



Advisor Training

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This is for non-lawyer
advisors in a non-legal
school procedure

This is not legal education, guidance, or training.



What you are doing.

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Learning Objectives

- The Process
- The Advisee
- The Advisor
- Preparation
- In Action
- Takeaways



Section 1

Learning Objectives



Understanding the Role of the Advisor

What does an advisor do?



Preparing for the role

How does an advisor prepare?



Go Time

What does it look like in action?

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Section 2

The Process

First things first: where do we begin, what are we dealing with, and how do we move forward?

- ✓ School process
- ✓ School personnel
- ✓ School resources



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Process Goal

Keep Your Eyes on the Prize

- Gather and evaluate relevant and reliable information and evidence
- Determine whether specific definitions of behavior prohibited by policy have been violated



While the end result may be favorable to one of the parties, the process is **NOT** about providing justice to a specific party.

JUSTICE.

Process steps- generally

There may be meetings throughout

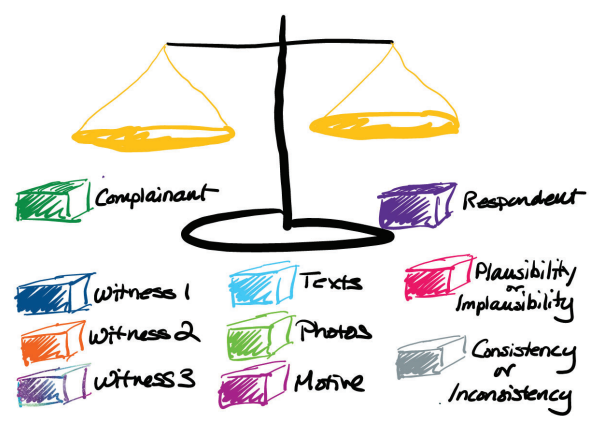


School Process

Vs

Criminal Process





A solid orange rectangular block. In the center, there is a white analog clock showing approximately 1:50. Below the clock, the text 'Section 3' is written in white, followed by 'The Advisee' in a larger white font. In the bottom left corner, there is a small blue logo with the text 'Elizabeth Hansen' and the copyright notice '©2026 Elizabeth Hansen. All Rights Reserved.' In the bottom right corner, the number '15' is displayed.



There are no
"do-overs"



Section 4

The Advisor

Role limitations

An advisor *IS*

- A second brain
- A potential check on process*
- The only one who can ask cross-examination questions in certain processes*

An advisor *IS NOT*

- Representing or speaking for the advisee*
- Responsible for the advisee's: behavior, performance, timeliness, attendance
- Providing legal services*
- Providing therapeutic services
- Guaranteeing an outcome

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Key Components of the Advisor Role

Emotional

- Knowing that advisees will come with different emotional states and needs
- Directing them to appropriate emotional and mental health supports
- Taking care of yourself too

Preparation

- Knowing the institution's policies and procedures
- Knowing the relevant information of the particular case
- Knowing the specific definitions at issue

In Action

- Effectuating your role within the institution's policies and procedures
- Understanding and respecting the limitations of your role

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Helpful Attributes of the Advisor

- ☆ Calm and Present
- ☆ Prepared
- ☆ Knowledgeable about process
- ☆ "Professional"



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Section 5

Preparation

You and Your Advisee

Definitions: It is Elemental

- Purpose of the process is to determine if a specific definition of prohibited behavior has been violated
- Generally, the standard is "the preponderance of the evidence"
- This is determined by reliable evidence that makes something more likely than not true
- So, take the definition and break it down into components that need to be proven

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Definitions: Sexual Assault

GENERAL COMPONENTS: READ THE INSTITUTION'S POLICY FOR THEIR DEFINITIONS

Rape

- Penetration of anus/vagina
- With body part or object

Fondling

- Touching
- Sex organs/genitals
- Over/under clothing

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Consent

General overview: read your institution's definition

Consent IS

- An agreement
- Evidenced by words, sounds, conduct
- Knowing and voluntary
- Present for each act each time

Consent does NOT exist where:

- There is an absence of a "no" (without more)
- Behavior is compelled by force, threats, coercion
- A party is incapacitated
- A party is a minor

Rape Definition

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, without consent. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

Focus In...

