

SCHNEIDER EDUCATION & EMPLOYMENT LAW

Title IX & Campus Civil Rights 101

A Foundations Session for New Practitioners

PARTICIPANT WORKBOOK

Optional Preconference Session · Wednesday, July 22

For coordinators, deputy coordinators, HR partners, and student affairs professionals

Presented by Schneider Education & Employment Law

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*Training and general information only — not legal advice. Reviewed as of July 17, 2026 under the 2020 Title IX regulations.
Because federal rulemaking is pending, verify the Federal Register/OCR, all citations, and your institution's policy and counsel immediately before use.*

How to use this workbook

This workbook follows the session and is yours to keep. Each part gives you the plain-language essentials, room to take notes, and a quick reference you can pull up when a real report lands on your desk. You don't need to memorize regulations — you need a reliable mental map and the confidence to act well in the first hours of a matter.

The last section holds your three working templates — the **Initial Intake Form**, the **Supportive Measures Menu & Checklist**, and the **Jurisdiction & Scoping Worksheet**. They are also provided as separate files you can adapt to your own institution's policy.

A note on scope: This is a 101 foundation, not a substitute for your policy or for advice on a specific matter. When a situation is close to the line, document what you did and loop in your Title IX Coordinator or counsel.

PART 1 · THE LEGAL FRAMEWORK

The landscape, the terms, and the process

Title IX is one piece of a bigger picture

A single set of facts on a campus can implicate several civil rights laws at once. Your early job is to spot which are in play — not to resolve them all. Keep this map in mind:

Law	What it covers
Title IX	Sex discrimination in education programs and activities
Title VI	Discrimination based on race, color, or national origin
Title VII	Employment discrimination (staff and faculty)
Section 504 / ADA	Disability discrimination and access
Age Act	Age discrimination in programs and activities
Clery Act / VAWA	Campus crime reporting; sexual assault, dating and domestic violence, stalking
State civil rights law	Often broader than federal law — always check your state's requirements
Constitutional due process	Public institutions may owe constitutional due process when contemplated discipline implicates a protected property or liberty interest

Takeaway: “Not Title IX” rarely means “nothing to do.” Most matters route somewhere.

Where the Title IX rules stand right now

The regulatory landscape has shifted more than once. Here is the short version so you know which rules govern:

- **2020 Rule** — took effect August 2020 and set out today's grievance-process requirements.
- **2024 Rule** — took effect August 2024 and broadened obligations, then was **vacated nationwide by a federal court on January 9, 2025**.
- **Today (2026)** — the 2020 regulations govern. The 2024 rule is not in effect in any jurisdiction.

- **On the horizon** — the 2026 Unified Agenda lists final action for July 2026. Recheck the Federal Register and OCR immediately before the program, and update the materials if a rule is published.

Bottom line: Build your process on the 2020 framework, confirm your institution's policy reflects it, and be ready to update when a new rule is finalized.

Five terms to know cold

Term	What it means
Sexual harassment	Under the 2020 rule, one of three things: (1) an employee conditioning an institutional aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo); (2) unwelcome conduct so severe, pervasive, and objectively offensive that it denies equal access; or (3) sexual assault, dating violence, domestic violence, or stalking.
Actual knowledge	Notice to the Title IX Coordinator or to an official with authority to take corrective action. This is what triggers the institution's obligation to respond.
Deliberate indifference	The liability standard: a response that is clearly unreasonable in light of the known circumstances. "Reasonable" does not mean "perfect."
Education program or activity	Circumstances over which the institution has substantial control over both the respondent and the context — including buildings owned or controlled by an officially recognized student organization (e.g., a fraternity or sorority). Conduct occurring outside the United States is generally excluded.
Complainant / Respondent	The complainant is the person alleged to have experienced the conduct; the respondent is the person alleged to have engaged in it. These are neutral labels, not findings.

