

## **Non-Party Participation Requirements**

A Party may be accompanied to any meeting held by the Title IX Coordinator or designee by up to two (2) people, including one (1) Advisor and one (1) Support Person. Prior to meetings and Hearings, all Support Persons and Advisors must review non-Party participation requirements, which define their respective roles, appropriate decorum, and confidentiality obligations relative to the proceedings. Parties must ensure that their Support Persons and Advisors follow these non-Party participation requirements.

### ***Support Person***

A Support Person is a non-participant who is present to assist a Party by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the Party in a way that does not disrupt or cause any delay.

### ***Advisor***

An Advisor is a person chosen by a Party to provide advice and consultation to that Party during OIE processes and, when applicable, conduct questioning on behalf of a Party at a Hearing. An Advisor may be, but is not required to be, an attorney.

Advisors may not make a presentation or represent their advisee<sup>1</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other decision-maker(s) except during a Hearing proceeding (when applicable).

### ***General***

Parties are expected to provide the Title IX Coordinator and/or assigned Investigator(s) with

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Advisors and/or Support Persons are subject to SU policies and procedures, whether they are attorneys or not. They are expected to advise their advisees without disrupting proceedings.

Advisors and/or Support Persons should not address SU representatives in a meeting or interview unless invited to (e.g., asking procedural questions).

SU expects that Parties may wish to have SU share documentation and evidence related to the investigation with their Advisors and/or Support Persons. Parties may share this information directly with their Advisor and/or Support Person if they wish. Doing so may help Parties participate more meaningfully in the resolution process.

Advisors and Support Persons are expected to maintain the privacy of the information and records shared with them. Such records and information may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by SU. SU may seek to restrict the role of any Advisor or Support Person who does not respect the sensitive nature of the process or who fails to abide by SU's privacy expectations.

SU generally expects Advisors and Support Persons to adjust their schedules to allow them to attend SU meetings when planned. SU may change scheduled meetings to accommodate an Advisor and/or Support Person's inability to attend, if doing so does not cause an unreasonable delay. SU may also make reasonable provisions to allow an Advisor and/or Support Person who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

An Advisor and/or Support Person whose presence is causing a disruption or who otherwise oversteps their role as defined by SU policy and these guidelines will be warned only once. If they continue to disrupt or otherwise fail to respect the limits of their respective roles, the meeting will end, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address their non-compliance and the future role of the Advisor and/or Support Person.

***Applicable only to Hearings (Allegations of Sex-Based Discrimination or Sexual Misconduct)***

The U.S. Department of Education Title IX regulations require cross-examination during a Hearing, which must be conducted by the Parties' Advisor. The Parties are not permitted to directly cross-examine each other or any witnesses.

Parties are expected to inform the Title IX Coordinator and/or assigned Investigator(s) of the identity of their hearing Advisor at least two (2) Days before the Hearing.

If a Party does not have an Advisor for a Hearing, SU will appoint a trained Advisor for the limited purpose of conducting any questioning. Parties may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If a Party's Advisor will not conduct cross-examination, SU will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised Party in the hearing itself.

Each Party's Advisor will have an opportunity to question the other Party and any witnesses. Advisors may also question the Investigator. Questioning will be conducted directly, orally, and in real time by the Party's Advisor only. Parties may not question each other or witnesses directly.

See page forty-two (42) of the [Salisbury University Policy and Procedures Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination](#) for additional specific information regarding the Hearing procedures.

### ***Additional Considerations***

If one Party selects an Advisor who is an attorney and the other Party does not have an attorney, SU is not obligated to provide an attorney to the Party that did not retain an attorney.

Parties may choose an Advisor from a pool of people trained by SU. If the Parties choose an Advisor from outside of that pool, the Advisor may not have been trained by SU and may not be familiar with SU policies and procedures.

Choosing an Advisor and/or Support Person who is also a witness in the process creates potential for bias and conflict-of-interest. Parties who choose Advisors and/or Support Persons who are also witnesses can anticipate that issues of potential bias will be explored.

A Party may elect to change their Advisor and/or Support Person during the process and is not obligated to use the same people throughout the resolution process. Parties are expected to provide two (2) Days notice to the Title IX Coordinator if they change Advisors and/or Support Persons at any time.

- *[Applicable only to Students]* if a Party changes Advisors and/or Support Persons, consent to share information with the previous Advisor and/or Support Person is terminated. A Party must terminate the previous FERPA authorization and a FERPA release for the new Advisors and/or Support Persons must be secured.

Parties who are entitled to union representation may choose to have their union representative as their Advisor or Support Person.

### ***Assistance in Securing an Advisor***

Parties who wish to have an SU-trained Advisor for a hearing should contact the [Title IX Coordinator and/or assigned Investigator](#) to request one.

*[Applicable only to Students]* A Party may elect to retain an attorney to serve as their Advisor, though assistance by an attorney is not required. The Maryland Higher Education Commission (MHEC) has developed resources to assist current or former students in retaining an attorney to serve as an Advisor at no or low cost to the student. MHEC provides a [list](#) of licensed attorneys who have indicated that they may represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. A student's attorney may seek reimbursement of certain legal costs and fees from MHEC's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

*[Applicable only to Student Respondents]* For representation, Respondents may wish to contact organizations such as [FACE](#) or [SAVE](#).

*[Applicable only to Student Complainants]* For representation, Complainants may wish to contact organizations such as: [The Victim Rights Law Center](#), [The National Center for Victims of Crime](#)

or