

SCHNEIDER —
EDUCATION &
EMPLOYMENT
— LAW

Title IX & Campus Civil Rights 101

A Foundations Session for New Practitioners

Optional Preconference Session · Wednesday, July 22

Coordinators · Deputy Coordinators · HR Partners · Student Affairs

What we'll cover today

1

The legal landscape — and where Title IX stands right now

Block 1

2

Key roles: who does what on a campus response team

Block 1

3

Intake done right: the first meeting and scoping the matter

Block 2

4

Supportive measures: what they are and how to offer them

Block 2

5

Common early-stage mistakes — and how to avoid them

Block 2

YOU'LL LEAVE WITH

- Initial Intake Form
- Supportive Measures Menu + Checklist
- Jurisdiction & Scoping Worksheet

Working templates you can adapt to your own institution's policy.

1

PART ONE

The Legal Framework

The landscape, the key terms, and the process at a glance.

Title IX is one piece of a bigger picture

Title IX

Sex discrimination in education programs

Title VI

Race, color, national origin

Title VII

Employment discrimination (staff/faculty)

Section 504 / ADA

Disability discrimination & access

Age Act

Age discrimination in programs

Clery Act / VAWA

Campus crime, SA, DV, dating violence, stalking

State civil rights law

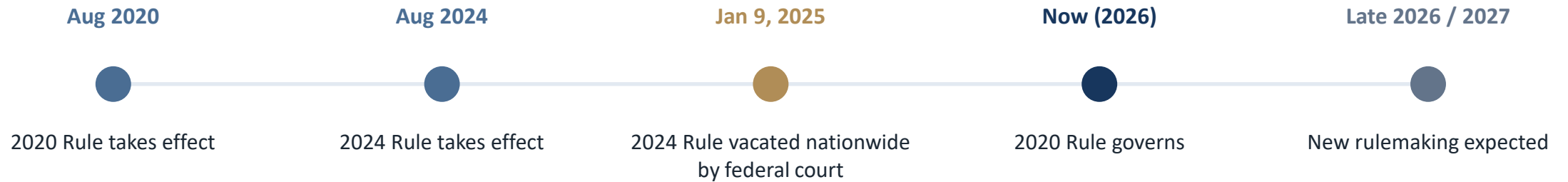
Often broader than federal — check yours

Constitutional due process

May be owed when discipline implicates a property/liberty interest

Takeaway: one set of facts can trigger several of these at once. Your job early on is to spot which are in play — not to resolve them all.

Where the rules stand right now



Bottom line: The 2020 Title IX regulations govern today. The 2024 rule is not in effect anywhere. Build your process on the 2020 framework — and watch for new rulemaking, which will change requirements again.

Five terms to know cold

Sexual harassment

Three forms: (1) an employee conditioning an aid, benefit, or service on unwelcome sexual conduct (quid pro quo); (2) unwelcome conduct so severe, pervasive & objectively offensive it denies equal access; (3) sexual assault, dating/domestic violence, or stalking.

Actual knowledge

Notice to the Coordinator or an official with authority to take corrective action. This is what triggers the institution's response obligation.

Deliberate indifference

The liability standard: a response that is clearly unreasonable in light of the known circumstances. Reasonable ≠ perfect.

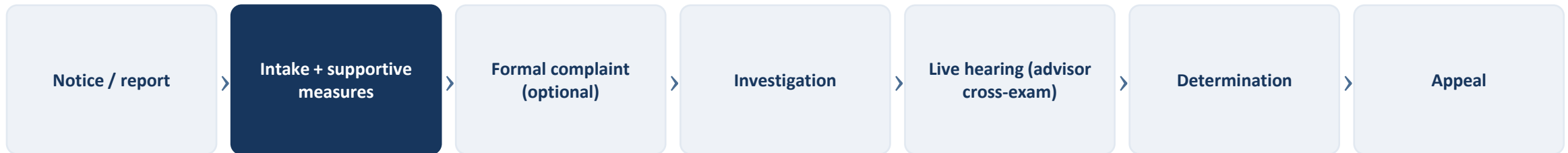
Education program or activity

Contexts over which the institution has substantial control over both the respondent and the setting — including recognized student-org buildings (fraternities/sororities). Conduct outside the U.S. is generally excluded.

