

## **Guideline 1-012B.**

Approved by General Counsel and Vice President, Phyllis Vetter, with designated effective date of March 24, 2021.

### **I. Purpose and Scope**

- A. Purpose. This Guideline is intended to clarify certain aspects of [Policy 1-012 University Non- Discrimination Policy](#), and its attendant Rules related to Procedure Advisors and Support Persons.
- B. Scope. This Guideline applies to all individuals participating or involved in a process under Policy 1-012.

### **II. Definitions**

For purposes of University Policy 1-012 and its associated Rules, Procedures, and Guidelines, including this Guideline 1-012B, the definitions of prohibited discrimination and other words and phrases are provided in [Rule 1-012 Discrimination Complaint Rule](#).<sup>1</sup>

### **III. Guideline**

- A. Further Clarification and Explanation of Defined Terms—Procedure Advisor, or Support Person.

- 1. Rule 1-012(II) provides that:

“Q. Procedure Advisor/ or Advisor means the person assisting a Party during proceedings involving allegations of Discrimination or Retaliation. The person may but need not be an attorney, and may assist the Party in certain ways as further described in the Rules associated with Policy 1-012.”

“AB. Support Person means the person who a Party has chosen to accompany them in meetings or hearings during proceedings involving allegations of Discrimination or Retaliation. The person may provide support for their Party in certain ways as further described in the Rules associated with Policy 1-012.”

- 2. Guidance for applying the above definitions.

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<sup>1</sup> See, [Rule 1-012\(II\)\(Q\), \(II\)\(AB\)](#)

a. Examples of possible Advisors or Support Persons include a family member, friend, or professional such as a counselor or attorney.

b. An Advisor or a Support Person must not be an individual who is, or may become, a participant (other than in the Advisor or Support Person role) in any part of the complaint process under Policy 1-012, including an investigation, hearing, appeal, or imposition of sanctions or remedies. This includes any person who is, or may become a participant as: a party, witness, hearing committee member, official designated to hear an appeal, party's direct manager or supervisor, a person within a party's managerial reporting line (e.g., a more senior employee who is not a direct manager or supervisor), and/or any person who may participate in any recommendation and/or decision regarding sanctions or remedies for any party.

A limited exception to this restriction may be granted to allow as a Support Person a family member who may also have information and so be called as a witness. In such circumstances, the witness/ Support Person will be excluded from the hearing or asked to testify prior to other witnesses or the parties, in order to preserve the integrity of the Support Person's testimony as a witness.

The decision of whether to grant such an exception in a particular case, with any specified conditions imposed, shall be made by the OEO/AA Director or their designee, or by the Committee Chair presiding over a hearing.

#### **IV. Contacts**

The designated contact officials for this Guideline are:

- A. Policy Owner (primary contact person for questions and advice): Office of Equal Opportunity and Affirmative Action.
- B. Policy Officer: General Counsel and Vice President.