



TITLE IX ADVISORS' FREQUENTLY ASKED QUESTIONS

1. What is a Title IX advisor?

During a Title IX investigation, each party is permitted to have an Advisor of their choosing (such as a friend, parent, relative, mentor, advocate, attorney, etc.). If the investigative process results in an administrative hearing, each party is required to have an Advisor. There are no exceptions. A party may also select an Advisor from WKU's Title IX Advisor List. The Advisors on WKU's Title IX Advisor List have received relevant training on the investigation process and serving in this role. Advisors may be present throughout any meetings, investigation preparations, hearing proceedings, and/or any appeal process to provide support and/or assistance to an individual throughout the investigative process. Advisors, even those who may be an attorney, do not provide legal advice, serve as legal counsel, or speak for a party during this process. For more information regarding a Title IX Advisor's role, see *Title IX: Roles and Responsibilities*.

This information is considered a general overview of the role of the Advisor and the ways in which an advisor can offer support throughout the investigative process extends beyond what is detailed here. To provide accurate information, appropriate assistance, and support, it is recommended that Advisors understand the University's investigative process and their role within that process. Advisors who serve on WKU's Title IX Advisor List will receive University training and are encouraged to speak with the Title IX Coordinator, Ena Demir, about the Title IX investigative process and their roles as Advisors.

2. What is the time commitment?

Advisors (either outside or WKU advisors) may attend any and all meetings the course of the investigation process; however, it is up to the Party to decide in what capacity they would like to utilize their Advisor. If the Party chooses to fully utilize their Advisor, the Advisor will be expected to attend the following meetings and perform the following duties:

- Attend interviews and any subsequent meetings lasting anywhere from thirty minutes to several hours; and,
- Review the draft Investigative Report with the Party and assist the Party with providing a written response to the Report.

Should the matter proceed to an administrative hearing (at which point an Advisor is required), the Advisor is required to perform the following duties:

- Attend and participate at a pre-hearing conference;
- Prepare questions for cross-examination at the administrative hearing; and

- Participate at the administrative hearing, including conducting cross examination of the parties and witnesses.

A Party may choose to utilize their own Advisor, who may be an attorney, friend, or family member for various parts of the Title IX investigative process instead of an Advisor selected from WKU's Title IX Advisor List. In this case, the Advisor will be expected to be available to step in at any point in the investigative process should the Party decide to utilize the Advisor more fully at various parts of the investigative process.

The time commitment varies case by case; however, if the Advisor has any questions about the time commitment, they may contact the Title IX Coordinator, Ena Demir, who will be able to provide a more accurate estimate on the time commitment.

3. Will I receive training for this role?

Yes. Advisors will receive training regarding roles and responsibilities as Title IX advisor including applicable WKU policies and procedures. The Title IX Coordinator will oversee this training.

4. Is this a legal proceeding?

No. Title IX investigations and hearings are not civil or criminal legal proceedings. They are internal, administrative processes and have only internal, University repercussions.

5. What will happen if there is a lawsuit with a case where I am Advisor?

The Office of General Counsel provides legal advice, counsel, and representation to Western Kentucky University, to its constituent units and affiliated entities, and to its trustees, officers, and employees while acting on the University's behalf and within the scope of their employment. If an Advisor from the WKU Advisor List acts in bad faith, with malice, and/or engages in gross negligence and/or criminal conduct, the Office of General Counsel may decline to provide legal advice, counsel, and representation to the Advisor. The Office of General Counsel will not provide any legal advice, counsel, and/or representation to any non-WKU advisors.

If a lawsuit is filed as a result of, in relation to a matter for which you served as an Advisor, you may be called as a witness. There is no privilege related to the communications between advisor and advisee.

6. Will I receive compensation for my role as Title IX Advisor?

No. All Title IX Advisors serve voluntarily. However, WKU may use their service as Title IX Advisors as credit for university/community service efforts for annual evaluations or tenure/promotion.

7. What is cross-examination and would I be required to do it?

At the administrative hearing, all questioning will be conducted through the Advisor and/or the Hearing officer, not by the Parties themselves. You would work with the Party you are advising to prepare questions for the hearing in advance and then may ask other questions during the hearing

as they come up. The Hearing Officer has discretion over which questions are allowed and the method in which the cross-examination questions are delivered. During your training, you will be taught how to read an investigative report, ask questions, and prepare for cross-examination at the administrative hearing.

8. Will I get to choose who I am an Advisor for – Complainant or Respondent?

A party will contact you directly to determine your availability to be an Advisor. You will have the opportunity to accept or decline the position. All Advisors must be willing to advise either a Complainant or a Respondent equitably.

9. What if I have a conflict of interest?

If you think you have a conflict of interest or are uncertain about a potential conflict of interest, please notify the Title IX Coordinator immediately.

10. How often will I have to serve as an Advisor?

You may be called upon to serve as an Advisor a few times a year depending on the volume of cases, and the need for Advisors, which can vary from year to year. You will not be required to serve as an Advisor if you don't want to serve.

11. What if I have additional questions?

If you have additional questions, please contact Ena Demir, Title IX Coordinator, at ena.demir@wku.edu or 270-745-6867.