

Policy 100.3

Title IX Appendix B: Role of an Advisor

Procedures

WHO CAN SERVE AS AN ADVISOR?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) to provide advice, consultation, and support during any resolution process overseen by the Student Conduct Officer or the University of Montana Office of Conflict, Resolution, & Policy (CRP Office). An Advisor may be present with the Party for all meetings, interviews, and proceedings within the resolution processes, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Student Conduct Officer or the University of Montana Office of Conflict, Resolution, & Policy (CRP Office) with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The College does not allow Parties to have more than one Advisor, absent extenuating circumstances, although Parties are permitted to have an Advisor and a Support Person. A Support Person is a person chosen by a party to provide emotional support and assistance to a party but cannot act or speak on behalf of the party.

ADVISOR'S ROLE IN THE RESOLUTION PROCESSES

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission from the Student Conduct Officer or the University of Montana CRP Office to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the resolution processes. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

RECORDS SHARED WITH ADVISORS

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the Investigation Report that accurately summarizes this evidence.

¹ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decisionmaker.

Advisors are expected to maintain the confidentiality of the records the College shares with them, as described in Section IX of this Policy. Advisors may not disclose any College work product or evidence the College obtained solely through the resolution processes for any purpose not explicitly authorized by the College.

Accordingly, Advisors will be asked to sign Confidentiality Agreements. The College may decline to share materials with any Advisor who has not executed the Confidentiality Agreement. The College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

ADVISOR EXPECTATIONS

The College generally expects an Advisor to adjust their schedule to allow them to attend meetings and proceedings when planned, but the Student Conduct Officer or the University of Montana CRP Office may change scheduled meetings and proceedings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting or proceeding virtually.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

ADVISOR POLICY VIOLATIONS

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy will be warned or, for egregious violations, may be removed from their role. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting or proceeding may be ended, or other appropriate measures implemented, including the University requiring the party to use a different Advisor. Subsequently, the Student Conduct Officer or the University of Montana CRP Office will determine how to address the Advisor's non-compliance and future role.