



CIVIL RIGHTS

Trisha Ford

Stephen Lopez

Erin Davis



**There's room
here for
beginners
and experts—
and both
contribute.**

A top-down view of a man sitting at a desk, looking stressed. He is wearing large black headphones and has his right hand pressed against his forehead. He is wearing a grey long-sleeved shirt with "ESPRIT" written on the sleeve. The desk is cluttered with various items: a laptop, a mouse, a clock, a coffee cup, glasses, a book titled "YOU CAN MAKE YOU HAPPY" by PAUL MCKENNA, a flip phone, a smartphone, a tablet, and a small tripod. The lighting is dim, creating a somber and overwhelmed atmosphere.

Engagement & Flexibility



Mentimeter



5 THINGS YOU'LL LEARN TODAY

01

Civil Rights Framework & Intake

The structure: who's covered and when to proceed

02

Advisors, Notice & Due Process

Equitable treatment, advisor limits, and written notice obligations

03

Timelines, Reports & Process Control

65-business day structure, Report Template, extensions, and status updates

04

Consent, Capacity & Incapacitation

What consent means legally, forms of incapacity, predation, & coercion

05

Trauma-Informed Interviewing & Evidence

Memory, credibility, neutral documentation, and defensible analysis

INTAKE IS THE FOUNDATION.

*Investigators don't build it —
but they must know
when it's missing or cracked.*

There is no compliant shortcut.

DO

Pause and go back to the T9 Coordinator if notice doesn't clearly support the allegations.

DO

Clarify allegations before building a case on a shaky foundation.

DON'T

Rewrite allegations or fill in missing facts on your own.

DON'T

Push forward with an unclear case — skipping intake creates rework and risk.

08.01.01 is the Main Road

Everyone starts on the main road – but different cases move into different lanes.

08.01.01 covers students, employees, Applicants and Third Parties (Vendors, visitors, contractors)

TITLE VI LANE

If a school gets federal money, it must treat students fairly no matter their race, color, or national origin.

TITLE VII LANE

Covers Employees and Job Applicants

TITLE IX LANE

Sex Discrimination + Affects access to education

ADVISORS: SUPPORT THE PARTY, NOT RUN THE PROCESS

ALLOWED

- Attend any meeting or hearing
- Sit silently and pass notes
- Request a short break to confer
- Ask logistical / process questions
- Question parties at a formal live hearing

NOT ALLOWED

- Object on the record
- Answer questions for the party
- Interrupt interviews
- Email investigator on behalf of party
- Control scheduling or delay timeline

INVESTIGATORS

- Explain advisor rights and limits
- Enforce boundaries consistently
- Document advisor conduct
- Escalate issues to Coordinator / OGC
- Never take direction from advisors

"If the advisor's voice is the loudest in the room, the line has been crossed."



Texas A&M University South Padre

Description of Role: Third-Party Advisors

By agreeing to serve as a third-party Advisor to a party in a civil rights complaint resolution process, Advisors agree to the following terms and conditions.

1. As an Advisor, you may accompany your advisee to any meeting, interview, or hearing related to the member's civil rights grievance process as outlined in System Regulation 08.01.01 (Civil Rights). You may be made privy to sensitive information and concerns related to alleged sex or gender-based discrimination, harassment, violence, and/or retaliatory conduct; you will have access to the evidence that is directly related to the allegations at issue; and you may receive a copy of Texas A&M University – South Padre's Investigation Report, as directed by the party being advised.
2. As an Advisor, you in no way serve as a representative for the party in any and all meetings and proceedings. All communications between Texas A&M University – South Padre, and the advisee are official communications, not subject to routing through a third-party Advisor. While the advisee is welcome to share their communications with their Advisor, Texas A&M University – South Padre shall always communicate directly with the party (advisee) during all civil rights complaint resolution processes.
3. As an Advisor, you understand and acknowledge that Texas A&M University – South Padre and its members may limit the scope of the involvement of the Advisor in any meeting or proceeding. Advisors are responsible for asking questions of parties and witnesses in a formal (live) hearing but may not otherwise represent the advisee verbally or in writing at any time. Advisors are restricted from engaging in any conduct that would interfere with supportive measures or emergency actions in place for the conduct of the proceedings.
4. As an Advisor, you understand and acknowledge that it is your responsibility to develop questions and determine the limits of the Advisor's ability to ask additional questions in consultation with the advisee. Such preparation is to be done both in advance of and during the formal (live) hearing. It is the responsibility of the advisee to initiate contact and schedule time to meet with the Advisor in sufficient time to prepare for the formal (live) hearing.

