

The Role of a Support Person in the Sexual Misconduct Investigation Process

The following information is provided to clarify the role of a support person in the Sexual Misconduct investigation process.

An Investigation is a University Administrative Process

An investigation is part of the administrative process the University uses to determine whether University policy has been violated. The investigation is not a legal or disciplinary proceeding, and as a result, a Sexual Misconduct investigation does not determine guilt or innocence relative to any local, state or federal law, nor does it adhere to the same rules that govern or might be applied in a legal or disciplinary proceeding. The investigator the University assigns to conduct the investigation, does not act as an advocate, provide advice to the University with respect to what actions, if any, should be taken as a result of findings, represent the University in any legal action or proceeding, or provide any legal advice to the University during the investigation process.

The investigator is charged with gathering information (fact gathering) and determining what occurred (fact finding). To fulfill their investigation responsibilities and to protect the integrity of the investigation for both the Complainant and Respondent, the investigator is interested in obtaining information directly from the Complainant and Respondent and providing each with the opportunity to respond to information directly, without impediment or undue interference.

Role of a Support Person

Individuals bringing forward allegations (“Complainants”), and individuals responding to allegations (“Respondents”) who participate in a Sexual Misconduct investigation process, are permitted to have a support person accompany him or her for support purposes throughout the investigation process, provided the support person is not also a witness or advisor in the same investigation.

The support person provides emotional support and assistance to a complainant or respondent but does not assist with details or information related to the actual investigation process. As a result, the role of a support person in the investigation interview and process is extremely limited.

A Support Person May...

- accompany a Complainant or Respondent to any administrative meeting or conversation related to an investigation including interviews with the investigator;
- provide support (such as emotional support) to the Complainant or Respondent during the process;
- alert the investigator or Title IX Coordinator to any physical or emotional needs of a complainant or respondent during an investigation interview or administrative meeting; and,
- alert the investigator or Title IX Coordinator to acts of retaliation.

A Support Person May Not...

- also act as an advisor to the same complainant or respondent in the same investigation;
- speak or act on behalf of a Complainant or Respondent, including answering questions for or on behalf of a Complainant or Respondent;
- stand in for, or represent a Complainant or Respondent;
- disseminate by any medium or form any information shared or learned throughout the investigation process with anyone other than the Complainant or Respondent for whom they act as a support person, the investigator, or the Title IX Coordinator;
- act as or represent themselves or another as an investigator for the Sexual Misconduct process during the investigation process;
- contact a witness or other party participating in the investigation process; or,
- impede the investigation process or act in a manner that obstructs the investigator or disrupts the investigation process.

Note: Support persons who act outside of their role or who impede, obstruct, disseminate information to third party individuals or organizations or who represent themselves to others who are engaged in our process as having any other role in our process than a support person may be excluded from investigation proceedings.

Communication Protocols

The University's communication protocol with the Complainant or Respondent does not permit going through a representative or other intermediary because of the importance of direct communication with the Complainant or Respondent during the investigation process as described above. As a result, the investigator will not as a practice include the support person on any communication sent to a complainant or respondent. A complainant or respondent may share information with the support person if they choose to do so.

FERPA Waivers

Students who participate in the investigation process with a support person present must complete a Family Education Rights and Privacy Act (FERPA) waiver prior to participating in the interview process with a support person.

Questions and Clarification

If you have any question or would like additional clarification regarding the investigation process, please contact the Office of Compliance & Title IX via phone at (478) 445-2037 or via email at titleix@gcsu.edu.