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Title IX & Campus Civil Rights in 2026

Practical Strategies for Universities and Colleges

COMPLETE PARTICIPANT MATERIALS

Both Days · Workbooks & Exercise Handouts

Main Conference · July 23–24, 2026 · Georgetown, Texas

Scott Schneider & Rachel Rolf

Schneider Education & Employment Law · scott@edemplaw.com

Training and general information only — not legal advice. Current as of July 2026 (2020 Title IX regulations). Verify all citations, and follow your institution's policy and counsel.

SCHNEIDER EDUCATION & EMPLOYMENT LAW

Title IX & Campus Civil Rights in 2026

Day One — One Case, All the Way Through

PARTICIPANT WORKBOOK

Thursday, July 23, 2026 · Georgetown, Texas

Scott Schneider & Rachel Rolf

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How to use this workbook

Today we follow one hypothetical — Ana Reyes and Jordan Blake — from the first report through the investigation and into the hearing. This workbook tracks the sessions the same way. At each stage you'll find the running facts in a gold box, what the law requires with the regulation cite, discussion questions, and a best-practices recap — with room to take notes.

The last section holds your three working templates — the **Initial Intake Form**, the **Supportive Measures Menu & Checklist**, and the **Jurisdiction & Scoping Worksheet** — also provided as separate, editable files.

You also have a companion packet — the **Day One Hypothetical & Exercise Handouts** — with the full Ana & Jordan facts and the fact patterns for each table exercise (Table Challenge, Pair & Search, and the transfer examples).

Ground rule: Speak in hypotheticals. Share the shape of a problem, never identifying details of a real, live matter. The Ana & Jordan facts are fictional and built to raise common issues.

SESSION 1 • 9:05–9:30 a.m.

The ground has shifted

Framing the Current Landscape

Three shifts that changed the job

- **Broader.** Sex-based conduct is one piece; race and national origin, disability, age, and employee matters land on the same desks.
- **More operational.** The work is systems and logistics — intake, routing, documentation, records — as much as legal judgment.
- **More interconnected.** One incident rarely fits one silo; facts cross Title IX, Title VI, disability, employment, and retaliation at once.

Where the Title IX rules stand right now 2020 Rule

- **The 2020 regulations govern today.**
Built on Davis and Gebser: actual knowledge plus a response that is not deliberately indifferent.
- **The 2024 rule was vacated nationwide.**
A federal court vacated it January 9, 2025; it is not in effect in any jurisdiction.
- **New rulemaking is on the 2026 agenda.**
Expect further change; confirm your own policy reflects the 2020 rule.

Through-line: Risk today comes less from one wrong legal call than from an incoherent process across offices. Ask of every decision: would this look reasonable, and documented, a year from now?

Notes

SESSION 2 • 9:30–10:30 a.m.

One framework for all civil rights work

Beyond Title IX

Every civil-rights statute shares one compliance spine. The differences are in the dials, not the architecture — so the intake, investigation, and hearing skills we practice on Title IX today transfer to Title VI, disability, and employee matters.

The frameworks that share your desk

Framework	In brief
Title IX	Sex discrimination in education programs and activities.
Title VI	Race, color, national origin — including shared-ancestry harassment (e.g., antisemitism).
Section 504 / ADA	Disability discrimination, access, and reasonable modifications.
Title VII	Employment discrimination and harassment involving staff and faculty.
Retaliation	Prohibited across every statute — often the claim that outlives the original.
First Amendment	At public institutions, speech and academic-freedom limits on regulating conduct. Private institutions may adopt First Amendment principles by policy.

The universal compliance spine

- **Policy & training** — the foundation for everything that follows: a clear policy and trained people who know their roles.
- **Notice & intake** — receive, support, and record.
- **Assess & scope** — jurisdiction and which framework(s) apply.
- **Interim / supportive measures** — protect access and safety now, independent of any finding.
- **Investigate** — neutral fact-finding; burden on the institution; equal opportunity.
- **Decide & remedy** — a reasoned decision under the right standard; remedies; appeal.

Plus, always: Nondiscrimination, no retaliation, and documentation — the three that run through every step. Master the spine once, and you've mastered it for every statute.

The transferable skills we'll practice today

Scoping and jurisdiction, trauma-informed intake, evidence preservation, neutral interviewing, disciplined credibility, and fair process with clean records. You are not learning six processes — you are learning one, applied across every civil-rights matter you touch.

Mind the differences: The backbone and skills transfer, but the specifics don't. Definitions, legal standards, covered parties, and procedures vary by statute (Title IX requires a live hearing with advisor cross-examination). Every matter also shares the need for campus collaboration and attention to related threshold issues (e.g., potential Clery implications).

TABLE CHALLENGE — WHICH ENGINE IS RUNNING?

Each table gets three short reports — one Title IX, one Title VI, one an employee matter. Name the framework, the first supportive measure, and who owns it — then identify what is identical across all three. (Fact patterns are in your Hypothetical & Exercise Handouts, Part B.)

PAIR & SEARCH — CAN SOMEONE ACTUALLY FIND YOUR REPORTING PATH?

Pair with someone from a different institution, go to your partner's public website, and try to report as a scared student would. Time the clicks to a name, form, or phone number; note whether it's clear who is confidential vs. mandatory-report; then swap and name the single fix that would help most. (Worksheet in Handouts, Part D.)

Notes

SESSION 3 • 10:45–11:45 a.m.

The case begins

Intake & the First 72 Hours

THE HYPOTHETICAL • PART 1

The report

- **Ana Reyes, a sophomore, comes to her RA, Sam, visibly upset.**
- About two weeks ago, Ana says, Jordan Blake — a junior on the club lacrosse team — had sex with her without consent in a bedroom during a party at an off-campus house that several lacrosse players rent. Both had been drinking; Ana says she told Jordan to stop.
- Ana and Jordan share an organic chemistry lab; Jordan lives in the residence hall next to hers. Ana has skipped lab twice.
- Sam, the RA, is a reporting (non-confidential) employee under the institution's policy.

Discussion: *Before any law — what is your very first move, and why?*

Did this trigger the institution's duty? § 106.30 • § 106.44

- **Actual knowledge.**
Notice to the Coordinator or an official with authority to take corrective action triggers the response obligation.
- **Sam is a reporting employee.**
Notice to Sam is notice to the institution — the clock starts now.
- **Respond promptly and without deliberate indifference.**
Contact Ana, offer supportive measures, explain the process and the option to file.