Third-Party Advisor Information

Page 2

5. As an Advisor, you understand and acknowledge that Texas A&M University – South Padre and its members may limit an Advisor's use and disclosure of these sensitive materials and information.
6. As an Advisor, you understand and acknowledge that records associated with the case and with Texas A&M University – South Padre grievance process may be subject to the Family Educational Rights and Privacy Act (FERPA) (or other federal or state laws) and may be considered confidential.
7. As an Advisor, you understand and acknowledge that evidence, information, and/or materials contained within the Investigation Report or to which you are made privy by Texas A&M University – South Padre, by any means of conveyance, in your role as an Advisor may only be used for purposes directly related to the grievance resolution process. Dissemination and/or disclosure of these materials to any non-involved third parties and/or the public is strictly prohibited.
8. As an Advisor, you understand and acknowledge that a party's failure to attend any meeting or hearing where that party was expected to attend will result in a refusal to admit the Advisor into the proceeding.
9. As an Advisor, you understand and acknowledge that any unauthorized use, dissemination, or disclosure of any materials related to any case will result in your removal as an Advisor and could result in your being permanently barred from serving as an Advisor in future proceedings. Advisors employed by any member of The Texas A&M University System acknowledge that violation of these conditions may result in employee discipline. Advisors enrolled as students at any member of The Texas A&M University System acknowledge that violation of these conditions may result in student disciplinary action. You also understand and acknowledge that you may be civilly liable to other parties for breach of privacy or public revelation of private facts.
10. Advisors who are employed by any member of The Texas A&M University System or enrolled as students at any member of The Texas A&M University System acknowledge that their communications with their advisee are private unless the advisee discloses information that would be subject to mandatory reporting under System Regulation 08.01.01 or under state law.

11. An Advisor's refusal to sign this agreement shall disqualify the individual from serving in the capacity of Advisor.

12. Your signature below indicates acceptance of all terms herein.

Advisor (Printed)

Advisor (Signature)

Date

Member Representative (Printed)

Member Representative (Signature)

Date

This agreement is to be maintained as a part of the case file. A copy of this agreement is to be provided electronically both to the party and to the Advisor.

Remember This:

-  **Explain advisor rights and limits**
- Enforce boundaries consistently**
- Do not negotiate process rules**
- Document advisor conduct**
- Escalate issues to the Coordinator or OGC**
-  **Take direction from advisors**
- Provide legal explanations**
- Allow advisors to dominate interviews**
- Delay the process due to advisor availability**

65 BUSINESS DAYS.

~91 calendar days. Every step earns its deadline.



STATUS UPDATES

Every 10 business days — contact both parties.
Silence = frustration.
Communication = trust + compliance.

EXTENSIONS

✓ For: Complex evidence, new allegations, emergencies
✗ Not for: Poor planning, being busy, advisor delays
Approved by Civil Rights Officer. Parties must be told why.

Remember This:

Don't rush.

Communicate often.

**Ask for help when
needed.**

Fail To Report

**What does
this mean?**

Sexual Harassment – Fondling Case Review

Description Summary:

During routine room chats on Thursday, February 6, 2025, I, RA Marcus Lee, spoke with Resident Kayla Thompson. Resident Thompson shared a concern regarding her roommate, Resident Emily Rivera. According to Resident Thompson, Resident Rivera has recently been experiencing significant stress due to uncomfortable interactions with one of her professors.

Resident Thompson stated that the professor had made “weird” or “creepy” comments toward Resident Rivera and that there was one specific incident on a Monday where Resident Rivera reportedly felt uncomfortable when the professor allegedly touched a coffee stain on her shirt. Resident Thompson did not provide the professor's name and expressed that she was not comfortable sharing more, as she did not have full details or recall all the specifics.

Resident Thompson reported that Resident Rivera has since switched out of the class and may be feeling better. When asked if I could speak with Resident Rivera directly, Resident Thompson informed me that Rivera had gone home for the week and was uncertain about her return.