Complainant / Respondent

Complainant = alleged to have experienced the conduct. Respondent = alleged to have engaged in it. Neutral labels — not findings.

The process at a glance



Supportive measures come first — and stand alone

They are available as soon as you have notice, whether or not the complainant ever files a formal complaint, and whether or not there's an investigation.

Informal resolution is an option

Only after a formal complaint, if eligible and with both parties' voluntary written consent — never for allegations that an employee sexually harassed a student under the Title IX process.

2

PART TWO

Who Does What

Separation of roles is what keeps a process fair — and defensible.

The core roles on a response team

Title IX Coordinator

Owens compliance. Receives reports, oversees response, offers supportive measures, ensures the process runs.

Deputy Coordinators

Extend the Coordinator's reach across units. Often the first point of contact for intake.

Investigator

Gathers evidence, interviews parties/witnesses, writes the investigative report. Stays neutral.

Decision-maker

Separate from the investigator. Runs the hearing and decides responsibility.

Advisor

Each party may have one; conducts cross-examination at the hearing. Institution provides one if a party has none.

HR & Student Affairs partners

Coordinate employee matters, interim measures, and student support alongside — not instead of — the Coordinator.

Separation of roles (2020 rule): the responsibility decision-maker cannot be the Coordinator or the investigator, and the appeal decision-maker must differ from all three. The Coordinator may serve as investigator; all must be trained and free from bias.

Two kinds of employees — know the difference

Confidential resources

Counselors, health providers, and designated advocates.

May receive disclosures without triggering the federal response obligation — but confidentiality is limited by law and policy.

A safe place for someone not ready to report.

Reporting employees

Most non-confidential employees your policy designates.

Must promptly pass reports to the Coordinator.

A reporting duty alone isn't federal actual knowledge; that turns on role and policy.

Texas (Tex. Educ. Code § 51.252): most employees must promptly report sex-based misconduct to the Coordinator — a state mandate distinct from federal actual knowledge. Never promise confidentiality you can't keep.

3

PART THREE

Intake Done Right

The first conversation sets the tone — and the record.

The first meeting

Your goals: make the person safe and heard · explain the process and their options · offer supportive measures · capture an accurate record — without pre-judging.

DO

- 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; informal resolution only after a complaint, if eligible
- Take neutral, factual notes; use their words
- Explain the ban on retaliation
- Confirm next steps and how to reach you

DON'T

- 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're not 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 § 106.45 sexual-harassment process apply?

Sex-based conduct within the § 106.30 definition? In an education program or activity? Against a person in the U.S.?

2

If not, what else is in play?

A 'no' may still be Title IX sex discrimination, plus a code-of-conduct, employment, or other issue. Dismissal is only 'for purposes of sexual harassment under Title IX.' 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.

4

PART FOUR

Supportive Measures

Non-disciplinary, non-punitive, and available from day one.

Supportive measures: what they are

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

Academic

Deadline flexibility, section changes, incompletes, withdrawal support

Housing

Room reassignment, escorts, building restrictions

No-contact

Mutual no-contact directives between the parties

Safety

Schedule changes, parking/escort, campus safety planning

Work (employees)

Shift/reporting-line changes, leave, workspace moves

Referrals

Counseling, medical, advocacy, and community resources

Not discipline — two separate mechanisms: emergency removal (after an individualized safety-and-risk analysis) and administrative leave for a non-student employee respondent.

5

PART FIVE

Common Early-Stage Mistakes

The errors that create the most risk are almost all avoidable.

Six mistakes to avoid



Over-promising confidentiality

Set expectations before details are shared, based on your role.



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 & bias

Keep the decision-maker and appeal officer separate; disclose conflicts and bias.

Where to start on Monday

- Know your institution's policy — and confirm it reflects the 2020 rule
- Learn who your Coordinator, deputies, and confidential resources are
- Use your three templates: Intake · Supportive Measures · Scoping
- When in doubt, offer support, route the matter, and document it

QUESTIONS & FOLLOW-UP

Schneider Education & Employment Law

scott@eduemplaw.com

Thank you for the work you do.