

# “Who Am I and Why Am I Here?”

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## Your Role as an Advisor in the Title IX Disciplinary Process



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Portions of this presentation may qualify as “attorney advertising” in some jurisdictions. Parker Poe, however, intends for it to be used only for educational and information purposes.

The law is changing rapidly in this area. This presentation is our best attempt to summarize the current state of the law and is subject to change.

For Title IX assistance, contact Josh Whitlock at [joshwhitlock@parkerpoe.com](mailto:joshwhitlock@parkerpoe.com) or 704.335.6622.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.





Prohibitions or Limitations  
on Participation Based on  
Sex

Unequal Funding of Men's  
and Women's Athletics

Pregnancy  
Discrimination

- Sexual Harassment
- Sexual Assault
- Stalking
- Domestic/Dating Violence
- Verbal/expressive





First-year athlete abused in  
locker room by older  
teammates

Male on Male  
Sexual Assault

Work study student  
hounded by hundreds texts  
and phone calls

Female on Male  
Sexual Harassment

Honors student  
raped in residence  
hall by roommate's  
friend

Male on Female  
Sexual Assault

Biology major  
slapped and  
threatened by date

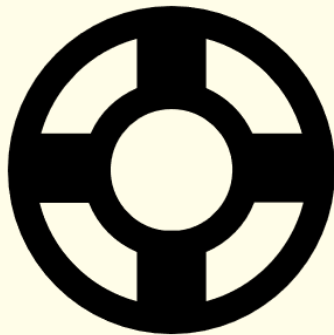
Female on Female  
Dating Violence

Title IX Prohibits  
Sexual  
Harassment  
Regardless

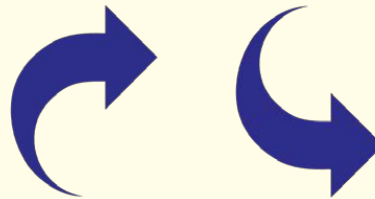


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## Title IX



Supportive Measures



Grievance Process



Counseling

Extensions

Course Adjustment

Class Schedule

Work Schedule

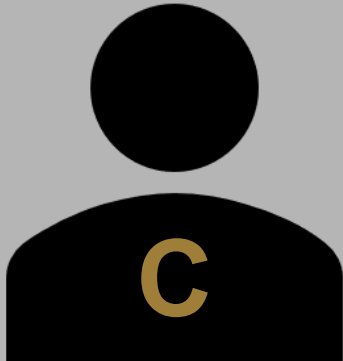
Campus Escort

No Contact Orders

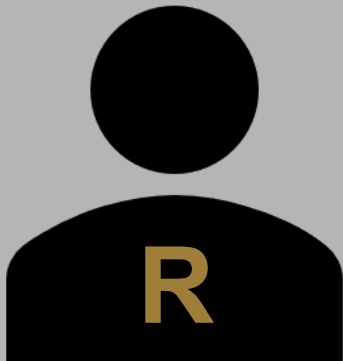
Leaves of Absence

Security Monitoring

- Protect Safety
- Preserve Access
- Deter Harassment
- Free & Confidential
- Complaint/No Complaint
- For both parties