From: Rivera, Emily
To: care@tamu-sp.edu
Date: February 12, 2025

RE: Checking In – Support and Resources Available

Hi Ms. Little,

Thank you for reaching out. I appreciate you taking the time to check in.

I've been really uncomfortable with how my professor, Dr. Callahan, has been interacting with me since the beginning of the Fall semester. It started with comments that felt inappropriate and sexual in nature, and over time, his behavior has escalated to physical contact that makes me feel extremely vulnerable and unsafe.

In addition to being enrolled in his class (which I've now dropped), I also work under him as a research assistant. I've been seriously considering stepping away from that position because he continues to request my presence in the lab, even though there are other qualified assistants. The environment feels isolating, and I often feel exposed when I'm working there.

One of my biggest concerns is the possibility of retaliation. I'm afraid that if I speak up or decline his requests, he might try to get me removed from the program. I'm in my final two years, and losing progress at this point could threaten my graduation. I really enjoy my major and have had nothing but positive experiences with my other professors—this situation is the exception, but it's taking a toll on me emotionally and academically.

While I do want this behavior to stop, I'm also nervous about people in the department finding out. I met with my academic advisor and have already dropped Dr. Callahan's class, but I'm still unsure about how to proceed regarding the research position and the broader situation.

I'd appreciate any guidance or support you can offer as I think through my next steps.

Sincerely,
Emilly Rivera

Junior- Chemistry Major

c/o 2026

Subject: Checking In – Support and Resources Available

Dear Emilly,

I hope this message finds you well. I'm reaching out because a resident assistant shared some general concerns about your well-being and mentioned that you may have experienced a situation that made you uncomfortable in a classroom setting.

Please know that your safety and comfort are extremely important to us. If there is anything you'd like to talk about, or if there's any support you need, I'm here to help connect you to the right resources. You are not required to respond or take any action, but I want you to know that we care and that there are confidential and non-confidential resources available to support you.

If you would like to speak with someone, I can help connect you to:

- **The University Counseling Center** for confidential mental health support
- **The Title IX Office**, if you would like to learn more about your rights or report any behavior that felt inappropriate or made you uncomfortable
- **Academic Support Services**, if switching classes or addressing any academic impacts would be helpful
- **Residential Life**, if you'd prefer to speak with someone you already know on campus

You are in control of how much or how little you choose to share, and you are not alone. We will be happy to talk with you at a time and in a way that feels comfortable for you—by phone, video call, or in person.

Please feel free to reply to this email or reach out to me directly at care@tamu-sp.edu.

Take care,
Ginger Little
Student Case Manager- CARE
Texas A&M University- South Padre
956-265-5563
gliittle@tamu-sp.edu



Texas A&M University
South Padre

COMPLAINT INTAKE FORM

Date/Time: 2/14/2025, 3:20 PM Intake by: Jessica Hernandez, Case Manager
Name: Emily Rivera UIN: 8675309
Phone: 956-281-4667 Email: erivera@tamu-sp.edu
Preferred Method of Contact: email Gender: female
Role: X Student Faculty Staff Other Date of Birth: 03/27/2004

INCIDENT INFORMATION

Location of Incident: Chemistry Building in lecture hall and research lab
(include address if available)

Date of Incident: 2/03/2025 Time of Incident: approx. 10:00 AM

Discriminatory Animus: sexual harassment
(include specific protected class)

Respondent Name/Role: Dr. James Callahan, Chemistry Professor

Respondent Phone *(if known)*: unknown Email *(if known)*: jcallahan@tamusp.edu

Did the alleged behavior cause the Complainant to fear for their safety or that of others? Yes

Did the alleged behavior cause the Complainant to suffer from substantial emotional distress? Yes

Brief Description of Incident *(include how and why you believe your rights were violated)*:

Respondent has been making "creepy" comments to her since Fall 2024 semester when she started working as research assistant. Makes comments like "that dress would look better on the floor" and commented her shoes "look like stripper shoes." Stands really close to her and has brushed his hand against her thigh. The incident that brought her in was on 2/03/2025 when he pointed out a coffee stain and touched her breast.