CASE LAW

Davis v. Monroe County Board of Education

526 U.S. 629 (1999) • Gebser v. Lago Vista ISD, 524 U.S. 274 (1998)

- Liability for student-on-student harassment requires deliberate indifference to known harassment.
- The harassment must be severe, pervasive, and objectively offensive — denying equal access.
- There must be actual knowledge and substantial control over the harasser and the context.

Why it matters: The 2020 rule is built on these bones — the framework you apply to Ana's report traces directly to them.

BEST PRACTICES — THE FIRST CONVERSATION WITH ANA

- ✓ Lead with care; explain who you are and your role: “Thank you for coming in. I understand this may not be easy.”
- ✓ Say which hat you wear — confidential vs. reporting — before she shares details; never promise confidentiality you can't keep.
- ✓ Put her in control; supportive measures are available now, with or without a formal complaint.
- ✓ Explain options plainly and without pressure; the choice to file is hers (with the Coordinator's backstop).
- ✓ Explain the ban on retaliation; take neutral, factual notes in her words; do not investigate.
- ✓ Provide the information in more than one format — spoken and written — so she can revisit it; follow up afterward in a way that is safe for her.
- ✓ Treat Jordan fairly from minute one — lead with the presumption of non-responsibility.

Don't forget the threshold checks: Flag the intersection with Clery at intake, and consider whether a timely warning is required. Build both into your standard intake checklist so they aren't missed.

THE HYPOTHETICAL • PART 1 (CONT.)

The jurisdiction question

- The assault allegedly happened at an off-campus house that lacrosse players rent.
- **Players may live there only with the coach's permission, which can be revoked for behavior. Team rules layer on top of the student code.**

Discussion: *Is this in the institution's "education program or activity"? What facts decide it?*

CASE LAW

Brown v. Arizona

9th Cir. Sep. 25, 2023 — substantial control over off-campus housing

"The University and football program allowed [the player] and his teammates to live off campus only with the permission of their coaches... permission to live off campus was conditioned on good behavior and could be revoked. The very existence of this off-campus players' residence was therefore subject to the coaches' control."

- Substantial control can exist off campus — through team rules and revocable permission.
- On our facts, coach-controlled housing plus player rules likely bring it within the program or activity.

Why it matters: Scope is a fact question. Don't reflexively say "off-campus = not ours." Look for control over the person and the setting.

Supportive measures — now, not later § 106.30 • § 106.44

- **Individualized, no-fee, non-disciplinary, non-punitive.**

Restore or preserve equal access and protect safety; don't unreasonably burden the other party.

- **Available with or without a formal complaint.**

For Ana: lab section change, no-contact directive, housing options, academic flexibility, counseling referral. Measures are available to Jordan too.

- **Document what was offered, accepted, and declined.**

And revisit as needs change.

The hard judgment calls at intake

1. Ana asks you to "keep this between us." How do you respond?
2. A teammate emails you "Ana is lying — here are screenshots." What do you do with that now?
3. Would you sign a formal complaint over Ana's hesitation? What factors drive that call?

BEST PRACTICES — INTAKE, IN ONE SCREEN

- ✓ Move fast on safety and supportive measures; they never wait for the jurisdiction question.
- ✓ Scope carefully — look for control over the person and the setting, even off campus.
- ✓ Explain options without pressure; document contemporaneously, with the reasons.
- ✓ Treat the respondent fairly from minute one — it's right, and it's your best defense.

Notes

SESSION 4 • 11:45 a.m.–12:15 p.m.

Early-response challenges across campuses

Guided Peer Discussion

In small groups, then together, compare how the first days of Ana's case would actually unfold on your campus. Hypotheticals only — share the shape of the problem, never identifying details of a real matter.

Discussion prompts

1. Where would Ana's report stall on your campus — and who decides jurisdiction, how fast?
2. What supportive measures could you actually deliver by tomorrow?
3. Where would documentation break down — and what early-response practice would you recommend to a peer?

Notes

SESSION 5 • 1:15–2:15 p.m.

The case continues

Investigations That Hold Up

THE HYPOTHETICAL • PART 2

What we now know

- Ana files a formal complaint; an investigation opens.
- Ana and Jordan exchanged texts afterward — a few look friendly (“had fun,” a meme). There were also Snapchat messages that have since auto-deleted.
- A teammate, Chris, says he saw them go upstairs together and that Ana “seemed fine.”
- **Jordan says it was consensual and points to the friendly texts. Ana says she sent them out of fear and to keep things normal.**

Discussion: *What are the first three things you do now that an investigation is open?*

What the law requires of the investigation § 106.45

- **Burden on the institution.**
The school — not the parties — gathers evidence and carries the burden of proof.
- **Objective evaluation of all relevant evidence.**
Inculpatory and exculpatory alike; credibility never turns on a party's status.
- **Equal opportunity and evidence review.**
Both parties may identify and inspect evidence; send it, allow 10 days to respond, then a report at least 10 days before any hearing.

Scope first: the allegation matrix

- **State each allegation precisely** — who, what, when, where — then map each policy element to the facts you must find.
- **Revisit scope whenever new facts emerge;** if the texts or Snapchats open new issues, update the matrix.
- **Check conflicts and bias** before assignments are final; keep investigator, decision-maker, and appeal officer separate.

BEST PRACTICES — SECURING THE DIGITAL EVIDENCE

- ✓ Trigger the hold early — preservation letters to parties and IT the moment a complaint is anticipated.
- ✓ Turn off auto-delete / disappearing-message settings for relevant accounts.
- ✓ Go native, not screenshots: forensic extraction captures metadata that survives cross-examination.
- ✓ Document chain of custody: who collected, how, when, where stored; hash at acquisition and transfer.
- ✓ Capture context, not just content; start an evidence log immediately.

Interviewing that holds up

- **Open with rapport and rationale;** lead with open-ended invitations (“Tell me what you remember, starting wherever you like”).
- **Use sensory and peripheral cues; avoid “why.”** Sequence: context → core event → clarifications → checks.

- **Frame sensitive topics procedurally and neutrally;** verify the summary with the witness.

THE HYPOTHETICAL · PART 2 (CONT.)