The Complainant is the alleged victim of sexual harassment



The Respondent is the alleged perpetrator of sexual harassment



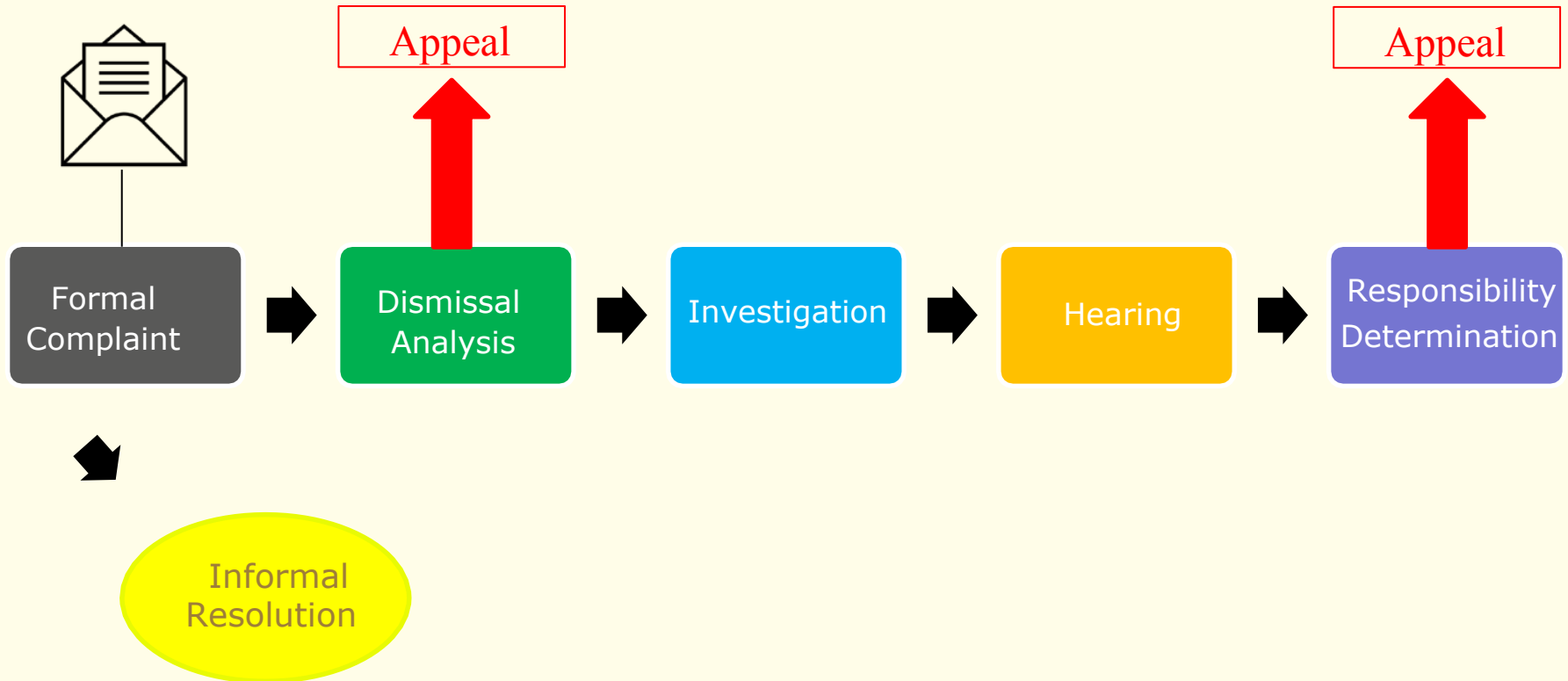
# Anyone can be an Advisor





# Advisors help in different ways







## Advisors play a background role.

- You won't be interviewed.
- You won't testify at the hearing.
- Your speaking role is limited.
- You don't have to share your personal views.



- Both parties must agree to participate.
- Either party may exit the process prior to agreeing to a resolution.
- Any resolution is by mutual agreement.



- Unbiased and fair
- Interview scheduled in advance
- Advisor may not disrupt or answer in place of the party



- The investigator collects evidence.
- Each party may present evidence to the investigator.
- Each party will have opportunities to review and comment on all directly-related evidence.

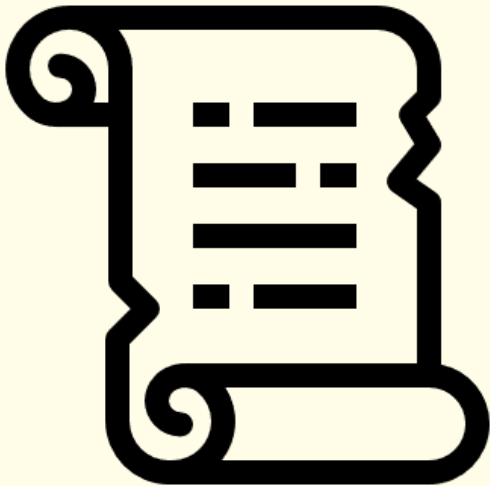


- May be virtual or on campus.
- If on campus, parties may request to be in different rooms with AV equipment.
- You may not record the hearing, but you may review the school's recording.





- The advisor poses the party's questions.
- Questions may be barred if they are irrelevant, duplicative, or reference privileged information.
- Everyone is expected to behave in a professional manner.



Determination includes:

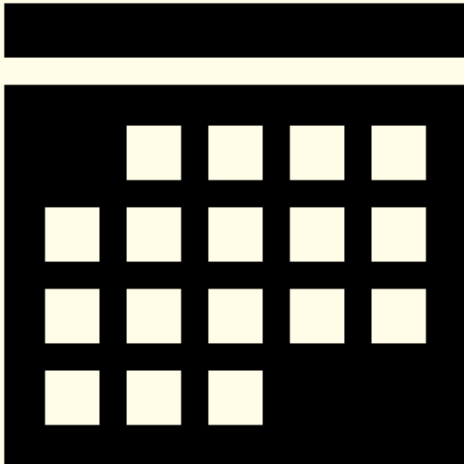
- alleged policy violations
- rulings on responsibility
- any sanctions imposed
- appeal instructions

Determination is provided to the parties simultaneously.



Be flexible.

Be timely.



Raise scheduling  
conflicts as soon as you  
become aware of them.



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