Was a Police Report Filed? No If so, which Police Department? N/A

Is the respondent a PI or Co-PI on any current or pending NSF Grants? Yes, Co-PI

The Party requests the following resolution:

<u>X</u> Investigation	<u> </u> No Resolution at this time (Report Only)
<u> </u> Informal Resolution	<u> </u> Undecided/Not Applicable

The Party requests the following supportive measures:

Personal Support (e.g. Counseling, Housing Relocation, EAP, etc.):

Already working with CARE; intends to continue.

Academic Support (e.g. Tutoring, Retaking Exam/Class, Changing Section, etc.):

Met with advisor and was able to drop his class.

Other Supportive Measures requested (e.g. No Contact Directive):

Still working as his research assistant but would like to discuss options about transferring to another lab.

 The Party requested no support or remedies at this time.

I certify that I met with the above-named Party at this location, date, and time and explained their rights and the information outlined herein and attached. I answered the Party's questions to the best of my knowledge and encouraged them to contact me with additional questions at any time.

<u>Jessica Hernandez</u>	<u>2/17/2025</u>
Signature	Date
<u>Jessica Hernandez, Case Manager</u>	

Printed Name and Title

I certify that I met with the above-named staff member on [DATE] at [TIME]. The staff member gave me a copy of these documents and explained my rights and the information outlined herein. If I had any questions, the staff member answered them to the best of their knowledge.

<u>Emily Rivera</u>	<u>2/17/2025</u>
Signature	Date
<u>Emily Rivera</u>	

Printed Name



**Texas A&M University
South Padre**

MEMORANDUM

DATE: February 21, 2025

TO: Emily Rivera
Undergraduate Student, Department of Chemistry
Texas A&M University-South Padre

FROM: Laila Bennett
Compliance Officer
Texas A&M University-South Padre

RE: Civil Rights Complaint (March 28, 2025)

This memorandum serves as notice that I have received your complaint filed on February 14, 2025, pursuant to Texas A&M System Regulation 08.01.01, *Civil Rights Compliance*. Furthermore, Emily Rivera, a student, has been identified as the Complainant, and James Callahan, an employee, has been identified as the Respondent. The term "Complainant" refers to an individual who reported to have experienced prohibited conduct, regardless of whether the individual makes a report or seeks disciplinary action; the term "Respondent" refers to an individual who has been accused of prohibited conduct.

Based on the information we have received, the University is providing this Notice of Allegation(s) and Investigation per System Regulation 08.01.01. The Complainant's allegation(s) are as follows:

1. The Respondent has been sexually harassing the Complainant since the Fall 2024 semester by making inappropriate comments that felt sexual in nature.
2. The Respondent sexually assaulted (fondling) the Complainant by touching her breast while showing signs of sexual arousal on February 3, 2025.

This investigation has been assigned to Jordan Blake, Compliance Investigator (Texas A&M University-South Padre), who will serve as the investigative authority. Investigator Blake will contact you to address the specific details of the complaint, collect and examine documents, interview witnesses, and provide a report on the merits of the allegations to the decision maker.

Dr. Anika Sharma, Dean of the College of Arts and Science, will serve as the decision maker to review the investigation report and render a decision in writing.

The investigative authority will be contacting you to address the specific allegations. The investigation timelines stated in the above-referenced regulation will be followed. Circumstances may warrant extensions to the time frames.

Pursuant to the above-referenced regulation, employees must, and students should, cooperate fully with those performing an investigation, and no employee may retaliate against a person for participating in an investigation. Employees found to have retaliated or intentionally provided false or materially misleading information regarding alleged discrimination under this regulation, may be disciplined, up to and including dismissal.

cc: Dr. Anika Sharma, Decision Maker
Jordan Blake, Investigative Authority



**Texas A&M University
South Padre**

MEMORANDUM

DATE: February 21, 2025

TO: Dr. James Callahan
Professor, Department of Chemistry
Texas A&M University-South Padre

FROM: Laila Bennett
Compliance Officer
Texas A&M University-South Padre

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Employees found to have retaliated or intentionally provided false or materially misleading information regarding alleged discrimination under this regulation, may be disciplined, up to and including dismissal.

