

The Role of Advisor, Personal Representative, or Support Person in Title IX or Student Conduct Investigations

Both a **complainant** (the person bringing the complaint) and a **respondent** (the person reported to have engaged in the misconduct) are given the opportunity to have support or advice through the process. Either the complainant or the respondent may have up to two individuals accompany them to any meetings, interviews, or hearings related to the matter – these individuals are often called Advisors, Personal Representatives, or Support Persons (collectively referred to as “**Advisors**” in this document). The individual may be a friend, victim advocate, lawyer, employee, family member, or other person chosen by the complainant or respondent.

Some rules and expectations regarding the role of the Advisor:

- The Advisor is someone who can provide emotional, logistical, legal, or other support or advice to a complainant or respondent during the process.
- The Advisor will keep confidential the information shared during meetings and throughout the investigation and adjudication process.
- The Advisor may not be someone who is otherwise involved in the situation which gave rise to the complaint, such as someone who could become a witness. Similarly, in cases involving multiple complainants or respondents, the Advisor cannot be another complainant or respondent.
- It is up to the complainant and respondent to present their information in meetings, interviews, or hearings. Advisors cannot speak for a student and do not have an active role during any meetings, interviews, or hearings unless permitted by the Code of Student Conduct. For instance, an Advisor, even if an attorney, does not provide active representation of an individual the way that an attorney ordinarily would in a formal legal proceeding. Please see the Code of Student Conduct regarding the limited way an attorney can participate in a student disciplinary hearing.
- The University’s communication during the process will be primarily with the complainant and respondent, not with the Advisor directly. The University will copy an Advisor on communications if requested by the complainant or respondent.
- A complainant or respondent may use different Advisor(s) at various stages in the process, especially if their chosen individual cannot be available for a scheduled meeting, interview, or hearing. The University will work to reasonably accommodate the Advisors’ schedules, but will not unnecessarily delay the process due to the Advisors’ conflicts.
- This matter involves a student conduct concern, not a criminal charge, and the process will follow University policies and protocols. An Advisor may be removed or replaced if they unreasonably delay the process, and/or their presence is disruptive, obstructive, or otherwise interferes with the University’s handling of the matter. In such a case, the complainant or respondent may seek another Advisor.
- Drake’s policy prohibits retaliation against any individuals filing a complaint or participating in the investigation of the complaint. An Advisor is also protected by and subject to this retaliation prohibition. This means an Advisor may not retaliate against any person participating in this process, nor can anyone retaliate against an Advisor. To report possible retaliation, please contact the Dean of Students at deanofstudents@drake.edu or Title IX Coordinator at titleix@drake.edu.