roles. Only one advisor may be designated to conduct cross-examination during the hearing.