cc: Dr. Anika Sharma, Decision Maker
Jordan Blake, Investigative Authority

KNOW THE DEFINITIONS

SEXUAL HARASSMENT

- **Employee conditioning a benefit on unwelcome sexual conduct (quid pro quo)**
- **Conduct so severe, pervasive & objectively offensive it denies equal access**
- **Sexual assault, dating/domestic violence, or stalking based on sex**

FONDLING — 3 KEY PARTS

- **Private body parts: breast, posterior, groin, genitals**
- **Sexual gratification: deliberate, focused, evidence of intent**
- **Consent: clear, voluntary, ongoing — can be revoked at any time**

Stalking = 2+ acts causing reasonable fear or substantial emotional distress. Based on sex = Title IX.



Texas A&M University
South Padre

Proposed Witness List for Investigations

You have been named as a party in an ongoing investigation being conducted by Texas A&M University – South Padre Title IX Office. During the investigation, the Complainant and the Respondent will have an equal opportunity to identify witnesses who may have relevant information, and to submit questions that they believe the Investigative Authority (IA) should direct to those witnesses.

Witnesses with relevant information include Direct Witnesses who personally observed an event(s) relevant to the allegation(s) listed in the complaint, and Indirect Witnesses who heard a retelling of an event(s) relevant to the allegation(s) listed in the complaint directly from one of the parties (e.g. the first person the party told after the event happened).

Absent good cause, fact witnesses who have not been interviewed as part of the investigation will not be allowed to testify during a potential hearing. A fact witness must fully submit to cross examination at a hearing, or the Hearing Officer may not consider any statements from that witness when deciding the outcomes of the case.

Witnesses who have no direct or indirect knowledge of the allegations listed in the complaint but wish to speak on the character of either party will not be interviewed. They may submit written character statements to the IA.

Please list any witnesses with relevant information that you wish to identify. **Please list them in your order of importance with the most important being listed first.** If you wish to list additional witnesses, please attach an additional typed page with all the requested information.

Name: _____ Relationship to Party: _____

Email: _____ Phone: _____

Direct or Indirect Witness: _____

If Indirect, when/how did you tell them about what happened? (e.g. I texted him/her about it the day after the alleged assault): _____

What relevant information can they provide: _____



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South Padre

Any specific questions the IA should ask this witness: _____

1. _____

2. _____

3. _____

Name: _____ Relationship to Party: _____

Email: _____ Phone: _____

Direct or Indirect Witness: _____

If Indirect, when/how did you tell them about what happened? (e.g. I texted him/her about it the day after the alleged assault): _____

What relevant information can they provide: _____

Any specific questions the IA should ask this witness: _____

1. _____

2. _____

3. _____

Name: _____ Relationship to Party: _____

Email: _____ Phone: _____

Direct or Indirect Witness: _____

If Indirect, when/how did you tell them about what happened? (e.g. I texted him/her about it the



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day after the alleged assault): _____

What relevant information can they provide: _____

Any specific questions the IA should ask this witness:

1. _____

2. _____

3. _____

By signing below, I acknowledge that this is a proposed witness list. The decision whether or not to interview a witness is solely at the discretion of the IA. I further acknowledge that interfering with the testimony of a witness in this investigation is prohibited by Texas A&M University System Regulation 08.01.01, the Texas A&M University Student Rules, and the Aggie Honor Code. Failure to uphold this responsibility may result in discipline/conduct action, up to and including dismissal.

Party Name: _____

Party Signature: _____ Date: _____

Initial Interview

Complainant,

Question Prep



**Texas A&M University
South Padre**

Interviewee: Emily Rivera
Interviewee's Email: erivera@tamusp.edu
Interviewee's Phone: 956-281-4667
Involvement: Complainant

Advisor: None
Advisor Email:
Advisor Phone:

Date of Interview: February 28, 2025

Format: In-Person

Interviewer(s): Jordan Blake – Title IX Investigator

Discussion:

1. How would you like me to address you today during this interview?
 -
2. What is your major?
 -
3. When do you graduate?
 -
4. Describe your relationship with Dr. Callahan?
 -
5. In your email to the Title IX office you indicate that Dr. Callahan requested your presence in the lab where you worked under him as a research assistant, even though there are other qualified assistants. Can you elaborate on this?
 -
6. In your email to the Title IX office you indicate that Dr. Callahan had made inappropriate comments sexual in nature, possibly sexual harassment. Can you elaborate on this?
 -
7. Approximately when did these comments start?