The friendly texts

- Jordan's strongest evidence is a handful of friendly-looking texts Ana sent the next day.
- **Ana says she sent them out of fear and embarrassment. Both explanations are plausible on their face.**

Discussion: *How do you weigh the texts — and how do you keep from cherry-picking either way?*

Credibility — done with discipline

- **Articulate factors, not demeanor or status.**
Consistency, corroboration, plausibility, specificity, and motive — never a party's role.
- **Delay is not proof; intoxication complicates consent and memory.**
Address both with facts and timeline, not assumptions.
- **Distinguish core from peripheral inconsistency.**
Tie each credibility call to specific evidence and document the reasoning.

Investigation judgment calls

1. Chris now says he “doesn't want to get involved.” How do you proceed without a key witness?
2. Mid-investigation, Ana's advisor sends new screenshots. How do you authenticate and incorporate them?
3. Jordan's attorney-advisor insists on controlling his interview. What ground rules do you set?

BEST PRACTICES — INVESTIGATION, IN ONE SCREEN

- ✓ Scope precisely and revisit; preserve digital evidence immediately.
- ✓ Interview open-ended and neutral; verify summaries with witnesses.
- ✓ Weigh credibility on articulable factors and document the reasoning.
- ✓ Give both parties the evidence and a real chance to respond; write a neutral, evidence-cited report.

Notes

SESSION 6 • 2:15–3:30 p.m.

The case decided

Hearings, Determinations & Resolution

THE HYPOTHETICAL • PART 3

At the hearing

- The matter proceeds to a live hearing before a trained decision-maker.
- Jordan's advisor wants to cross-examine Ana about (a) the friendly texts, (b) a prior sexual relationship with a different student, and (c) how much she drank.
- **Chris — the teammate — declines to attend the hearing at all.**

Discussion: Which of those three cross-examination topics come in — and which don't?

What the law requires at the hearing § 106.45(b)(6)

- **A live hearing with advisor cross-examination.**
Each party's advisor questions the other party and witnesses — never the parties personally; the institution provides an advisor if a party has none.
- **The decision-maker is separate from the investigator.**
And rules on the relevance of each question before it is answered.
- **Only relevant, permissible questions proceed.**
The decision-maker must explain any exclusion on the record.

Ruling on relevance — the questions in Ana's case

Question	Ruling
The friendly texts (a)	Relevant — they bear on consent and credibility. Weight is for deliberation, not the gate.
Prior sexual behavior (b)	Generally NOT relevant. Questions about a complainant's prior sexual behavior are excluded, subject to two narrow exceptions.
How much she drank (c)	Relevant — intoxication bears on capacity, consent, and memory.

The two exceptions (b): Prior sexual behavior comes in only to prove someone else is the source of the conduct, or as specific incidents with the respondent offered to prove consent. The offer here — a prior relationship with a different student — fits neither.

CASE LAW

A current nuance on cross-examination

Victim Rights Law Center v. Cardona (D. Mass. 2021) — provision vacated

Question	Ruling
- The 2020 rule originally barred reliance on statements of a party or witness who did not submit to cross-examination. - A federal court vacated that provision; the Department will not enforce it. - So Chris's refusal to attend does not automatically strike his earlier statement. Do this: Confirm your own policy's current text before the hearing — institutions vary.	

Determinations that hold up § 106.45(b)(7)

- Pick a standard and apply it consistently.**
Preponderance or clear-and-convincing — the same standard for all complaints, including those against employees.
- Show the analysis and tie facts to findings.**
Allegations, procedural steps, findings of fact, and the rationale for each conclusion — especially in a close case.
- State remedies, sanctions, and appeal rights.**
And the bases and process for appeal.

Draft the finding — a close call

- On these facts, what does “preponderance” actually require you to conclude?
- How do you write the credibility analysis so it survives an appeal — or a lawsuit?
- What remedies for Ana, and what sanction for Jordan if responsible?

Resolution models & the reality of respondent suits

- Informal resolution** is available after a formal complaint with both parties' voluntary written consent — never for allegations that an employee harassed a student.
- Fair process is the defense.** Doe v. Univ. of Iowa (8th Cir. 2023) and Khan v. Yale (2nd Cir. 2023) show that documented fairness — or its absence — decides respondent challenges.

BEST PRACTICES — HEARINGS & DETERMINATIONS, IN ONE SCREEN

- ✓ Keep the decision-maker separate and trained; gatekeep relevance and explain every ruling.
- ✓ Apply the rape-shield rule and its two narrow exceptions with discipline.
- ✓ Confirm your policy's current cross-examination text before the hearing.
- ✓ Apply one evidence standard consistently; write a determination that shows its work.

Notes

SESSION 7 • 3:45–4:30 p.m.

A supplement to your judgment — never a replacement

Using AI in Campus Civil Rights Work

AI can speed up parts of this work, but it never makes findings, weighs credibility, or owns a decision. Know the tools, the risks, and the guardrails before you use it on a live matter.

Distinctions that matter before you type a prompt

- **Enterprise vs. consumer tools.** Approved, contract-backed tools with data protections are not the same as a personal chatbot — never paste matter details into a consumer account.
- **Open vs. closed systems.** Understand whether your inputs train the model or leave your control.
- **Assistive vs. autonomous.** AI drafts and organizes; a human decides, verifies, and signs.

Four core risks Use with care

- **Confidentiality.**
Sensitive, identifiable information can leak through the wrong tool or account.
- **Accuracy.**
AI fabricates citations, misreads dates, and states wrong things confidently — plausibility is not verification.
- **Bias.**
Models can reflect and amplify bias; credibility and fairness calls stay human.
- **Human judgment.**
AI can't read the room, weigh credibility, or own the outcome.

Where AI can help — and where it can't

Use	The rule
Chronology building	Helpful to draft in an approved environment; verify every entry against the source.
Document review & triage	Can prioritize and search; humans decide relevance and validate.
Interview preparation	Can draft outlines and summaries; beware unapproved “silent” notetakers.
Report drafting	Can clean a verified draft; never conclusions, findings, or credibility calls.

WORKFLOW DEBATE

Rank the four uses above by risk to your organization, debate where you'd allow AI today and where you wouldn't, and name the one guardrail you'd require first.

BEST PRACTICES — BUILDING A RESPONSIBLE-USE FRAMEWORK

- ✓ **Approve** — use only vetted, approved tools.
- ✓ **Contain** — create and maintain matter-based access controls and guardrails.

- ✓ Verify — verify all information; a human checks all AI-assisted work.
- ✓ Ownership — an identified human author owns the final product.
- ✓ Inventory the AI your team actually uses and confirm options with IT Security; pilot one low-risk workflow before scaling.
- ✓ If any AI is used, add “AI use and verification” to your investigator checklist.

