



<b>PROCEDURES</b>
-------------------

<b>DIVISION</b> II. College Employees	<b>PROCEDURE NUMBER</b> 2.01.19.01 [1]
<b>CATEGORY</b> 2.01.19.01 Advisors (Title IX)	<b>DATE</b> Adopted: 12/2020

The administration reserves the right to amend or otherwise revise this document as necessary to reflect future changes made to its procedures. You are responsible for reviewing this procedure periodically to ensure continued compliance with all Board policies and institution procedures.

2.01.19.01 ADVISORS (TITLE IX)

Reporting and responding parties may have an advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available. While it is not advisable to choose as an advisor someone who is also a witness in the process, should a party decide to do so, the potential for bias and conflict-of-interest of the witness can and will be explored by the Hearing Officer.

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise and consult with them throughout the resolution process. The parties may choose advisors from inside or outside of JJC. The Title IX Coordinator will provide a list of potential advisors that the parties can choose from. If the parties do not want to choose from that list and do not have an advisor, the Title IX Coordinator will assign an advisor. The parties may also choose an advisor from JJC who is not on the list or an advisor outside of JJC. The parties may choose their advisor from the pool, a non-trained advisor from outside the pool, or proceed without an advisor until the point of the hearing. An advisor will be assigned at the hearing if one has not been selected because only advisors may engage in cross-examination during the hearing. If a party elects, in a matter governed by Title IX, to proceed without an advisor, they will forfeit a direct cross-examination opportunity.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

JJC cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, JJC is not



**PROCEDURES**

<b>DIVISION</b> II. College Employees	<b>PROCEDURE NUMBER</b> 2.01.19.01 [2]
<b>CATEGORY</b> 2.01.19.01 Advisors (Title IX)	<b>DATE</b> Adopted: 12/2020

obligated to provide an attorney. JJC will, however, provide a party with an advisor selected by the Title IX Coordinator from the list of trained advisors if a hearing proceeding takes place and the party has not previously been accompanied by an advisor.

An Institution-appointed advisor is a process advisor who is trained on the institutional process and how to conduct appropriate cross-examination during the hearing. The advisor provided by JJC may not be an advocate or attorney and is not able to provide the same kinds of advice that an advocate or attorney is trained to provide, but will act in the best interests of their advisee.

JJC maintains a listing of local attorneys who may offer their services pro bono in the Office of Student Rights and Responsibilities or Responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Reporting parties 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.]

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or other decision-makers except during a hearing proceeding, as described below.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private consultation.

Advisors may be given an opportunity to meet with the administrative officials conducting



**PROCEDURES**

<b>DIVISION</b> II. College Employees	<b>PROCEDURE NUMBER</b> 2.01.19.01 [3]
<b>CATEGORY</b> 2.01.19.01 Advisors (Title IX)	<b>DATE</b> Adopted: 12/2020

interviews/meetings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify any questions they may have, and allows JJC an opportunity to clarify the role the advisor is expected to take. Advisors who are not JJC employees will be provided information related to the role of an advisor and will be required to follow these guidelines during all JJC processes, including a hearing.

Advisors are expected to refrain from interference with the investigation, hearing, and resolution. Any advisor who steps out of their role will be warned once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or the Hearing Chair will determine whether the advisor may be reinstated or replaced by a different advisor, as appropriate.

JJC expects that the parties may wish to have JJC share documentation and evidentiary information related to the allegations with their advisors. Parties may share this information directly with their advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. JJC also provides a consent form that authorizes JJC to share such information directly with the advisor. The parties must either complete this form or provide similar documentation consenting to a release of information to the advisor before JJC is able to share records with an advisor. If a party requests that all communication be made through their attorney advisor, JJC will comply with that request to the extent possible.

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 JJC and all applicable federal and state laws. JJC 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 JJC’s privacy expectations.

JJC expects an advisor to adjust their schedule to allow them to attend meetings when planned. JJC does not typically change scheduled meetings to accommodate an advisor’s inability to attend. JJC will, however, 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.



**PROCEDURES**

<b>DIVISION</b> II. College Employees	<b>PROCEDURE NUMBER</b> 2.01.19.01 [4]
<b>CATEGORY</b> 2.01.19.01 Advisors (Title IX)	<b>DATE</b> Adopted: 12/2020

A party may elect to change advisors during the process, and is not obligated to use the same advisor throughout. The parties are expected to inform the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change advisors at any time.

JJC may permit parties to have more than one advisor in limited situations upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator or the Hearing Officer, and will be granted equitably to all parties.

For parties who are entitled to union representation, JJC will allow the unionized employee to have their union representative (if requested by the party) as well as an advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, when at least one of the parties requests union representation, they are entitled to a non-union representative as well. In such cases, the other party (regardless of union membership) will be permitted to have two advisors. Witnesses are not permitted to have union representation or advisors in resolution process interviews or meetings, although they can be advised externally.