-
- 8. Approximately how frequent were these comments made?

-
- 9. Was anyone else around that might have heard Dr. Callahan make these sexual in nature comments to you?

-
- 10. How did it make you feel when Dr. Callahan made these sexual in nature comments to you?

-
- 11. Did Dr. Callahan make sexual in nature comments to anyone else that you witnessed or heard about?

-
- 12. If so, who told you about these comments or was anyone else around that might have heard Dr. Callahan make these sexual in nature comments to anyone else?

-
- 13. If so, how did it make you feel when Dr. Callahan made these sexual in nature comments to others?

-
- 14. In your email to the Title IX office you indicated that Dr. Callahan's behavior had escalated to physical contact that made you feel extremely vulnerable and unsafe, possibly sexual assault (fondling) by touching your breast while showing signs of arousal on February 3, 2025. Can you elaborate on this?

-
- 15. Approximately when did the physical contact start with Dr. Callahan?

-
- 16. Approximately how frequent did Dr. Callahan make physical contact with you?

-
- 17. Was anyone else around that might have observed Dr. Callahan make physical contact with you?

-
- 18. How did it make you feel when Dr. Callahan made physical contact with you?

19. Did Dr. Callahan make physical contact with anyone else that you witnessed or heard about?

-

20. If so, who told you about the other physical contact or was anyone else around that might also observed Dr. Callahan make physical contact with anyone else?

-

21. If so, how did it make you feel when Dr. Callahan made physical contact with others?

-

22. In your email to the Title IX office, you indicate you have dropped Dr. Callahan's class. When did this occur?

-

23. Has Dr. Callahan's actions denied you equal access to your TAMU-SP education program or activities?

-

24. If so, do you have any examples?

-

25. Do you have any other comments or is there something I might have not asked you that you believe is important?

-

INTERVIEW SUMMARIES & RECORD KEEPING

NOT a transcript

Capture key points and direct quotes that matter.
Not word-for-word dialogue.

Reviewed by party

Share within 3-5 business days. Set a deadline.
No response = accepted.

Disputes → exhibits

If a party disagrees with content, their version
becomes a separate exhibit — not a rewrite.

Confidential

Treat all notes, recordings, and emails as
confidential. Secure storage throughout.

Temporary Records

Destroy after case is resolved — unless OGC has
placed a preservation hold.

Each party = 1 exhibit

Re-interviews add to the same exhibit with a new
date. Each person has their own exhibit.



**Texas A&M University
South Padre**

Interviewee: Emily Rivera
Interviewee's Email: erivera@tamu-sp.edu
Interviewee's Phone: 956-281-4667
Involvement: Complainant

Advisor: None

Date of Interview: February 28, 2025

Format: In-Person

Interviewer(s): Jordan Blake – Title IX Investigator

Discussion:

1. Describe your relationship with Dr. Callahan?

- She first met Callahan when she took his Organic Synthesis course in the Fall of 2024, and she had labs with him. He was really easy going, funny, and very good at grant writing.
- She is a research assistant for the RapidStream: High-Throughput Approaches in Organic and Analytical Chemistry grant headed by Callahan and two other chemistry professors, Lisolette Mueller (Mueller) and Joao Silva (Silva).
- Rivera was taking Callahan's Mechanisms of Organic Chemistry course this Spring 2025 semester until recently.
- She started "dreading" working with him.

2. In your email to the Title IX office you indicate that Dr. Callahan requested your presence in the lab where you worked under him as a research assistant, even though there are other qualified assistants. Can you elaborate on this?

- There are 7 of them (research assistants) in total (4 females and 3 males), but she soon realized he was only requesting her to help with his research. At first, she was flattered, but over the past 6 months she has started to dread working with him.

Emily Rivera, a junior Chemistry major at Texas A&M University South Padre, reported escalating inappropriate conduct from her professor, Dr. Callahan, both in his Organic Synthesis course and during her work as a research assistant. Initially, Dr. Callahan frequently requested her presence in the lab, despite there being several other qualified assistants. Rivera soon began to feel uncomfortable, as he repeatedly brushed his hand against her thigh, made sexualized comments about her appearance (such as complimenting her clothing, hair, and scent), and singled her out for these interactions, which she observed did not occur with other students.

