Title IX Decision-Making for K-12 Education
Training & Certification Course Agenda

Description:
K-12 Title IX Decision-Making is a one-day course focused on helping K-12 practitioners who serve in decision-making roles understand the scope of the specific role, apply policy with analytical precision, recognize and overcome bias that may impact decision-making, and ensure that determinations in Title IX complaints are reliably based on the evidence.

Taught by ATIXA’s expert faculty members, this course is designed to shore up decision-making skills so that decisions are sound, supportable, and more difficult to challenge in court. This course is appropriate for single or panel Decision-makers, appeal Decision-makers, and administrators who oversee Decision-makers. The skills presented apply to the various decision-making structures operating within schools and districts.

Building upon the skills taught in ATIXA’s investigation courses, this course will be particularly helpful for those decision-makers who also serve as investigators under their district’s structure. Additionally, this course will support individuals who are empowered to serve as decision-makers in expulsion hearings, which may be used in Title IX cases where appropriate.

Decision-maker training is required by the Title IX regulations, and this course satisfies the federal training requirements. 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 fact pattern not offered in any other ATIXA training.

Learning Outcomes:
After completing this training, participants will be able to…

- Understand the steps of a Title IX grievance process that occur leading up to and prior to a final determination
- Explain the role of due process in Title IX decision-making, including the role of neutrality and impartiality in the decision-making phase of the resolution process
- Distinguish relevant questions and evidence from those that are impermissible or not relevant
- Develop questions that seek relevant evidence
- Assess the credibility of parties, witnesses, and presented evidence
- Determine whether policy was violated and compose a rationale that uses specific evidence to support the determination
Course Topics

**Decision-Making Mission/Role**
- Decision-Making Role and Typical Responsibilities
- Training Mandates
- Common Challenges for the Decision-Maker

**Bias, Conflicts of Interest, and Recusal**
- Serving Impartially
- Understanding Bias and How to Check It

**Due Process and Parties’ Rights**
- Due Process in Procedure vs. Due Process in Decision
- Reasonable Steps to Protect Privacy
- General Procedural Rights under Title IX

**Review of Policy Definitions**
- Sex-Based Harassment
- Retaliation

**Overview of the “Title IX Process”**
- Title IX Coordinator’s Role
- Notice/Complaint
- Prompt Timeframes
- Phases of a Title IX Process
- Evidence Review and Response

**Understanding Evidence**
- Understanding Evidence
- Relevant Questions and Evidence
- Types of Impermissible Evidence
- Relevance Exercise
- Credibility Determinations

**Making a Determination**
- Overview of the Process
- Evidentiary Standards
- Foundations for Decision
- Sanctioning
Recordkeeping and Documentation
- Showing Your Work Without Oversharing
- Marginalia, Sole Possession Records, and Discovery

Considerations for Student Expulsions that Intersect with Title IX
- Due Process Requirements under U.S. Constitutional Law (Goss v. Lopez)
- Timing and Models of Expulsion Hearings

Considerations for Employee Sanctioning that Intersects with Title IX
- Sources of Specific Procedural Rights
- State Laws
- Typical Practices for Unionized Employees

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.