- Penetration, no matter how slight,
 - of the vagina or anus
- or oral penetration by a sex organ of another person, or by a sex-related object
- Without consent

Consent Definition Example

- Consent is mutually understood agreement, assent, approval, or permission given voluntarily and may be communicated verbally or by actions. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Consent is for every act every time and can be withdrawn at any time.
- In addition, when a person is incapacitated, meaning so impaired as to be incapable of giving consent, consent is not present, provided, however, that the Respondent knew or reasonably should have known of the person's incapacity. The person may be incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility under this Policy.

Focus in...

- Consent is mutually understood
- agreement, assent, approval, or permission
- given voluntarily and
- communicated verbally or by actions.

Definitions: Sexual Harassment

Conduct of a sexual nature

- Words
- Actions
- Pictures/videos

Unwelcome

- From the perspective of the complainant

Example

- Sexual harassment is unwelcome conduct on the basis of sex. Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, graphic, or physical conduct of a sexual nature that satisfies one or more of the following: (1) an employee of the University either explicitly or implicitly conditioning the provision of an aid, benefit, or services of the University, such as an individual's employment or academic standing (for example, academic evaluation, grades, or advancement) on an individual's participation in unwelcome sexual conduct (quid pro quo); quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex; or (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education or work programs or activities; or (3) sexual assault, dating violence, domestic violence, and stalking.

Sexual Harassment Focus

- Sexual harassment is unwelcome conduct on the basis of sex.
- Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, graphic, or physical conduct of a sexual nature that satisfies one or more of the following:
- (2) *unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education or work programs or activities*

Break it Down Further

- *unwelcome conduct*
- *determined by a reasonable person to be so severe, pervasive, and objectively offensive that*
- *it effectively denies a person equal access to the University's education or work programs or activities*

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Example, Continued

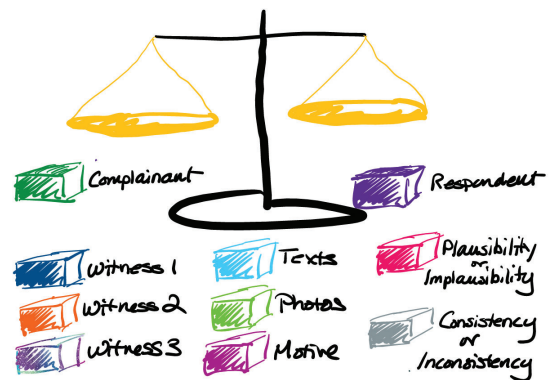
- Whether the conduct constitutes sexual harassment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

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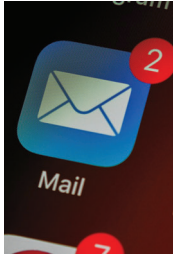


How are
Definitions
Important
throughout
the Process?



What stages are you present?

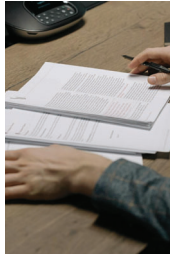
Read and follow your institution's policy and procedure at each stage.



At the beginning



Interview



Evidence/draft report review



Hearing

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Documents

Initial Documents

- Written complaint
- Notice of allegations/investigation
- Written response
- Interim measures
- Supportive measures

Investigation Documents

- Notes or transcript from interview
- Evidence
- Draft report
- Final report

Determination Documents

- Notice of outcome (decision)
- Appeal filing
- Appeal decision

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Communications Examples

Advisors are not responsible for their party's communications; but it helps to know and anticipate

Resolution Office

- Initial communications via phone or email
- Emailed notices of complaint/investigation
- No contact orders and supportive measures
- Updates and updated notices

Investigation

- Requests for meetings
- Updates
- Requests for evidence and witnesses
- Deadlines to review interview documents or reports

Hearing

- Scheduling pre-hearing meetings
- Scheduling the hearing
- Sharing the report (if not already shared)
- Hearing log-in information
- Notice of outcome

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Most processes have specific timelines that must* be followed by the parties

This includes, but is not limited to, scheduling interviews, reviewing transcripts, reviewing and commenting on evidence and the draft report



Section 5

In Action



Beginning

1. Read notice
2. Encourage your advisee to read the notice, know the specific allegations and definitions, and understand process
3. Determine what the next steps are
4. Discuss the different options
5. Meet with coordinator if the advisee wants

