

Advisors in the Title IX Process

This document provides guidance about the role of Advisors within Northern Kentucky University's [Sexual Harassment Policy](#).

The U.S. Department of Education requires that Title IX hearings include a form of indirect questioning. However, the Complainant and Respondent may not directly question each other or any witnesses. Instead, the questioning must be conducted by each Party's Advisor.

Both the Complainant and Respondent may choose their own Advisor (an "Advisor of choice"). If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor ("University-appointed Advisor") for the limited purpose of conducting any questioning of the other party and witnesses during the hearing. Both Parties are required to have an Advisor present at their hearing to conduct questioning.

Questioning of the parties and witnesses may also be conducted by the Hearing Decision-maker during the hearing.

Advisor's Role in Meetings and Interviews

In addition to the hearing, at which an Advisor is required, the Parties may be accompanied by one individual of their choosing in all meetings and interviews for support, advice, and/or consultation. This individual may be, but is not required to be, the Advisor selected to conduct cross-examination at the hearing. Parties also have the right to choose not to have an Advisor present during the initial stages of the process, prior to a hearing.

Pre-Interview Meeting

Advisors may request to meet with Title IX officials prior to their attendance at a grievance meeting, interview, or hearing. This pre-meeting is limited to questions and information about their role as Advisor and University policies and procedures.

Who Can Be an Advisor

An Advisor of choice may be a friend, mentor, family member, attorney, or any other individual a Party chooses to advise, support, and/or consult with them during the Title IX process. The Parties may choose Advisors from inside or outside of the Northern Kentucky University community. Only those Advisors trained and appointed by the University are University-appointed Advisors. All other individuals who are employed by NKU, but are not appointed and trained by the University, may accept a Party's request to be their Advisor of choice—but they do so in their personal capacity and do not become a University-appointed Advisor.

Parties are not guaranteed equal advisory rights. Parties may select Advisors of differing ability to fulfill the role. Further, the University is not obligated to provide a University-appointed Advisor based on the perceived skill or ability of the other Party's Advisor of choice.

Expectations of Advisors

All Advisors are subject to the University's policies and procedures. University policies may be accessed at inside.nku.edu/policy.

Advisors who attend meetings prior to the hearing should help their advisees prepare for each meeting, but may not make a presentation or speak on behalf of the Party. The Parties are

expected to ask and respond to questions on their own behalf throughout the investigation phase of the Formal Grievance Process. Although the Advisor generally may not speak on behalf of the Party, the Advisor may consult with the Party, either privately as needed, or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Advisors are expected to advise ethically and without disrupting proceedings. Where an Advisor disrupts or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Advisors may not question Parties in an abusive, intimidating, or disrespectful manner. If a Party's Advisor of choice refuses to comply with these rules of decorum, the Party may be required to use a different Advisor, and the University may provide that Party with an Advisor to conduct cross-examination.

No less than ten (10) business days prior to the hearing, the University will send notice of the hearing to the Parties. The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Sharing Documents and Records

Parties may request that the University share documentation and evidence related to the grievance process with their Advisors. To do so, Parties should complete the Advisor Designation Form to authorize the University to share such information directly with their Advisor. The Parties must either complete and submit this form to the Office of Title IX or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

A Party may decide to change Advisors during the process, and is not committed to using the same Advisor throughout. 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 may share information directly with their Advisor as well.

Privacy of Records Shared with Advisors:

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Northern Kentucky University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Selecting an Advisor:

Parties should review this document and, if they wish to designate an individual as their Advisor of choice, should complete the attached Advisor Designation Form with that individual. Completed

Advisor Designation Forms should be provided to the Office of Title IX (OTIX) at University Center 330 or titleix@nku.edu.

Parties are expected to inform the OTIX of the identity of their Advisor of choice attending the hearing at least two (2) business days before the hearing, by completing and returning the attached Advisor Designation Form.

If a party does not have an Advisor, OTIX will select a University-appointed Advisor from a pool of available trained members of the grievance pool. Parties are not able to request a specific individual as a University-appointed Advisor. Notice that a Party wishes to use a University-appointed Advisor is appreciated as soon as the Party decides to do so and will enable that Advisor to meet with the Party and discuss the hearing in advance of the hearing. To request a University-appointed Advisor, please contact OTIX at 859-572-7669 or titleix@nku.edu.

If a Party fails to appear at a scheduled hearing, the University will appoint a University-appointed Advisor to conduct cross examination of the appearing Party and any witnesses.

Assistance in Securing an Advisor

Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)
- Northern Kentucky Bar Association Lawyer Referral Services (<https://www.kybar.org/page/NKBALRS>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)
- Legal Aid of the Bluegrass (<https://lablaw.org/home>)

Advisor Designation Form

To Be Completed by the Party:

Party Name: _____ Party NKU Email: _____

I hereby designate _____ to serve as my Advisor in the Title IX Formal Grievance Process.

I understand that I may change Advisors during the process, and that to do so I must submit a new Advisor Designation Form. I also acknowledge that only one Advisor may be present during any particular meeting or proceeding that is part of this process.

By my signature below, I give my voluntary consent for Northern Kentucky University to disclose all records related to me within the Title IX Formal Grievance Process to the individual designated as my Advisor.

I authorize Northern Kentucky University officials to discuss information contained in my Title IX Formal Grievance Process records with the individual designated as my Advisor.

I authorize Northern Kentucky University officials to release all Title IX Formal Grievance Process records and information related to me to my Advisor upon their request.

I understand that I may revoke this consent at any time except to the extent that action has already been taken upon this release.

I authorize Northern Kentucky University officials to copy my Advisor on communications with me.

(Signature of Party) (Date)

To Be Completed by the Advisor:

By signing below, you acknowledge that you have read this document and understand the expectations of serving as an Advisor for the above-listed Party in the Formal Grievance Process.

Advisor Name: _____ Advisor Email: _____

Advisor Phone Number: _____

Please indicate if you are a licensed attorney: **Yes** **No**

(Advisor Signature) (Date)