The process at a glance

Most matters move through a predictable sequence. Not every matter reaches every stage — many resolve early — but this is the arc:

- **Notice / report** received by the Coordinator or a reporting employee.
- **Intake and supportive measures** — support and options come first.
- **Formal complaint** (optional) — filed by the complainant or signed by the Coordinator.
- **Investigation** — a neutral investigator gathers evidence and writes a report.
- **Live hearing** — at postsecondary institutions, with cross-examination conducted by each party's advisor (never by the parties themselves).
- **Determination** by a decision-maker separate from the investigator.
- **Appeal** — on the three required bases: (1) a procedural irregularity that affected the outcome; (2) new evidence not reasonably available earlier that could affect the outcome; and (3) conflict of interest or bias that affected the outcome. An institution may add other grounds only if it offers them equally to both parties.

Remember: Supportive measures are available as soon as you have notice — with or without a formal complaint, and regardless of whether an investigation ever happens. Informal resolution may be offered only after a formal complaint is filed, if the matter is eligible and both parties give voluntary written consent — and never for allegations that an employee sexually harassed a student under the Title IX process.

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PART 2 · WHO DOES WHAT

Roles, separation of functions, and confidentiality

The core roles on a response team

Role	What they do
Title IX Coordinator	Owens the institution's compliance. Receives reports, oversees the response, offers supportive measures, and makes sure the process runs.
Deputy Coordinators	Extend the Coordinator's reach across schools and units. Often the first point of contact for intake.
Investigator	Gathers evidence, interviews the parties and witnesses, and writes the investigative report. Stays neutral throughout.
Decision-maker	Separate from the investigator. Runs the live hearing and decides responsibility using the standard of evidence in your policy.
Advisor	Each party may have one; at the hearing the advisor conducts cross-examination. If a party has none, the institution provides one.

Role	What they do
HR & Student Affairs partners	Coordinate employee matters, interim support, and student services alongside — not instead of — the Coordinator.
Separation of roles (2020 rule): The decision-maker who determines responsibility cannot be the Title IX Coordinator or the investigator. The appeal decision-maker must be different from the Coordinator, the investigator, and the original decision-maker. The Coordinator may serve as the investigator. Everyone in these roles must be trained and free from conflict of interest or bias.	

Two kinds of employees — know the difference

Before someone shares details with you, you should know — and be able to tell them — which “hat” you are wearing.

Confidential resources	Reporting employees
Counselors, health providers, and designated advocates. Depending on role, they may receive disclosures without triggering the institution’s federal response obligation — but confidentiality is not absolute. It is limited by Texas type-of-incident reporting, Clery obligations where applicable, mandatory child-abuse reporting, threats to safety, professional-privilege rules, and institutional policy.	Most non-confidential employees your policy designates. They must promptly pass reports to the Coordinator. A reporting duty alone does not make someone an official with authority; whether their notice is the institution's actual knowledge depends on role and policy.

Why it matters at intake: *Never promise confidentiality you cannot keep. Set expectations based on your role before details are shared.*

Texas law (Tex. Educ. Code § 51.252): Separate from federal “actual knowledge,” Texas requires most postsecondary employees who, in the course and scope of employment, witness or receive information about sexual harassment, sexual assault, dating violence, or stalking to report it promptly to the Title IX Coordinator or a deputy — subject to statutory exceptions. Designated confidential employees have a limited, type-of-incident reporting obligation. This state reporting mandate is distinct from, and broader than, federal actual knowledge.
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PART 3 · INTAKE DONE RIGHT

The first conversation

Your goals for the first meeting

The first conversation sets the tone — and the record. Aim to make the person safe and heard, explain the process and their options, offer supportive measures, and capture an accurate account — all without pre-judging what happened.

