



ATIXA K-12 Title IX Decision-Maker Level One Training & Certification Course Sample Agenda

Description:

K-12 Title IX Decision-Maker Level One is a one-day course focused on helping K-12 decision-makers understand the scope of their expanded role, apply policy with analytical precision, recognize and overcome bias that may impact their decision-making, and to be sure that their determination is reliably based on the evidence. This training is designed to shore up decision-making skills so that decisions are sound, supportable, and more difficult to challenge in court. Plus, participants will explore many of the new regulatory requirements to ensure their formal resolution process is compliant. This course is appropriate for single or panel decision-makers, appeal decision-makers, as well as administrators who oversee decision-makers and is designed to meet the needs of the various decision-making structures operating within schools and districts.

Training is required by the 2020 Title IX regulations and this one-day ATIXA course satisfies the training requirement under the regulations. The training allows participants to substantively explore application of policies on sexual harassment, sexual assault, domestic/dating violence, and/or stalking using a case study not offered in any other ATIXA training.

Learning Outcomes:

Participants will be able to...

- Identify the steps of a Title IX grievance process that occur leading up to and prior to a responsibility determination
- Understand the role of due process in Title IX decision-making, including the role of neutral and impartial decision-makers
- Distinguish between relevant and directly related evidence
- Develop questions for parties and witnesses that seek relevant evidence
- Assess the credibility of parties, witnesses, and presented evidence
- Analyze relevant evidence regarding issues of consent in sexual misconduct cases
- Understand the role and responsibilities of an appeal decision-maker

11:00 AM – 6:00 PM

Title IX Basics

- The Law
- When Does Title IX Apply?
- The IX Commandments

Decision-Maker Mission/Role

- Decision-Maker Roles and Responsibilities
- Training Mandates
- Challenges for the Decision-Maker

Bias, Conflicts of Interest, and Recusal

Due Process

- Due Process in Procedure
- Due Process in Decision
- Procedural Rights in 2020 Regulations

Overview of the “Title IX Process”

- General Phases of a Title IX Process
- Ten Steps of an Investigation
- Evidence and Report Review

Getting Prepared to Make a Decision

- The Process
- Title IX Coordinator’s Role
- Notice to the Recipient/Complaint
- Timeframes
- Neutrality, Conflicts of Interest, Objectivity
- Rights of the Parties
- Recordkeeping and Documentation

Policy Definitions

- Sexual Harassment
- Retaliation

ATIXA Consent Construct

- Force
- Incapacity
- Consent

Questioning by Decision-Maker

Understanding Evidence

- Understanding Evidence
- Relevance
- Evidence Issues Under the 2020 Title IX Regulations
- 3 Buckets of Evidence
- Relevance Exercise
- Credibility Determinations

Making a Decision

- Overview of the Process
- Evidentiary Standards
- Foundations for Decision
- Sanctioning
- Written Determination

Appeals

- Elements Under the 2020 Regulations
- Bases for Appeal
- Process Flowchart
- Other ATIXA Recommendations

Recordkeeping and Documentation

Note: Training will include one morning and one afternoon break (approximately 15 minutes each) and a one-hour lunch break. Training start and end times for in-person events are determined by the host site. All virtual training sessions take place from 11 AM – 6 PM ET unless otherwise specified.