Who Can Serve as an Advisor in a Texas Title IX Hearing?

The Advisor a Student Chooses Can Shape the Entire Case

A college student who opens an email announcing a Title IX complaint rarely knows the first thing to do next. The letter usually arrives with a list of procedural terms, a short deadline, and almost no explanation of what any of it actually means for the weeks ahead. Somewhere in that letter is a single word that ends up mattering more than almost anything else in the case: Advisor.

Under the federal regulations currently governing formal Title IX sexual harassment complaints, colleges and universities must allow both the complainant and respondent to have an advisor during the process. At a required live hearing, that advisor is not simply a support person sitting quietly in the room. The advisor, rather than the student personally, conducts cross-examination of the other party and witnesses. That responsibility is exactly why many students and families begin searching for a Title IX defense lawyer once they understand what the role actually requires. Choosing an advisor without the right experience, or misunderstanding what an advisor is allowed to do, can put a student at a serious disadvantage at the moment the allegations and evidence are being tested.

What an Advisor Actually Does in a Title IX Case

An advisor can begin helping long before a hearing takes place. Depending on the school's procedures and the advisor's role, an advisor may review evidence, help the student prepare for interviews, and identify gaps or inconsistencies in the allegations. That groundwork often determines how strong the student's position looks by the time a hearing is scheduled.

At the hearing itself, the advisor's role becomes far more direct. Federal rules require that each party's advisor, not the student personally, be the one to ask the other party and any witnesses relevant questions, including questions that challenge credibility, a protection reflected in the hearing rights guaranteed to Texas students facing this process. A student is not permitted to personally cross-examine the other party. That questioning must be conducted by the student's advisor.

This distinction exists for a reason grounded in fairness. Asking direct questions of someone who has accused you of misconduct, in real time, in front of a panel deciding your academic future, is not something most 19 or 20-year-olds are equipped to do well. The regulation places that responsibility on the advisor instead, which means the advisor's skill in that moment can carry as much weight as the underlying facts of the case.

Who Qualifies to Serve as an Advisor

Texas schools generally give students wide latitude in choosing an advisor, though the specific rules vary somewhat by institution. On paper, that flexibility sounds reassuring. In practice, it means a student can walk into the most consequential hearing of their academic life with someone who has never conducted a cross-examination, and the school has no obligation to warn them that this is a problem.

- **An Attorney Retained by the Student:** A lawyer familiar with Title IX proceedings can conduct cross-examination, identify potential procedural violations, and prepare the student for questions before the hearing ever starts, bringing legal training and advocacy experience directly to the disciplinary process.
- **A Parent or Family Member:** Many students initially lean on a parent for comfort and familiarity, but comfort is not the same as competence. A parent typically has no experience conducting a structured cross-examination and no background in interpreting a school's grievance policy, which means they are learning the job in real time while their child's future hangs on the outcome.
- **A Trusted Faculty Member or Staff Advisor:** Some students choose a professor or coach they trust, and that relationship can offer real emotional support. But unless that person has relevant training or experience, they may be unfamiliar with cross-examination and Title IX procedure.
- **A School-Provided Advisor:** If a student does not have an advisor present at a required live hearing, the school must provide one without fee or charge to conduct cross-examination. The school chooses that advisor, who may, but does not have to, be an attorney. Federal law does not require the school-provided advisor to have any particular level of skill, qualifications, or experience.
- **A Non-Lawyer Advocate:** A student may choose a non-lawyer advisor or advocate. Some have substantial Title IX experience, but their training and experience with cross-examination and disciplinary defense can vary considerably.

Nothing in the federal regulations requires an advisor to be an attorney. But because the regulations do not guarantee that a school-provided advisor will have legal training or cross-examination experience, students and families should carefully consider who is best equipped for the role.

What an Advisor Cannot Do at the Hearing

An advisor's role outside federally required cross-examination depends in part on the school's grievance procedures. A school may restrict how advisors participate as long as those restrictions apply equally to both parties. Some common limitations include:

- **Testifying on the Student's Behalf:** An advisor's role is to assist the student, not to offer the advisor's own account of what happened in place of the student.
- **Addressing the Decision-Maker Directly in Place of the Student:** Aside from conducting cross-examination, most schools still require the student to answer questions posed by the panel personally.
- **Overruling the School's Procedural Decisions:** An advisor may raise procedural concerns when permitted by the school's rules, but the advisor does not control the hearing or make decisions about relevance and procedure.
- **Guaranteeing a Particular Outcome:** No advisor, regardless of experience, can promise a specific result, since the decision ultimately rests with the school's decision-maker.
- **Filing an Appeal Without Following the School's Own Deadlines:** Schools establish procedures and deadlines for filing appeals, and missing an applicable deadline can jeopardize a student's ability to challenge the outcome.

Recognizing these limits early prevents a student from assuming an advisor can simply take over the case. The advisor's power is real, but it is not unlimited.

Why So Many Students Get This Decision Wrong

Part of the confusion comes from timing. Students usually learn they need an advisor within days of receiving a complaint notice, often while still absorbing the shock of being accused of something serious. Under that kind of pressure, it is natural to reach for whoever feels closest and most available rather than whoever has the most relevant experience.

There is also a common misconception that Title IX hearings function like informal campus meetings rather than adversarial proceedings with real consequences, including suspension, expulsion, and disciplinary records that can affect a student's academic future. It is also worth noting that the regulatory landscape for these proceedings has shifted more than once in recent years. Under the federal rules currently in effect, postsecondary institutions must use live hearings with advisor-conducted cross-examination for formal Title IX sexual harassment complaints, a process outlined in more detail on our page about the Title IX process and penalties in Texas. A student who assumes the rules are the same as they were even a year or two earlier may be working from outdated information at the worst possible time.

Defending Your Reputation. Protecting Your Name.

A Title IX hearing gives most students exactly one shot at a fair cross-examination, and that shot belongs to the advisor, not the student. Attorney Brian Roark, a partner at Botsford & Roark, has spent his career serving as that advisor for students facing exactly this kind of hearing, including a University of Texas student whose sexual misconduct suspension was lifted after

Roark pursued the case in court. He knows what a rushed, poorly prepared advisor costs a student, because he has stepped in to fix the damage after the fact.

If you or your student has received a Title IX complaint notice, the clock on choosing the right advisor is already running. Contact us for a free and confidential case evaluation.