Do	Don't
- Lead with care; explain who you are and your role - Clarify confidential vs. reporting up front - Explain supportive measures — and offer them now - Explain the formal-complaint option, and that voluntary informal resolution may be available only after a complaint is filed and if eligible - Take neutral, factual notes in the person's own words - Explain the ban on retaliation - Confirm next steps and how to reach you	- Promise confidentiality you can't guarantee - Investigate or interrogate — this isn't the hearing - Judge credibility or signal an outcome - Pressure the person to file — or not to file - Require details they aren't ready to share - Forget to document date, time, and what was offered - Leave supportive measures for “later”

Scoping the matter: three questions

- 1. **Does the 2020 Title IX sexual-harassment grievance process apply?** Is the conduct sex-based and within the § 106.30 definition of sexual harassment? In the institution's education program or activity? Against a person in the United States? These questions decide whether the mandatory § 106.45 grievance process applies.
- 2. **If it does not apply, what else is in play?** A “no” does not mean “nothing to do.” The facts may still involve Title IX sex discrimination, and/or a student-conduct, employment, or other legal issue. Any dismissal is only “for purposes of sexual harassment under Title IX” and does not preclude action under other provisions. Route it.
- 3. **What is needed right now?** Safety and supportive measures don't wait for the jurisdiction question to be resolved. Address immediate needs first.

When in doubt: Route it and document it. Misrouting is fixable; ignoring a report is not.

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PART 4 • SUPPORTIVE MEASURES

Support that stands on its own

Definition: Individualized services offered without fee — non-disciplinary, non-punitive, and designed not to unreasonably burden another party — that restore or preserve equal access to education and protect safety.

A menu to work from

Category	Common measures
Academic	Deadline flexibility, section changes, incompletes, withdrawal support
Housing	Room reassignment, escorts, building or floor restrictions
No-contact	Mutual no-contact directives between the parties
Safety	Schedule changes, parking or escort services, campus safety planning
Work (employees)	Shift or reporting-line changes, leave, workspace moves
Referrals	Counseling, medical, advocacy, and community resources

Practice habits: *offer early, tailor to the individual, confirm each measure does not unreasonably burden the other party or become punitive, document offers, outcomes, and reasons, and revisit as needs change.*

Not discipline — but note two exceptions: Supportive measures are non-disciplinary and non-punitive. Separately, the 2020 rule permits emergency removal of a respondent after an individualized safety-and-risk analysis (with prompt notice and a chance to challenge), and administrative leave for a non-student employee respondent. Treat these as distinct mechanisms, not routine measures.

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PART 5 • COMMON EARLY-STAGE MISTAKES

The avoidable errors

Almost every high-risk misstep in the first days of a matter is avoidable. Watch for these six:

Mistake	The fix
Over-promising confidentiality	Set expectations before details are shared, based on your role.

Mistake	The fix
Treating supportive measures as punishment	Measures can't be disciplinary toward the respondent — that needs the grievance process.
Prejudging or investigating too soon	Intake is support and scoping, not fact-finding or credibility calls.
Thin or late documentation	If it isn't written down, it didn't happen. Record what was offered and when.
Missing jurisdiction or retaliation	Route non-Title IX matters; watch for and act on retaliation.
Role confusion and bias	Don't wear two hats; disclose conflicts; keep decision-makers separate.

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Quick reference: the first 72 hours

A pocket checklist for when a report first reaches you. Adapt to your policy.

- ☐ Make sure anyone in immediate danger is safe; involve campus safety if needed.
- ☐ Identify which hat you're wearing (confidential vs. reporting) and say so.
- ☐ Listen; take neutral, factual notes. Don't investigate.
- ☐ Offer supportive measures now — document offers, outcomes, and reasons for key decisions.
- ☐ Explain whether to file a formal complaint. Discuss informal resolution only after a formal complaint, with voluntary written consent, and never for allegations that an employee sexually harassed a student under the Title IX process.
- ☐ Explain the ban on retaliation and how to report it.
- ☐ Assess Title IX coverage and whether the § 106.45 sexual-harassment process applies; also route under other law or policy.
- ☐ Notify the Title IX Coordinator promptly; do not assume notice to any reporting employee is federal actual knowledge. Screen Clery/CSA and warning duties.
- ☐ Confirm next steps and give the person a way to reach you.
- ☐ Preserve evidence lawfully and proportionately; save documentation to the access-limited file.