Notes

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 what was offered, accepted, and declined.
- ☐ Explain options: formal complaint, informal resolution, or neither.
- ☐ Explain the ban on retaliation and how to report it.
- ☐ Scope it: Title IX? Another law or policy? Route accordingly.
- ☐ Notify the Title IX Coordinator per your policy.
- ☐ Preserve evidence early; 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

SCHNEIDER EDUCATION & EMPLOYMENT LAW

Title IX & Campus Civil Rights in 2026

Day One — Hypothetical & Exercise Handouts

THE ANA & JORDAN CASE · TABLE EXERCISES

Thursday, July 23, 2026 · Georgetown, Texas

Scott Schneider & Rachel Rolf

Schneider Education & Employment Law · scott@eduemplaw.com

Training and general information only - not legal advice. Current as of July 2026 (2020 Title IX regulations). All persons and facts are fictional; any resemblance to real matters is coincidental.

How to use these handouts

These are the working papers for Day One. Part A is the running case — Ana Reyes and Jordan Blake — that we carry from the first report through the investigation and into the hearing; keep it in front of you all day. Parts B through D are the short fact patterns for the table exercises, each with space to work. You do not need to read ahead; we will reveal the case in parts.

Ground rule: Speak in hypotheticals. These facts are fictional and engineered to make reasonable people disagree — never share identifying details of a real, live matter.

PART A • THE RUNNING CASE

The Ana & Jordan Case

The people of the case

Person	Role
Ana Reyes	Complainant. A sophomore. Reports a non-consensual sexual encounter.
Jordan Blake	Respondent. A junior on the club lacrosse team.
Sam	Ana's Resident Advisor. A designated reporting (non-confidential) employee.
Chris	A lacrosse teammate and possible witness.
Title IX Coordinator	Receives the report; oversees supportive measures and the process.

Part 1 — The report (Intake)

- **Ana Reyes, a sophomore, comes to her RA, Sam, visibly upset.**
- About two weeks ago, Ana says, Jordan Blake — a junior on the club lacrosse team — had sex with her without consent in a bedroom during a party at an off-campus house that several lacrosse players rent.
- Both had been drinking. Ana says she told Jordan to stop.
- Ana and Jordan are in the same organic chemistry lab; Jordan lives in the residence hall next to hers. Ana has skipped lab twice and is anxious about running into him.
- Sam, the RA, is designated in the institution's policy as a reporting (non-confidential) employee.

The jurisdiction wrinkle: Players may live at the off-campus house only with the coach's permission, which can be revoked for behavior — even lateness or bad grades. The team also layers player rules on top of the student code of conduct.

To file, or not to file? Ana isn't sure she wants a formal complaint. She wants the anxiety to stop and to feel safe in lab, and she's worried about retaliation from Jordan's teammates. The Coordinator notes she may provide supportive measures now regardless — and that the Coordinator may sign a formal complaint even if Ana does not.

Work here

Notes

Part 2 — What we now know (Investigation)

- Ana files a formal complaint. An investigation opens.
- After the incident, Ana and Jordan exchanged texts — a few look friendly (“had fun,” a meme). There were also Snapchat messages that have since auto-deleted.
- A teammate, Chris, says he saw Ana and Jordan go upstairs together and that Ana “seemed fine.”
- **Jordan says it was consensual and points to the friendly texts. Ana says she sent them out of fear and to keep things normal.**

The vanishing evidence: The Snapchat messages auto-delete. The friendly texts live on both phones. Chris posted a story that night that may still exist. Every hour, potential evidence is disappearing.

The friendly texts: Jordan's strongest evidence is a handful of friendly-looking texts Ana sent the next day. Ana says she sent them out of fear and embarrassment, trying to keep things normal. Both explanations are plausible on their face.

Work here

Notes

Part 3 — At the hearing (Determination)

- The matter proceeds to a live hearing before a trained decision-maker.
- Jordan's advisor wants to cross-examine Ana about (a) the friendly texts, (b) a prior sexual relationship with a different student, and (c) how much she drank.
- Chris — the teammate — declines to attend the hearing at all.
- **The decision-maker must rule on relevance in real time, weigh credibility, and write a determination.**

The question on the table: Which of the three cross-examination topics come in — and which don't? Be ready to say why, by the rule.

Work here

Notes

PART B · SESSION 2 TABLE EXERCISE

Table Challenge — Which Engine Is Running?

Your table gets the three short reports below — one is clearly Title IX, one Title VI, one an employee matter. For each report, name **the framework**, **the first supportive/interim measure**, and **who owns it**. Then identify the one thing that is identical across all three, and be ready to report it out.

Report 1 — “The lab partner”

A sophomore reports that her chemistry lab partner has sent escalating, sexually explicit messages and, after she asked him to stop, cornered her after class. She has started skipping lab to avoid him.

Report 2 — “The group chat”

A Muslim student reports that members of a student organization have posted slurs about his religion and national origin in a group chat, excluded him from events, and left a threatening note on his residence-hall door.

Report 3 — “The new supervisor”

A full-time staff member reports that her new supervisor repeatedly makes sexual comments and has implied that her schedule and shifts depend on tolerating them. She reported once to a lead, and nothing changed.

WORKSHEET — FILL ONE ROW PER REPORT			
Report	Framework (statute)	First supportive/interim measure	Who owns it
1 — Lab partner			
2 — Group chat			
3 — New supervisor			

What is identical across all three? (Report this out.)

PART C • SESSION 2 DISCUSSION

Transfer Examples — Same Skills, Other Statutes

We use these quickly to show that the intake / investigation / hearing skills you practice on Title IX carry over. For each, ask: which office owns it, and would the intake feel any different?

Title VI — a shared-ancestry matter

- A Jewish student reports a pattern of harassment tied to national origin — slurs in a group chat, exclusion from a study group, and a defaced dorm door.
- No sexual component, so it is not Title IX — but it is squarely Title VI (shared ancestry).
- **Watch the spine engage:** notice → assess (hostile environment?) → supportive measures → neutral investigation → reasoned decision → remedy.

Discussion: Which offices own this on your campus, and would the intake feel any different than a Title IX report?

Section 504 / ADA — disability

A student with a disability reports harassment and a professor refusing identified flexible-attendance accommodations. It overlaps with the accommodation process, but the harassment piece runs the same spine.

