

**Office of Title IX & Sexual Misconduct  
Advisor Acknowledgement & Confidentiality Agreement**

The College of New Jersey’s Office of Title IX & Sexual Misconduct has received notice from the party listed below that you will be serving as their Advisor throughout the College’s resolution process. Procedures related to the resolution options offered by the College resolution are outlined within its [Sexual Harassment, Misconduct, & Discrimination Policy](#) (hereinafter referred to as “*Policy*”).

Party’s Information		
Name:	Personal Pronouns:	Role in resolution process:
Phone:	Email:	<input type="checkbox"/> Reporter
Current Role at TCNJ:		<input type="checkbox"/> Respondent
<input type="checkbox"/> Student PAWS ID: _____	<input type="checkbox"/> Faculty	<input type="checkbox"/> Staff
	<input type="checkbox"/> Other _____	

**Role of the Advisor.** In compliance with federal law, the [Policy](#) affords Reporters and Respondents involved in the College’s resolution process the right to an Advisor of their choice. An “Advisor” is a person who is present throughout any meetings, investigation preparations, hearing proceedings, and/or any appeal process to provide support and/or assistance to an individual. Individuals may be accompanied by one Advisor of their choice. The Advisor may be any person of the individual’s choosing, and may, but is not required to be an attorney. If an Advisor is also an attorney, the Advisor is limited to the supportive and non-participatory role of a non-attorney Advisor. Except where explicitly stated by this Policy, as consistent with the Title IX Final Rule, Advisors of choice shall not participate directly in any process or represent any person involved; nor can an Advisor speak, write, or otherwise communicate with an Investigator, conduct administrator, Hearing Administrator, or appeal officer on behalf of the individual they are advising as per standard policy and practice of TCNJ. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either the Reporting or Responding party, a witness, or individuals involved in resolving the complaint. Advisors who do not abide by these guidelines and/or create undue delay(s) of the process due to their involvement may be excluded from the process. The College’s obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this [Policy](#), and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The College will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of choice, and may offer the party the opportunity to obtain a different Advisor or utilize one provided by the College. As such, it is the responsibility of the individual party to coordinate scheduling with their Advisor for any meetings and/or proceedings.

**Family Educational Rights and Privacy Act (FERPA).** The 1974 Family Educational Rights and Privacy Act is a federal law (20 U.S.C. 1232g) that protects the privacy of a student’s education records. FERPA applies to all educational institutions receiving funds from the U.S. Department of Education, from kindergarten through higher education. Under FERPA, the Office of Title IX & Sexual Misconduct may not share the contents of a student’s file with anyone other than the student unless the student provides written consent to do so, or under a recognized exception. Exceptions to FERPA include, but are not limited to, a health or safety emergency or an educational need to know.

As an Advisor, you may receive sensitive information and concerns related to alleged sex or gender-based discrimination, harassment, violence, and/or retaliatory conduct; and if a Formal Grievance Process is used, you will also have access to the evidence that is directly related to the allegations at issue and a copy of the College's Investigation Report, unless your advisee directs the College that you should not have access to those materials.

Pursuant to federal law, schools and colleges may limit an Advisor's use and disclosure of these sensitive materials and information, and the role which the Advisor can play in the resolution process (with the exception of conducting cross-examination during a formal hearing) provided those limitations are applied equally to the Advisors of both parties.

**Advisor Responsibilities and Acknowledgement**

Accordingly, please indicate your understanding of, and agreement to comply with, the following conditions for serving in the role of Advisor by initialing next to each.

I understand that...

\_\_\_\_\_ records associated with Title IX and The College of New Jersey's resolution process may be subject to the Family Educational Rights and Privacy Act (FERPA) and may be considered confidential under Title IX.

\_\_\_\_\_ evidence, information, and/or materials contained within the Investigation Report, Alternative Resolution Agreement, or to which I am made privy by the institution in any form, by any means of conveyance, in my role as an Advisor may *only* be used for purposes directly related to the resolution process.

\_\_\_\_\_ dissemination and/or disclosure of these materials to any non-involved third parties and/or the public is strictly prohibited.

\_\_\_\_\_ any unauthorized use, dissemination, or disclosure of these materials will result in my dismissal as an Advisor, could result in my being permanently barred from serving as an Advisor in institution proceedings, could lead to employee discipline if I am an institutional employee, and/or could lead to code of conduct charges against my advisee based on my misconduct, for which they are responsible, up to and including expulsion or termination. I also understand I may be civilly liable to other parties for breach of privacy or public revelation of private facts.

\_\_\_\_\_ it is the responsibility of my advisee, not the College, to share information regarding all aspects of the College resolution process and the role of the Advisor with me.

\_\_\_\_\_ except for the purposes of conducting cross-examination during a Formal Administrative Hearing (if applicable) or where explicitly stated by College [Policy](#), Advisors of choice shall not participate directly in the process, speak on any party's behalf (including my advisee) or otherwise participate in or in any manner that would delay, disrupt, or interfere with meetings and/or proceedings.

\_\_\_\_\_ I cannot serve as an Advisor to both the Reporting and Responding parties involved in this matter.

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\_\_\_\_\_ if I do not adhere to the expectations set-forth by the College for those serving in an Advisor role, I may be removed from any meetings or hearings by College staff.

\_\_\_\_\_ where a Formal Grievance Process is used, I will receive a separate agreement specifically relating to procedures & expectations surrounding evidence disclosure, which I and my advisee will be required to sign prior to receiving access to investigative materials for review.

Please confirm that the following information we have on file for you is accurate and up to date –

Advisor's Information		
Name:	Phone:	Is the Advisor an attorney?
Email:	Relationship to the advisee:	<input type="checkbox"/> No
		<input type="checkbox"/> Yes (see below)
<i>If yes</i> – Name of associated law firm/company/organization: _____		
This release extends to the other attorneys in their practice, if necessary, to proceed with the College process in a timely manner unless otherwise noted. Attorney Advisors may communicate directly with TCNJ's Deputy General Counsel, Michael Canavan, Esq. at <a href="mailto:canavanm@tcnj.edu">canavanm@tcnj.edu</a> or (609) 771-2426.		

My signature below indicates acceptance of all terms herein and confirmation that the contact information included above is accurate.

\_\_\_\_\_  
*Advisor's Printed Name*

\_\_\_\_\_  
*Advisor's Signature*

\_\_\_\_\_  
*Date*

[END OF DOCUMENT]