

The Role of An Advisor in the Title IX Investigation Process

The following information is provided to clarify the role of an advisor in the Title IX investigation process.

An Investigation is a University Administrative Process

An investigation is part of the administrative process the University uses to determine whether University policy has been violated. The investigation is not a legal or disciplinary proceeding, and as a result, a Title IX investigation does not determine guilt or innocence relative to any local, state or federal law, nor does it adhere to the same rules that govern or might be applied in a legal or disciplinary proceeding. The investigator the University assigns to conduct the investigation, whether an internal or external investigator, does not act as an advocate, provide advice to the University with respect to what actions, if any, should be taken as a result of findings, represent the University in any legal action or proceeding, or provide any legal advice to the University during the investigation process.

Role of an Advisor

Individuals bringing forward allegations (“Complainants”), and individuals responding to allegations (“Respondents”) who participate in a Title IX investigation process, have the right to have one individual of their choosing serve as their advisor throughout the investigation process. The right to an advisor is extended so that the Complainant or Respondent can identify someone that they want to assist them with navigating and understanding the investigation process, including providing support during each portion of the investigation process and any meeting or interview that is associated with the investigation process. It is recommended that an advisor not be someone who is a witness in the same matter.

The investigator is charged with gathering information (fact gathering) and determining what occurred (fact finding). To fulfill their investigation responsibilities and to protect the integrity of the investigation for both the Complainant and Respondent, the investigator is interested in obtaining information directly from the Complainant and Respondent and providing each with the opportunity to respond to information directly, without impediment or undue interference. As a result, the role of an advisor in an investigation interview or review of or response to information gathered during the investigation is limited.

An Advisor May...

- accompany a Complainant or Respondent to any administrative meeting or conversation related to an investigation including interviews with the investigator;
- assist a Complainant or Respondent in understanding and navigating the investigation process;
- seek clarification regarding the investigation process;
- ask procedural or process questions;
- support the Complainant or Respondent during the process; and,
- alert the investigator or Title IX Officer to acts of retaliation.

An Advisor May Not...

- speak or act on behalf of a Complainant or Respondent, including answering questions for or on behalf of a Complainant or Respondent;
- stand in for, or represent a Complainant or Respondent;
- disseminate by any medium or form any information shared or learned throughout the investigation process with anyone other than the Complainant or Respondent for whom they serve as an advisor, the investigator, or the Title IX Officer;
- act as or represent themselves or another as an investigator for the Title IX process during the investigation process;
- contact a witness or other party participating in the investigation process; or,
- impede the investigation process or act in a manner that obstructs the investigator or disrupts the investigation process.

Note: Advisors who act outside of their role or who impede, obstruct, disseminate information to third party individuals or organizations or who represent themselves to others who are engaged in our process as having any other role than an advisor in our process may be excluded from investigation proceedings.

Communication Protocols

The University's communication protocol with the Complainant or Respondent does not permit going through a representative or other intermediary because of the importance of direct communication with the Complainant or Respondent during the investigation process as described above. An advisor may be copied on any correspondence or communication related to the investigation process at the direction of the Complainant or Respondent.

An Effective Advisor

In order to provide accurate information, appropriate assistance and support, it is recommended that advisors understand the University investigation process and their role within that process. Advisors are encouraged to speak with the Title IX Officer about the University investigation process and review applicable University policies and procedures governing such investigations.

FERPA Waivers

Students who participate in the investigation process with an advisor must complete a Family Education Rights and Privacy Act (FERPA) waiver prior to participating in the interview process with an advisor.

Questions and Clarification

If you have any questions or would like additional clarification regarding the investigation process, please contact the Isabel Dees, Title IX Officer via phone at 831- 459-2462 or via email at idees@ucsc.edu.