Title VII — employee

A staff member reports a supervisor's harassment — HR-led, with different standards and remedies, but again: notice, support, neutral investigation, reasoned decision.

Discussion: In each, what's the first supportive/interim measure you'd consider — and who delivers it?

PART D · SESSION 2 EXERCISE

Pair & Search — Can Someone Actually Find Your Reporting Path?

Pair with someone from a different institution. On your phone or laptop, go to your partner's public website and try to report — as a scared student would, with no insider knowledge. Then switch.

RECORD WHAT YOU FIND ON YOUR PARTNER'S SITE	
Question	What you found
Clicks from the homepage to a name, form, or phone number	
Is it obvious who is confidential vs. who must report?	
Could a first-time visitor tell where to start?	
The single fix that would help most	

Report-out: the best thing and the worst thing you saw.

SCHNEIDER EDUCATION & EMPLOYMENT LAW

Title IX & Campus Civil Rights in 2026

Day Two — One Case, Four Populations

PARTICIPANT WORKBOOK

Friday, July 24, 2026 · Georgetown, Texas

Scott Schneider & Rachel Rolf

Schneider Education & Employment Law · scott@eduemplaw.com

Training and general information only - not legal advice. Current as of July 2026 (2020 Title IX regulations). Verify all citations, and follow your institution's policy and counsel.

How to use this workbook

Today we carry one hard case - the Coach Rivera athletics matter - across the day. The same facts implicate a student-athlete, a graduate-assistant employee, a tenured faculty member, and a coach, which lets us work advanced evidence, see how the response changes across populations, and trace how retaliation and mishandling become the bigger case. The workbook follows the sessions the same way, with running facts in gold boxes, the law with its cite, discussion questions, best-practices recaps, and note space.

Your four Day Two templates: **Difficult Evidence & Close-Call Findings**, the **Population & Context Matrix**, the **Retaliation Risk & Follow-Through Checklist**, and the **Pre-Academic-Year Self-Audit & Action Plan** - the last of which you'll use live in the closing workshop.

You also have a companion packet — the **Day Two Hypothetical & Exercise Handouts** — with the full Coach Rivera facts, the two-page evidence summary for the Close-Call Drafting exercise, the four-population Table Challenge, and the aftermath summary for the Red Team.

Ground rule: Speak in hypotheticals. The Rivera facts are fictional and built to raise advanced-evidence, populations, and retaliation issues on one set of facts.

SESSION 1 • 9:05-10:00 a.m.

When the record won't cooperate

Advanced Evidence & Credibility

THE HYPOTHETICAL • PART 1

The report

- An anonymous email to the Athletic Director alleges that Coach Rivera, a popular assistant coach, has crossed lines with athletes.
- Weeks later, Taylor - a student-athlete - comes forward: a season of sexualized comments and one incident of unwanted physical contact on a team trip. Taylor reports months after the incident.
- There is a team GroupMe with relevant messages, a since-deleted video someone described, and ambiguous texts between Taylor and Rivera.
- Morgan, a graduate-assistant on staff, may have witnessed some of it - but is worried about their position.

Discussion: *Where do you start with an anonymous tip, a delayed report, and vanishing digital evidence?*

Four evidence problems that trip people up

Problem	How to handle it
Inconsistent accounts	Separate core consistency from peripheral detail. Inconsistency is a factor, not a verdict.
Delayed reporting	Common, with many causes - especially in athletics. Explore the reasons neutrally; delay is not proof.
Digital evidence	GroupMe, texts, a deleted video, metadata. Authenticate, keep in context, preserve chain of custody.
Third-party & anonymous reports	A response duty may still attach. Corroborate what you can; be transparent about limits.

Delayed reporting - analyze it, don't score it

- **Delay is common and expected.**
Fear of retaliation, team dynamics, shame, and uncertainty all drive it.
- **Explore the reasons on the record; don't let delay substitute for analysis.**
It neither proves nor disproves the account.
- **Watch for corroboration that survives delay.**
GroupMe threads, prior confidants, and patterns can anchor a late report.

BEST PRACTICES — THE DIGITAL EVIDENCE IN THIS CASE

- ✓ Preserve immediately: hold letters to the AD, IT, and relevant staff the moment a complaint is anticipated.
- ✓ Freeze the GroupMe: capture the full thread with metadata, not screenshots; identify every custodian.
- ✓ Chase the deleted video: platform preservation requests and device forensics before it's unrecoverable.
- ✓ Authenticate: match handles to people, verify timestamps, preserve surrounding context.
- ✓ Chain of custody: log who collected what, how, when, where stored; hash at acquisition and transfer.

THE HYPOTHETICAL • PART 1 (CONT.)

The accounts diverge

- Coach Rivera denies everything and says the texts show a friendly, appropriate mentoring relationship.
- Morgan confirms some comments - but grows vague when asked for specifics, glancing at their contract status.
- **Two teammates give inconsistent accounts of the trip; one now “doesn't really remember.”**

Discussion: *How do you weigh a witness whose fear may be shaping the testimony?*

Credibility - done with discipline

- **Articulate factors, not demeanor or status.**
Consistency, corroboration, plausibility, specificity, and motive - never a person's role.
- **Name the pressures shaping testimony.**
Morgan's job fear and the coach's standing are context, not credibility verdicts.
- **Distinguish core from peripheral inconsistency; avoid trauma myths.**
Calm, delay, or imperfect memory are not evidence of fabrication.

Writing findings in a close case

- **State the standard** and apply it honestly, even when the answer is uncomfortable.
- **Show the weighing;** lay out what supported and undercut each conclusion.
- **Tie facts to findings** - point to specific evidence, not the coach's reputation - and name the gaps you couldn't resolve.

CLOSE-CALL DRAFTING - WRITE THE FINDING YOU CAN DEFEND

Work a two-page evidence summary of the trip incident. Draft two or three sentences of finding-and-rationale under a preponderance standard, then swap with a neighboring table to pressure-test the reasoning.

Notes

SESSION 2 • 10:15-11:15 a.m.

Same facts, four worlds

Different Populations, Different Problems

One incident implicates a student (Taylor), an employee (Morgan), a faculty member (Prof. Doyle, who allegedly discouraged reporting), and a coach (Rivera). Fairness, neutrality, and documented reasoning stay constant - the procedure, timeline, and who's at the table change.