Interviews

1. Remind your advisee to identify potential witnesses and provide relevant information and evidence
2. Encourage your advisee to read the notice and know the specific allegations and definitions
3. Tell them to be honest
4. Generally, most schools do not allow advisors to speak during the interview, with exceptions
5. You and your advisee should review any transcript or interview notes sent after the interview*

Evidence gathering and report review

1. Remind your advisee to review the evidence and draft report*
2. Review the evidence and draft report
3. Your advisee should identify any additional witnesses or information at this stage
4. Your advisee should ensure that any errors or incorrect information in the evidence or in the report is documented and sent to the appropriate person

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Hearing*

1. Read the notice of hearing
2. Make sure you and your advisee are clear about what definitions and allegations the determination officer(s) are evaluating
3. Encourage your advisee to read the report and evidence prior to the hearing
4. Read the report and evidence prior to the hearing
5. Work with your advisee to draft questions to be asked at the hearing*
6. Participate in any pre-hearing conferences



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Components of the Report



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Questions for Parties and Witnesses

Credibility and Plausibility

Showing credibility or lack of credibility

Does the party or witness make statements that are in/consistent with themselves or others?
Does the party or witness make statements in/consistent with the evidence (emails, photos, etc?)
Were they able to see well? Were they incapacitated?
Is their memory problematic?
Is it feasible for something to happen the way a party or witness described it?
Did the party or witness refuse to provide all the information or does it seem like they are trying to obfuscate or avoid?

Definitions and Alleged Incident

Showing how information does/not satisfy definition

Ask questions that have a party or witness reaffirm details that support your side
Complainant- Ask questions that highlight facts that satisfy the definition of prohibited behavior
Respondent- Ask questions that highlight that the information does not contain facts that fully satisfy the definition of prohibited behavior.

Have realistic expectations about what the questions will do.

Examples- Inconsistency

- In your written complaint, you said that you pushed them away and said "stop," but in the investigation report you said that you were "frozen" and could not move or speak, *so you are inconsistent in your statements, correct?* (STATEMENT INCONSISTENCY) DEFINITION & CREDIBILITY
- In your interview with the investigator, you said that you were not upset about the breakup, however, the respondent provided numerous texts where you begged to get back together, *so your statements are not consistent with the hard evidence, isn't that correct?* (EVIDENCE INCONSISTENCY) CREDIBILITY

Examples- Credibility/Plausibility

- You don't know either party, correct?
- Sam is your teammate AND your roommate, and you consider Sam a good friend, correct?
- You had a bad performance review, correct?
- You said that you were so drunk you were unable to stand up, yet right before going into the respondent's room you won a game of ping pong, right? People described you as playing well and moving quickly, right?
- You said that you don't remember how your pants came off, but the respondent stated that you took them off, right?

Examples- Related to the Definition

- In the report you said you told her she had an amazing body and that if you were her boyfriend you'd be "tapping her on the daily," correct?
- You stated earlier that you moaned, made other affirmative sounds, and moved your body, correct?

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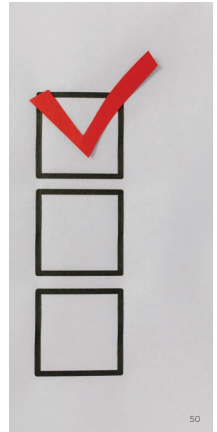
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Appeals

Governed by
institutional policy

- Conflict of interest
- Procedural error
- New information
- Inappropriate sanctions

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What if your advisee....



- | | |
|---|---|
| 1 Does not want to participate in the process | 2 Does not want to participate at the hearing |
| 3 Is non-responsive | 4 Is struggling |
| 5 Attempts to put their obligations on you | |

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Informal Resolution

- Voluntary
- Negotiated terms
- Pros and cons

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Section 7

Takeaways

Your Role and the Process

- Be clear from the outset and clarify your role with them: you are not their lawyer or responsible for any outcome
- You can gently remind them to engage but are not responsible for their behavior or participation level
- Know the process and be prepared
- Know the allegations and the definitions
- If in doubt about steps or roles, follow the institution's written policies and procedures
- Communicate with the coordinator/appropriate person as necessary

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