Over the Fall 2024 semester, Rivera experienced about 6-8 instances of inappropriate physical contact. The comments from Dr. Callahan became increasingly offensive, including remarks about how her dress would look better "on the floor" and referring to her shoes as "stripper shoes." These behaviors intensified in Spring 2025, culminating in February 3, when Dr. Callahan touched her left breast under the guise of commenting on a coffee stain, accompanied by suggestive remarks and visible signs of arousal. Rivera described feeling uncomfortable, unsafe, and upset, and her fear of retaliation led her to limit interactions with Dr. Callahan, avoid his office area, and ultimately drop his class the following day.

Rivera shared her concerns with her roommate, Kayla Thompson, who encouraged her to report the incidents, and with her academic advisor, Daniel Morales, when she dropped the course. She stressed that Dr. Callahan's actions denied her equal access to her education and made her dread participating in program activities, preferring to work with other professors and avoiding situations where she would be alone with him. Rivera expressed anxiety about potential retaliation and emphasized her wish just to graduate without further complications from Dr. Callahan's behavior.

Remember This:

Not a transcript

Reviewed by each party

Silence = accepted

Disputes become exhibits

THE THREE REPORTS

IDR

Initial Draft Report

- Spell & grammar check – review with T9 coordinator
- Add DRAFT watermark
- Civil Rights Officer forwards to OGC & SECO
- No other people access the IDR

FDR

Final Draft Report

- Answer OGC / SECO feedback
 - You may decline suggested edits; however, edits from OGC that identify gaps, missed evidence, or unresolved questions should be carefully considered.
- Clean copy: remove internal commentary
- Send to parties for 10-business-day review

FIR

Final Investigative Report

- No party feedback = acknowledge + finalize
- Commentary becomes an exhibit
- Substantive changes – send to OGC & SECO for review
- Civil Rights Officer sends charge or dismissal letter

Report Template Review

PREPONDERANCE OF EVIDENCE MEANS MORE LIKELY THAN NOT.

*51% is enough.
Avoid bias and opinion.
Let evidence — not instinct — speak.*

Direct Evidence

Proves a fact without inference.
Admission, video, contemporaneous message.

Circumstantial

Requires inference — still valid.
Patterns, timing, behavior, access.

Corroboration

Independent sources confirming same facts.
"Perfect match" stories are rare in real life.

Memory Inconsistencies

Minor details ≠ credibility problems.
Focus on puzzle edges: who, what, where, how

WRITE TO INFORM, NOT TO CONVINCE.

***If it sounds persuasive,
rewrite it.***

- ✓ *Can a reviewer understand the dispute without talking to me?*
- ✓ *Is every factual statement traceable to evidence?*
- ✓ *Did I analyze both sides of each allegation?*



USE

- **Neutral verbs: stated / reported / described**
- **Link Evidence to Exhibits**
- **Plain, clear language throughout**

AVOID

- **Advocacy language: clearly / obviously / egregious**
- **Legal conclusions — that's the decision-maker's job**
- **Speculation or assumptions not grounded in evidence**

Let's Practice



Stalking Scenario – Group discussion (15 minutes)

Emma and Ryan were acquaintances who met at a student club event early in the semester. Emma was friendly but made it clear she was not interested in a romantic relationship.

Over several weeks, Ryan began contacting Emma regularly:

- He sent her frequent texts and social media messages, even after Emma asked him to stop.**
- He showed up at her classes, the dining hall, and the library on multiple occasions, often waiting for her.**
- After being explicitly told by Emma to stop contacting her, Ryan escalated his behavior:**
 - One night, Ryan appeared at Emma's off-campus house at 2 a.m. He was captured on her Ring doorbell camera leaving a note. The note included personal information (her class schedule, friend's names, and places Emma visited) and contained a statement like, "If I can't see you in person, I will always know where you are."**
 - Emma felt increasingly anxious and fearful, began changing her routines, and avoided certain campus locations.**

Emma filed a formal complaint, alleging stalking.

