NPRiMer: Preparing for the 2023 Title IX Regulations for Higher Education Overview + Implementation, Nuances & Best Practices
Training & Certification Course Sample Agenda

Description:
This two-day version of the 2023 Title IX Regulations Implementation for Higher Education course is offered to accommodate your training needs. This certification course provides a comprehensive review of the procedural and substantive elements of the 2023 Title IX regulations, with a focus on practical implementation strategies for Title IX administrators. This fully comprehensive two-day course provides additional nuances and best practices surrounding the Regulations.

Day One: Overview focuses on the revised regulatory requirements and the policy, procedural, and practice changes needed to ensure compliance. Title IX professionals will leave this course with an understanding of:
- the elements of the various phases of the Title IX Grievance Process
- training and reporting requirements
- awareness and response requirements for pregnant and parenting students and employees
- protections for LGBTQIA+ individuals, including trans, transitioning, and non-binary athletes
- Title IX scope and applicability

Day Two: Implementation, Nuances & Best Practices will delve deeper into specific sections of the Final Rule, the nuances of each, anticipating challenges, and exploring how to implement key provisions. Expert presenters will place this discussion against the backdrop of ATIXA’s best practices approach for institutional sex-based discrimination and harassment grievance procedures, as well as more specific protections for non-discrimination on the basis of pregnancy or related conditions.

ATIXA experts will share their best thinking and detail the many policy decisions facing Title IX professionals, including how to structure and staff your processes, as well as how to incorporate specific requirements that might apply to your institution either because of state law requirements or governing court precedent in your jurisdiction. Change is always a challenge, but the proposed rule includes some very good news. Where the 2020 regulations were very rigid and inflexible, the 2023 proposed rule makes room for recipients to exceed the floor of regulations to achieve best practices.
ATIXA understands how challenging it has been for institutions to keep pace with the constant swinging pendulum of the Title IX regulations. We’re here to help you wade through the bureaucratic language to find clarity and the solid practices that will ensure you have a reputable, fair compliance program of integrity. You will leave this training with a solid understanding of the regulations and a plan for the specific implementation needs at your particular institution, including step-by-step exploration of what it will mean to implement new policies and procedures mid-year, and how to ensure a smooth transition for your campus.

**Learning Outcomes:**

After completing this training, participants will be able to…

- Explain the major components of the Final Rule (regulations), including implementation timeline
- Identify key stakeholders to engage in the process of evolving the institutional Title IX program
- Identify specific policy and process changes necessary for compliance with the new regulations
- Evaluate current staffing and team structure to determine recommended changes
- Develop a training plan for all stakeholder groups
- Assess current services and support for pregnancy and related conditions and recommend necessary changes
- Distinguish between sex discrimination and sex-based harassment
  - Understand areas where the final rule allows flexibility, to articulate rationales for pursuing best practices that exceed minimum compliance standards to ensure programmatic excellence and effective risk mitigation

**Day 1**

**8:30 AM – 4:30 PM in-person**
**11:00 AM – 6:00 PM virtually**

**2023 Title IX Final Rule**
- Regulatory Process Overview
- Implementation Timeline

**Scope & Applicability**
- Scope & Definitions
- Applicability
- Other Policies & Laws

**Reporting & Response Requirements**
Reporting & Response Requirements
- Reporting Categories
- Exceptions
- Training Requirements
- Monitoring

Intake & Evaluation
- Notice & Complaints
- Intake & Initial Evaluation
- Dismissals
- Supportive Measures
- Removals
- Informal Resolution

Grievance Procedures
- Which Grievance Procedures to Use?
- Investigating
- Decision-making
- Appeals
- Standard of Proof
- Advisors
- Evidence

Pregnancy & Parenting
- Pregnancy Discrimination
- Reasonable Modifications
- Pregnancy Leave
- Lactation Space

What’s Next?
- Possible Legal Challenges
- Specific Considerations

Day 2
8:30 AM – 4:30 PM in-person
11:00 AM – 6:00 PM virtually

Jurisdiction Best Practices
- How and When to Take Off-campus Jurisdiction
- Do You Need a Process B?
  - Merging Titles VII and IX with Respect to Policies (and Procedures?)
  - How to Use Dismissals More Effectively

**Grievance Procedure Nuances**
- Looking at the Separation of Investigator/Coordinator/Adjudicator Roles
- What Significance Will Informal Resolution Have Going Forward?
- How Formal Should the Decision-making Process Be?
- How to Use Procedures to Minimize Barriers to Reporting

**Supportive Measures**
- How Will Intake Change as a Result of the Shift Away from Formal Complaints?
- What are the Implications of “Appeals” of Supportive Measures
- Is Decentralizing the Provision of Supportive Measures a Best Practice?

**Barrier Analysis Best Practices**
- Identifying Structural Impediments
- Strategies to Work-Around or Mitigate Structural Impediments

**Pregnancy, Parenting, and Lactation Supports**
- Who Is Protected v. Who Should Be?
- Understand the Floor While Aspiring Toward the Ceiling
- How Should We Address Retroactive Accommodation Requests?
- How Broad Should Parenting Protections Be?
- Lactation Space Best Practices

**LGBTQIA+ Protections**
- Facilities Access (Restrooms, Locker Rooms, Etc.)
- Drag Shows and Other Hot Button Events
- Pronouns, Misgendering, and Deadnaming Concerns
- State Law v. Federal Protection Conflicts

**Managing Policy & Process Changes**
- How to Address Conduct That Occurs Under the 2020 Regs, Once 2023+ Procedures Are in Effect
- Training Needs and Best Practices
- Defining Roles To Reduce Risk
- How Much Should 2020 Regs Practices Be Carried into 2024?

**Stakeholder Buy-in, Implementation, and Building the Plane While Flying It**
- Timeline of Enforcement Deadline, Grace Periods, Holiday Closures
Policy and Procedure Shortcuts, Anticipated ATIXA Models Options
Shared Governance Implications
How Do You Make Changes While Managing a Full Caseload?
Changes to Title IX Team Membership and Team Training Needs

Please note there is a one-day 2023 Regulations Implementation Course for only the Overview day, available for those who want only this portion of this training. Please go to www.atixa.org/training-certification to view the 1-day course information, agenda, and register.

Note: Each training day 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.