



## E-ALERT

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### ALERT: THE TITLE IX FINAL RULE: THE EXPANDED ROLE OF THE ADVISOR

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The [Final Rule on Title IX](#) of the Education Amendments of 1972 (“Title IX”) changes how educational institutions are required to handle sexual assault and harassment complaints (the “Final Rule”). Significantly, the Title IX Final Rule requires schools to hold live hearings and permits cross-examination, but only if it is conducted by advisors rather than by the parties themselves. This change in the law has made the role of the advisor more preeminent in the Title IX process.

Clery Act regulations have given students the right to an advisor since 2015, but the Final Rule greatly expands the role of the advisor. The Final Rule now requires postsecondary institutions to provide a live hearing where the decision-maker permits each party’s advisor to question the other party and any witness. In fact, any cross-examination *must* be conducted directly and orally by a party’s advisor, but *never* by a party personally. If a party does not have an advisor, the school is required to provide one for the hearing itself. The Final Rule therefore gives parties the explicit right to have their advisor actively involved in the live hearing, and mandates that the advisor be the one to conduct the cross-examination.

DilworthP axson, LLP assists educational institutions with their Title IX needs, including counseling, investigations, and defense of claims. Dilworth’s lawyers have also been retained to act as attorney advisors in Title IX hearings. Please contact [Katharine Hartman](#) for more information.