



Roles and Responsibilities of a Support Person For Alleged Sexual Misconduct & Title IX Cases

I, _____, am a participant in New Mexico Tech's processes (including meetings, investigation, and adjudicative processes) for reporting or responding to reports of sex discrimination, sex-based harassment, sexual misconduct or related retaliation (collectively, response processes). My Support Person/Support Person,

_____, and I the Party, have reviewed the information provided in this form. We understand the information provided in this form and agree to abide by the obligations for Parties and Support Persons set forth in this form.

- One of the roles of the New Mexico Tech's response processes is to determine whether a Respondent has violated NMT's Sexual Misconduct Policy or violated a Title IX regulation prohibiting sex discrimination, sex-based harassment, or related retaliation. In contrast, the corresponding role of criminal processes is to determine whether an accused person has violated criminal laws. As a result of these different roles, New Mexico Tech's response processes differ from criminal investigation and adjudication procedures.
- During the initial meetings and investigation conducted by the University, a Support Person's role is as a Process Support Person to guide their Party/Advisee. The Process Support Person should not to speak for them or play an active role in the process. The Support Person may be present for investigatory meetings, but may not actively participate unless the investigator invites them to do so. This means, in part, that it is the Party who is to provide information to and respond to questions from the Investigator, not the Support Person. However, the University Representative or Investigator will generally invite the Support Person to ask any follow-up or clarifying questions of the Party during the latter part of the meeting.
- A Support Person may be an attorney, advisor, Support Person, or another individual. To protect the integrity of the investigation and adjudication processes, individuals who are witnesses with information about facts material to the underlying case may not serve as Support Person.
- Support Person may attend meetings and hearings related to the response processes at the times that they have been scheduled. The New Mexico Tech is not obligated to accommodate Support Person's schedules or change scheduled meetings or hearings to accommodate Support Person's inability to attend. New Mexico Tech will generally allow Support Person to attend meetings and hearings by phone or video conferencing. Complainants and Respondents choosing a Support Person should consider the ability of potential Support Person to attend meetings and hearings.
- Contact with the campus Title IX office or Investigators should be through the Complainant or

Respondent. Support Person should not directly contact the campus Title IX office on behalf of a Complainant or Respondent. A Support Person who repeatedly contacts the campus Title IX office on behalf of a Complainant or Respondent might not be permitted to attend further meetings with this office.

- Support Person may not contact potential Witnesses for the purpose of influencing their testimony or discouraging their participation in the sexual misconduct processes.
- Support Person may not engage in conduct that is retaliatory. A Support Person's sharing of information about an investigation, or distribution of information obtained in an investigation, may in some cases constitute retaliation.
- Support Persons are expected to give support and/or advice with integrity and in good faith.
- Support Persons who disrupt or fail to respect the limits of the Support Person role as described in this document will be asked to leave (or not attend) meetings or hearings. In these situations, the meeting or hearing will typically proceed without that Support Person present. The Title IX Coordinator or a designee will determine whether the Support Person will be permitted to continue to serve as a Support Person in the process.
- Support Persons might be provided otherwise confidential information in the course of the response processes. Support Persons agree to maintain the confidentiality of such information and to not disclose such information other than for purposes of the representation of their Party during the response processes.
- New Mexico Tech maintains a list trained Support Persons that can be called upon as needed to serve in this process as a Process Support Person or a Hearing Support Person or both.
- Ideally, the same Support Person should support a Party throughout the process.
- Only one (1) Support Person can accompany or support a Party at a time in this process.
- In a Title IX case, Hearing Support Persons are permitted to cross-examine witnesses and the other Party, as permitted by the New Mexico Tech Title IX Procedures.
- If a Party elects to select a Support Person who has not been trained by the Title IX office, it is the responsibility of the Party to ask procedural questions or request associated documents that may not have been covered in the meetings. Most of the materials are maintained on the [Tech's Title IX Office Website](https://www.nmt.edu/titleix/index.php) (<https://www.nmt.edu/titleix/index.php>).

By signing this form, I understand and agree to abide by these terms.

Signature of Support Person

Date

Signature of Party

Date