Six dials that move by population

Dial	What shifts
Governing framework	Title IX, Title VII, the faculty handbook, the student code - which leads?
Process & due process owed	Notice, representation, and appeal rights differ - most for tenured faculty and represented employees.
Who's at the table	HR, provost/academic affairs, athletics, general counsel, unions.
Confidentiality & records	FERPA for students; personnel-record rules for employees.
Power, risk & sanctions	Authority gaps and retaliation potential run highest in athletics and faculty; sanctions differ.

CASE LAW

Employees: the adverse-action bar has dropped

Muldrow v. City of St. Louis (U.S. 2024) • *Hamilton v. Dallas County* (5th Cir. 2023, en banc)

"An employee challenging a job transfer under Title VII must show that the transfer brought about some harm with respect to an identifiable term or condition of employment, but that harm need not be significant."

- Muldrow lowered the bar - no need to show "significant" harm to challenge an adverse action.
- Hamilton (en banc) ended the "ultimate employment decision" limit - more actions are actionable.
- For Morgan: cut hours, changed duties, or a schedule move can be adverse action - and, if tied to reporting, retaliation.

Why it matters: Employee matters run on Title VII standards that have grown more protective. Don't assume only firings count.

Faculty: speech, tenure, and academic freedom

- **Pickering-Connick balance.**
Public-employee speech on matters of public concern is weighed against the institution's operational interest.
- **Garcetti and academic freedom.**

Speech pursuant to official duties is generally unprotected, but academic work is contested; Sweezy: "a free society depends on free universities."

- **Tenure and process.**

Dismissal-for-cause procedures and shared governance mean longer timelines and higher process for Prof. Doyle. (See Porter v. NC State; Vlaming v. West Point Sch. Bd.)

- **Athletics is the highest-risk population.** Power and dependency (playing time, scholarships) give respondents leverage; team culture suppresses reporting; visibility raises the stakes. Control can extend off campus - recall Brown v. Arizona.

Route the Rivera case

1. Which office leads on Rivera - and who must be at the table for Taylor, Morgan, and Doyle?
2. Where do the four processes risk colliding or contradicting each other?
3. What supportive/interim measures differ for a student vs. an employee witness?

BEST PRACTICES — POPULATIONS, IN ONE SCREEN

- ✓ Hold the principles constant; adapt the mechanics.
- ✓ Run each person through the six dials before you design the process.
- ✓ Get HR, provost, athletics, counsel, and unions to the table early.
- ✓ Name a lead, align timelines, and keep one coherent record across the tracks.

Notes

SESSION 3 • 1:45-2:30 p.m.

The second harm

Retaliation, Culture & the Mistakes That Grow Cases

THE HYPOTHETICAL • PART 3

The aftermath

- After Taylor reports, Taylor's playing time drops and the coach benches Taylor “for performance.”
- Morgan's graduate-assistant hours are cut and their duties reassigned.
- The team GroupMe turns on Taylor; teammates post that Taylor “ruined the season.” A booster emails the President demanding the “witch hunt” stop.
- **The underlying case may be survivable. The aftermath is where the real risk now lives.**

Discussion: Which of these is retaliation - and who is responsible for stopping them?

Retaliation - the claim that outlives the case § 106.71

- **Broadly prohibited.**
No intimidation, threats, coercion, or discrimination against anyone for reporting, participating - or refusing to participate.
- **It reaches peer retaliation.**
The duty extends to student-on-student conduct - the GroupMe pile-on is squarely in view.
- **Protect identities; mind the First Amendment line.**
Protected speech isn't retaliation, but conduct that intimidates or coerces can be - and adverse actions still count.

Classic trap: Charging a complainant or witness with unrelated violations to punish reporting can itself be retaliation.

Analyze the adverse actions

1. Is benching Taylor “for performance” retaliation? How do you test the stated reason?
2. Are Morgan's cut hours retaliation - and does Muldrow change your analysis?
3. What do you do about the GroupMe pile-on, and about the booster's email?

How institutions make it worse

Failure	What it looks like
Weak follow-through	Measures promised but not delivered; no one owns Taylor's aftercare.
Communications failures	Careless emails, inconsistent messaging, booster/rumor management that reads as taking sides.
Secondary harm	The response itself isolates or exposes Taylor and Morgan.
Silence & signaling	What leaders don't say decides whether anyone trusts the process.

Failure	What it looks like
The pattern: The original matter is often survivable; the mishandling of the aftermath is what becomes the lawsuit, the OCR complaint, or the headline.	
RED TEAM - FIND WHERE THIS GOES SIDEWAYS Take the Rivera aftermath as a “handled fine on the merits” summary and hunt for retaliation, follow-through, and communications failure points. Mark each risk and a concrete fix, then build a short don't-make-it-worse checklist.	

BEST PRACTICES — RETALIATION & AFTERCARE, IN ONE SCREEN

- ✓ Tell every party and witness that retaliation is prohibited - and how to report it.
- ✓ Analyze adverse actions for pretext; remember harm need not be significant.
- ✓ Treat peer retaliation as real; respond to the GroupMe conduct directly.
- ✓ Deliver supportive measures, assign an owner, and monitor over time.
- ✓ Disciplined communications; protect the process from booster and public pressure.

Notes

SESSION 4 • 2:30-3:30 p.m.

What will you fix before the next academic year?

Policy & Process Workshop

The Rivera case was a stress test. Every place it went sideways is a gap you can close before the new year. This session is hands-on: audit your own institution, prioritize the few highest-value fixes, and leave with an owned, dated action plan - using the Pre-Academic-Year Self-Audit & Action Plan template as your worksheet.

Where fixes usually pay off

Area	What to strengthen
Policy alignment	Confirm your policy reflects the 2020 rule and is consistent across offices.
Templates & forms	Standardize intake, supportive measures, investigation, and determination documents.
Roles & training	Named, trained, conflict-free investigators and decision-makers; deputy coverage.
Records & timelines	Access-limited files, retention, and realistic tracked timelines.
Coordination	A working way for Title IX, HR, disability, and athletics to confer on overlaps.
Retaliation & aftercare	A standing practice for follow-through and monitoring.

The gaps this case exposed

- Anonymous reporting - a clear channel and a plan for acting on anonymous or third-party tips.
- Athletics oversight - reporting lines independent of coaches; training for staff caught between loyalty and duty.
- Retaliation monitoring - a standing way to watch for playing-time, hours, and peer retaliation.
- Cross-office coordination - one lead, aligned timelines, a shared record when a case spans populations.
- Evidence preservation - fast holds for GroupMe, ephemeral video, and team communications.