YOUR WORKING TEMPLATES

Three tools for the first days of a matter

Also provided as separate, editable files. Adapt each to your institution's policy before use.

A. Initial Intake Form

B. Supportive Measures Menu & Checklist

C. Jurisdiction & Scoping Worksheet

TEMPLATE A

Initial Intake Form

First-contact record — support and options, not an investigation

Access-restricted. Complete during or immediately after the first contact. Record what was said and done; do not assess credibility or reach conclusions. Handle under FERPA, public-records, retention, and privilege rules; do not promise confidentiality beyond law and policy.

1. MATTER IDENTIFIERS

Field	Entry
Intake date & time	
Intake staff (name & title)	
How report was received	
Internal matter / file no.	

2. People Involved

Reporting party

Role: ☐ Complainant ☐ Third-party reporter ☐ Employee (reporting duty) ☐ Other

Name	
Contact (email / phone)	

Complainant (if different)

Name		Status	
Program / Dept.		Contact	

Respondent (if known)

Name		Status	
Program / Dept.		Relationship to complainant	

3. Summary of the Report

Capture what the reporter described, in their words where possible. Facts only — no conclusions.

Date(s) / time(s) of conduct	
Location(s)	

Did the conduct occur in the institution's education program or activity (incl. controlled off-campus settings)? ☐ Yes
☐ No ☐ Unsure

Did the conduct occur in the United States? ☐ Yes ☐ No ☐ Unsure

Known witnesses / evidence mentioned:

4. IMMEDIATE SAFETY

Any immediate safety concern for any person? ☐ Yes ☐ No ☐ Unsure

Was campus safety / law enforcement involved or notified? ☐ Yes ☐ No ☐ Unsure

Actions taken for immediate safety:

5. What Was Explained (check when done)

- ☐ My role and the limits of confidentiality (confidential vs. reporting) were explained.
- ☐ Supportive measures were explained and offered (see Supportive Measures Checklist).
- ☐ The formal-complaint option was explained, including that voluntary informal resolution may be available only after a complaint is filed and if the matter is eligible.
- ☐ The prohibition on retaliation was explained, and how to report it.
- ☐ How to contact me and expected next steps were provided.

6. Supportive Measures & Referrals

Measures offered / accepted (summary — detail on Template B):

Referrals made (counseling, medical, advocacy, other):

7. SCOPING & ROUTING

Preliminary framework (not a finding): ☐ Title IX ☐ Other civil rights law ☐ Code of conduct ☐ Employment policy ☐ Needs review

Mandatory-reporting & safety screens (check all reviewed):

- ☐ Texas mandatory reporting (Tex. Educ. Code § 51.252)
- ☐ Clery Act / CSA classification and geography
- ☐ Timely-warning / emergency-notification review
- ☐ Law-enforcement coordination
- ☐ Other mandatory-reporting obligations (e.g., child abuse)

Use the Jurisdiction & Scoping Worksheet (Template C) if the framework is unclear.

Title IX Coordinator notified? (name & date)	
Routed to / next owner	

8. Staff Attestation

This record reflects the intake contact. It is not a determination of responsibility.

Signature	Date

TEMPLATE B

Supportive Measures Menu & Checklist

Non-disciplinary, non-punitive support — offered early and documented

Reminder: Supportive measures are available to either party as appropriate, with or without a formal complaint. They must be individualized, no-cost, non-disciplinary, non-punitive, and not unreasonably burdensome; keep them confidential to the extent feasible. Record offers, outcomes, and reasons for key decisions.