Definition (TAMUS 08.01.01) or Member Regulation

- **List Ryan's behaviors that might constitute stalking.**
- **How Emma felt/what evidence would support her claim?**

CONSENT

*What was agreed to, by whom,
and under what conditions?*

CLEAR

Words or
unambiguous
actions

VOLUNTARY

No pressure,
threat, or
coercion

ONGOING

Required at
each step; can
be revoked

SPECIFIC

Applies to this
act, not a
blanket yes

CAPABLE

Person has
capacity at that
moment

**Consent
isn't just
words**

CAPACITY IS ASSESSED AT THE TIME OF CONTACT.

ALCOHOL & DRUGS

**Observable
impairment
'Should have
known' standard
applies**

MENTAL / COGNITIVE

**Document
behaviors
Never diagnose or
speculate**

INJURY & ILLNESS

**Immobility, heavy
medication
Limited ability to
communicate**

ASLEEP / UNCONSCIOUS

**Absolute
incapacity
Prior consent is
irrelevant**

UNDER AGE 17

**Legally cannot
consent**

PREDATION vs COERCION

PREDATION

Setting the trap — before the act

- **Planning alone time or private location**

- **Encouraging over-consumption of alcohol**

- **Isolating someone from their friends**

- **Waiting for vulnerability (sleep, injury, age)**

- **Any sexual act with someone under age of consent**

COERCION

Pressuring in the moment — during the act

- **Threats: "I'll tell people"**

- **Ultimatums: "If you don't, I'll leave/fire/fail you"**

- **Guilt: "You owe me"**

- **Minimizing: "Relax, everyone does this"**

- **Persistence after clear hesitation or refusal**

Predation sets the stage. Coercion blocks the door.

FACTORS THAT AFFECT HOW YOUR BODY REACTS TO ALCOHOL

PHYSICAL CHARACTERISTICS



Sex Men and women process alcohol differently due to body composition differences.



Age Older people may metabolize alcohol slower than younger people.



Body Mass People with higher body mass may experience less intense effects from the same amount of alcohol.



Race Genetic differences can affect alcohol metabolism.

DRINKING HABITS



Stomach Contents Drinking on an empty stomach causes faster alcohol absorption.



Method of Drinking Drinking quickly versus slowly impacts intoxication levels.

Amount of Alcohol Long periods of drinking can accumulate effects.

DRINKING HABITS



Drinking on an empty stomach causes faster alcohol absorption.



Drinking quickly versus slowly impacts intoxication levels.



Long periods of drinking can accumulate effects.



The more alcohol consumed, the stronger the effects.

EXTERNAL INFLUENCES



Drinking water alongside alcohol can reduce its effects.



Prescription or over-the-counter drugs can either increase or decrease alcohol's effects.



Hormonal changes can affect alcohol's impact on the body.



APPEARING FUNCTIONAL DOES NOT MEAN CAPABLE OF CONSENT.

Blackout ≠ Unconscious

A person can walk, talk, and appear responsive while unable to form lasting memories.

Memory ≠ Consent

Having no memory of events does not mean consent was given or absent.

Investigator Focus

Assess what was observable to the Respondent at the time — not what the Complainant can recall now.

TRAUMA-INFORMED INTERVIEWING

Memory gaps ≠ dishonesty

Trauma fragments memory. Fragmented recall is normal, not a credibility problem.

Freeze is not consent

Fight / flight / freeze are physiological responses. Don't misread them.

Emotions ≠ credibility

Numbness, anger, detachment — all are normal. Don't let them shape your analysis.

Open-ended questions first

'Tell me what happened.' Then follow up. Never lead, never assume.

Silence is information

Give them time. A pause is not evasion. Patience = better data.

Your body language matters

How you show up signals safety — or threat. Safety gets information.

“

**Thank you for the
work you do.**

**Civil rights investigations aren't just procedural—
they're about equity and accountability.**

Thank you for handling them with care.

Summer Training

Tracks:

Investigator, Civil Rights Officer, & Decision Maker

**OGC
Student
Affairs**

**BAC &
Intoxication vs
Incapacitation**

OGC

**First
Amendment**

SECO

**DEI &
Regulation
Updates**

TAMU CRT9

**ADA &
Investigation
Hearings**

SECO

**Live Mock
Hearing**