BUILD-IT WORKSHOP - LEAVE WITH A PLAN, NOT JUST NOTES

Run your self-audit across the six fix areas, circle the three highest-value fixes for your campus, assign an owner and a date to each, and name one first step you'll take within thirty days.

Notes

YOUR DAY TWO TEMPLATES

Four tools to take back to campus

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

A. Difficult Evidence & Close-Call Findings

B. Population & Context Matrix

C. Retaliation Risk & Follow-Through Checklist

D. Pre-Academic-Year Self-Audit & Action Plan

TEMPLATE A

Difficult Evidence & Close-Call Findings

Weigh hard evidence, and write a finding a reader will respect

Principle: No single evidence problem decides a case. Weigh each as a factor, document your reasoning, and — in close cases — show your work and name what you couldn't resolve.

Field	Entry
Matter / file no.	
Decision-maker / investigator	
Date	
Standard of evidence applied	

1. Evidence issues present

- ☐ Inconsistent accounts (distinguish core from peripheral)
- ☐ Delayed reporting (explore reasons neutrally)
- ☐ Digital evidence (authenticate; keep in context)
- ☐ Third-party or anonymous report (response duty may still attach)
- ☐ Missing or unavailable witness
- ☐ Other (note below)

2. Weighing the contested facts

For each contested fact, lay out what supports and undercuts it, then state your assessment and weight.

Contested fact	Supports	Undercuts	Assessment

3. Digital evidence log

Item	Source	Authenticated?	Chain-of-custody notes

Item	Source	Authenticated?	Chain-of-custody notes

4. Close-call findings

Standard applied: ☐ Preponderance of the evidence ☐ Clear and convincing evidence

Finding on each allegation, with rationale tied to the evidence:

What could not be resolved (and why it doesn't change the result):

Completed by

Signature	Date

TEMPLATE B

Population & Context Matrix

Same principles — a different playbook by population

Use it to adapt, not to change the standard. Fairness, neutrality, and documented reasoning stay constant. What shifts is procedure, timeline, and who must be at the table.

Population: ☐ Student ☐ Employee ☐ Faculty ☐ Athletics

Field	Entry
Matter / file no.	
Completed by	
Date	

The six dials — map them to this matter

The middle column is a prompt. Fill the right column with your institution's specifics for this matter.

Dimension	Consider	For this matter
Governing framework	Title IX, Title VII, faculty handbook, student code — which leads?	
Process & due process	Notice, representation, appeal rights; tenure / CBA procedures.	
Who's at the table	HR, provost / academic affairs, athletics, GC, union.	
Confidentiality & records	FERPA vs. personnel-record rules; disclosure expectations.	
Power & risk	Authority gaps, dependency, retaliation potential.	
Sanctions & remedies	Available outcomes and who imposes them.	

Coordination — who must be looped in

- ☐ Human Resources
- ☐ Provost / Academic Affairs
- ☐ Athletics leadership
- ☐ General Counsel
- ☐ Union / employee representative (if applicable)
- ☐ Other (note below)

Completed by

Signature	Date

TEMPLATE C

Retaliation Risk & Follow-Through Checklist

Stop the second harm from becoming the bigger case

Why this matters: The original matter is often survivable; mishandling the aftermath is what becomes the lawsuit, the OCR complaint, or the headline. Retaliation and weak follow-through are core risks, not afterthoughts.

Field	Entry
Matter / file no.	
Completed by	
Date	
1. RETALIATION SAFEGUARDS	

- ☐ Parties and witnesses told that retaliation is prohibited, and how to report it
- ☐ Identities kept confidential except as law or the process permits
- ☐ Peer (student-on-student) retaliation considered, not just institutional action
- ☐ No adverse academic or employment action tied to participation
- ☐ Watch for code-of-conduct charges used to punish reporting
- ☐ First Amendment line considered (protected speech is not retaliation)

2. FOLLOW-THROUGH & AFTERCARE

- ☐ Supportive measures actually delivered — not just promised
- ☐ An owner is assigned for each measure
- ☐ Check-in dates are set and calendared
- ☐ Measures revisited as circumstances change
- ☐ Documentation is current and in the access-limited file

3. COMMUNICATIONS DISCIPLINE

- ☐ Messaging is consistent and need-to-know only
- ☐ No statements that signal an outcome or take sides
- ☐ Email and records are careful and defensible
- ☐ Rumor management does not expose or isolate a party

4. Monitoring Log

Retaliation risk persists after the matter closes. Record check-ins and any action taken.

Date	Check-in / observation	Action	By whom

Completed by

Signature	Date

TEMPLATE D

Pre-Academic-Year Self-Audit & Action Plan

From lecture to action — decide what to strengthen, and commit to it

How to use it: Rate each area honestly, pick the few highest-value fixes, and give each an owner and a date. A fix without an owner won't happen.

Field	Entry
Institution / unit	
Completed by	
Date	
PART 1 — SELF-AUDIT	

For each area, mark status and note the main gap. Status: S = strong, A = adequate, N = needs work.

Area	Status (S / A / N)	Main gap
Policy alignment (reflects 2020 rule; internally consistent)		
Templates & forms (intake, measures, investigation, determination)		
Roles & training (named, trained, conflict-free; deputy coverage)		
Records & timelines (access-limited files; retention; tracking)		
Coordination (Title IX, HR, disability, athletics)		
Retaliation & aftercare (follow-through; monitoring)		
PART 2 — ACTION PLAN		

Turn the audit into a short, owned, dated plan. Prioritize by risk reduced for effort required.

#	Fix	Owner	Target date	First step (30 days)
1				
2				
3				

My commitment

The one fix I will start within 30 days — and the first step:

Completed by

Signature	Date

SCHNEIDER EDUCATION & EMPLOYMENT LAW

Title IX & Campus Civil Rights in 2026

Day Two — Hypothetical & Exercise Handouts

THE COACH RIVERA CASE · TABLE EXERCISES

Friday, July 24, 2026 · Georgetown, Texas

Scott Schneider & Rachel Rolf

Schneider Education & Employment Law · scott@edemplaw.com

Training and general information only - not legal advice. Current as of July 2026 (2020 Title IX regulations). All persons and facts are fictional; any resemblance to real matters is coincidental.