Field	Entry
Complainant / recipient	
Matter / file no.	
Staff completing	
Date	

Measure	Offered	Accepted	Declined	Date / Notes
Academic				
Deadline / assignment flexibility	☐	☐	☐	
Section or course change	☐	☐	☐	
Incomplete or late withdrawal support	☐	☐	☐	
Alternative testing arrangements	☐	☐	☐	
Housing				
Room or hall reassignment	☐	☐	☐	
Building / floor access restriction	☐	☐	☐	
Escort to/from residence	☐	☐	☐	
No-contact & safety				
Mutual no-contact directive	☐	☐	☐	
Schedule adjustment to avoid contact	☐	☐	☐	
Parking or escort services	☐	☐	☐	
Campus safety planning	☐	☐	☐	
Work (employees)				

Measure	Offered	Accepted	Declined	Date / Notes
Shift or schedule change	☐	☐	☐	
Reporting-line change	☐	☐	☐	
Workspace relocation	☐	☐	☐	
Leave options	☐	☐	☐	
Referrals & support				
Counseling services	☐	☐	☐	
Medical services	☐	☐	☐	
Advocacy resources	☐	☐	☐	
Community / external resources	☐	☐	☐	
Other				
Other (describe):	☐	☐	☐	
Other (describe):	☐	☐	☐	

Burden & rationale check

For each selected measure, confirm it is individualized and does not unreasonably burden the other party or function as punishment. Note the rationale for restrictive measures (no-contact, building/housing changes, reporting-line changes, leave).

Follow-up & Review

Supportive measures should be revisited as needs change. Note review dates and any adjustments.

Staff Attestation

Signature	Date

TEMPLATE C

Jurisdiction & Scoping Worksheet

A decision aid — where does this matter belong?

Use this early. This worksheet helps you route a matter. It is a preliminary aid, not a legal determination. Safety and supportive measures do not wait for these questions to be answered.

Field	Entry
Matter / file no.	
Completed by	
Date	

QUESTION 1 — DOES THE 2020 TITLE IX SEXUAL-HARASSMENT GRIEVANCE PROCESS APPLY?

Is the alleged conduct based on sex (including sexual harassment, assault, dating/domestic violence, or stalking)? ☐ Yes
☐ No ☐ Unsure

Did it occur in the institution's education program or activity (incl. controlled off-campus settings)? ☐ Yes ☐ No ☐ Unsure

Did it occur in the United States? ☐ Yes ☐ No ☐ Unsure

Does it meet the definition of sexual harassment? (check any that apply)

- ☐ Quid pro quo — an employee conditioning an institutional aid, benefit, or service on participation in unwelcome sexual conduct
- ☐ Unwelcome conduct that is severe, pervasive, AND objectively offensive
- ☐ Sexual assault, dating violence, domestic violence, or stalking

If all three questions are "Yes" and at least one box is checked → the § 106.45 sexual-harassment grievance process likely applies.

QUESTION 2 — IF THE § 106.45 PROCESS DOES NOT APPLY, WHAT ELSE IS IN PLAY?

A "no" may still leave a Title IX sex-discrimination issue, as well as a student-conduct, employment, or other legal issue. Any dismissal is only "for purposes of sexual harassment under Title IX" and does not preclude action under other provisions. Identify the framework(s) and route it.

- ☐ Title IX sex discrimination (outside the § 106.45 sexual-harassment process)
- ☐ Title VI — race, color, national origin
- ☐ Title VII — employment discrimination
- ☐ Section 504 / ADA — disability
- ☐ Student code of conduct
- ☐ Employment / HR policy

- ☐ State civil rights law
- ☐ Other (describe below)

QUESTION 3 — WHAT IS NEEDED RIGHT NOW?

- ☐ Immediate safety action (describe below)
- ☐ Supportive measures offered (see Template B)
- ☐ Referral to confidential resources
- ☐ Preservation of evidence / records
- ☐ Texas mandatory reporting assessed (Tex. Educ. Code § 51.252)
- ☐ Clery Act / CSA classification and geography reviewed
- ☐ Timely-warning / emergency-notification need evaluated
- ☐ Law-enforcement coordination considered
- ☐ Other mandatory-reporting obligations (e.g., child abuse) screened

Routing Decision

Preliminary framework (not a finding)	
Routed to / owner	
Title IX Coordinator notified (name & date)	

Rationale / notes:

Completed by

Signature	Date