How to use these handouts

These are the working papers for Day Two. Part A is the running case — the Coach Rivera athletics matter — which we carry across the day and route through four populations. Parts B through D are the detailed fact packets for the table exercises: the evidence summary you will draft from, the four-population assignment, and the aftermath you will red-team. Keep this packet with the Day Two workbook and templates.

Ground rule: Speak in hypotheticals. The Rivera facts are fictional and built to raise advanced-evidence, populations, and retaliation issues on one set of facts.

PART A · THE RUNNING CASE

The Coach Rivera Case

The people of the case

Person	Role
Coach Rivera	Respondent. A popular assistant coach.
Taylor	Complainant. A student-athlete on Rivera's team.
Morgan	Graduate-assistant on staff; a possible witness — and an employee worried about their position.
Athletic Director (AD)	Receives the initial anonymous tip; part of the institutional response.
Prof. Doyle	Faculty member connected to the program (used in the faculty track).

Part 1 — The report

- **An anonymous email to the Athletic Director alleges that Coach Rivera, a popular assistant coach, has crossed lines with athletes.**
- Weeks later, Taylor — a student-athlete — comes forward: a season of sexualized comments and one incident of unwanted physical contact on a team trip.
- Taylor reports months after the incident, once the season is over.
- There is a team GroupMe with relevant messages, a since-deleted video someone described, and texts between Taylor and Rivera that look ambiguous.
- Morgan, a graduate-assistant on staff, may have witnessed some of it — but is worried about their position.

The accounts diverge: Coach Rivera denies everything and says the texts show a friendly, appropriate mentoring relationship. Morgan confirms some comments but grows vague when asked for specifics, glancing at their contract status. Two teammates give inconsistent accounts of the trip; one now says they “don't really remember.”

Work here

Notes

Part 3 — The aftermath

- After Taylor reports, Taylor's playing time drops and the coach benches Taylor “for performance.”
- Morgan's graduate-assistant hours are cut and their duties reassigned.
- The team GroupMe turns on Taylor; teammates post that Taylor “ruined the season.”
- A booster emails the President demanding the “witch hunt” against Rivera stop.
- **The underlying case may be survivable. The aftermath is where the real risk now lives.**

The question on the table: Which of these is retaliation — and who is responsible for stopping each one?

Work here

Notes

PART B • SESSION 1 EXERCISE

Evidence Summary — The Team-Trip Incident

This is the two-page evidence summary for the **Close-Call Drafting** exercise. Read it, then draft two or three sentences of finding-and-rationale under a **preponderance of the evidence** standard. The evidence genuinely cuts both ways — the goal is a rationale a skeptical reader would respect, not a “right” answer.

The allegation

On an overnight team trip in March, Taylor alleges that Coach Rivera came to Taylor's hotel room late at night and touched Taylor in a sexual way without consent. Rivera denies entering the room at all. The question is whether the contact, as alleged, more likely than not occurred.

Evidence tending to support the allegation

- Taylor's account has been consistent on the central facts across two interviews — what was said, the nature of the contact, and Taylor's response.
- A GroupMe message Taylor sent a friend that night, timestamped 12:14 a.m., reads: “I can't believe what just happened. I feel gross.”
- A teammate saw Rivera in the hallway near Taylor's room around midnight.
- After the trip, Rivera texted Taylor: “what happens on trips stays on trips — you're my favorite.”
- Morgan, the graduate assistant, heard Rivera make sexualized “jokes” about Taylor earlier in the season, though Morgan is reluctant to give specifics.

Evidence tending to undercut the allegation

- Rivera denies entering Taylor's room and says the relationship was an appropriate mentoring one.
- A second teammate says the hallway was busy that night and saw nothing unusual.
- Taylor's stated time of the incident shifted by about thirty minutes between the first and second interviews.
- Earlier texts between Taylor and Rivera show a friendly, joking rapport that Rivera says is inconsistent with the allegation.
- A video another student described from that night was never recovered; no one who claims to have seen it will confirm its contents.

Context to weigh (neither side's alone)

- Taylor reported months after the trip, after the season ended.
- Rivera holds significant power over playing time and roster decisions; Morgan's continued assistantship depends on the program.

DRAFT YOUR FINDING & RATIONALE (PREPONDERANCE STANDARD)

State the finding, then the two or three sentences of reasoning a skeptical reader should respect:

PART C • SESSION 2 EXERCISE

Table Challenge — Same Facts, Four Worlds

Your table is assigned one population. Map the Rivera facts through the six dials below for your assigned person, identify the single biggest risk in your track, and be ready to report out side by side with the other tables. Use the Population & Context Matrix template as your worksheet.

Your assigned population (circle one)

Student-athlete • Employee (graduate assistant) • Faculty • Athletics program

THE SIX DIALS — MAP EACH FOR YOUR POPULATION	
Dial	How it turns for your population
1. Governing framework & standard	
2. Who decides / who is at the table	
3. Confidentiality & privacy rights	
4. Specific procedures (e.g., hearing, cross)	
5. Interim measures & their limits	
6. Remedies, discipline & appeal	

The single biggest risk in your track:

PART D • SESSION 3 EXERCISE

Red Team — The Aftermath, “Handled Fine on the Merits”

The summary below describes a matter that came out **substantively okay** — the investigation was thorough and the finding is defensible. Your job is to hunt for the **retaliation, follow-through, and communications** failures buried in the aftermath. Mark each risk and a concrete fix.

The summary

- The investigation into the team-trip incident found in Taylor's favor by a preponderance of the evidence, and Coach Rivera was disciplined under the applicable policy.
- In the weeks after the finding, Taylor's playing time dropped; the coaching staff attributed it to “performance,” with no written performance record before the report.
- Morgan's graduate-assistant hours were cut and duties reassigned; the department chair said it was “a budget decision.”
- The team GroupMe turned on Taylor, with several posts that Taylor “ruined the season.” No one from the department addressed it.
- A booster emailed leadership calling the matter a “witch hunt.” A staffer forwarded the email around the athletic department with the note “can you believe this.”
- The Title IX office considered charging Taylor with a curfew violation from the night of the trip, surfaced during the investigation.
- The AD sent the team an email calling it “a difficult situation for our program,” thanking everyone for their “professionalism,” and not mentioning retaliation or how to report it.

MARK EACH RISK AND A CONCRETE FIX	
Risk you spotted	Concrete fix

Your one-line “don't-make-it-worse” rule from this exercise: