Investigation Foundations for Higher Education
Training & Certification Course Agenda

Description:
Investigation Foundations for Higher Education is the initial course in ATIXA’s investigator curriculum for investigators, deputies, and Title IX Coordinators looking to acquire the fundamental skills necessary to conduct sex discrimination, sex-based harassment, and retaliation investigations. Expert faculty members will guide participants through an in-depth exploration of each phase of an investigation as prescribed by ATIXA’s recommended Title IX Resolution Process, including additional relevant topics for each phase.

The concepts and investigation structure taught in this course can be readily adapted and applied to investigations under other civil rights laws including Title VI, Title VII, the ADA, and Section 504 of the Rehabilitation Act.

In combination with the included Title IX Fundamentals online learning experience, Investigation Foundations meets both the Title IX and VAWA Section 304 training requirements for participants and details best practices for success as a full-time or part-time investigator.

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

- Identify and uphold federal regulatory compliance requirements specific to Title IX investigations
- Understand the value of the investigation and report within the overall Title IX resolution process
- Explain the steps of a formal investigation
- Develop an investigation strategy after receiving a complaint
- Recognize potential policy violations and the need for updating a NOIA
- Articulate strategies for managing a variety of investigation-based challenges and obstacles
- Differentiate interviewing approaches based on the needs and demeanor of the interviewee
- Describe how the Investigator and Title IX Coordinator roles work together during the investigation process
Course Topics

Review: Equity and Title IX Regulations
- Title IX and Equity
- Title IX Compliance Oversight
- 2024 Title IX Final Rule
- Retroactivity
- Title IX Applicability and Definitions

Civil Rights Investigations Overview
- Philosophy
- Bias and Conflict of Interest
- Required Investigator Training

ATIXA’s Recommended Resolution Process
- Two-Track Resolution Process
- Title IX Resolution Process Overview
- Investigation Oversight and Supervision
- Parties’ Rights in the Resolution Process
- Investigation Process

Pre-Investigation
- Step 1: Receive Notice/Complaint
- Step 2: Initial Evaluation and Jurisdiction Determination
  - Potential for Informal Resolution
- Step 3: Determine a Basis for Investigation
  - Types of Discrimination
  - Investigation Scope
- Who Should Investigate?

Notice of Investigation and Allegations
- Step 4: Notice of Investigation and Allegations
  - Updating the NOIA

Recordkeeping
- Investigation File
- Contact Log
- Evidence Log
- Investigation Timeline
Investigation Strategy

- Step 5: Establish Investigation Strategy
  - Strategy Considerations
  - Strategy Meeting
  - Counter-Complaints

Investigation

- Step 6: Comprehensive Investigation
  - Pre-Interview Planning
  - Interview Scheduling and Sequencing
  - Interview Preparation
  - Evidence Collection
  - Information Sharing
  - Privacy vs. Confidentiality vs. Privilege
  - Confidentiality Rule
  - Working with Advisors
  - Building Rapport
  - Trauma-Informed Practices
  - The “Spiel”

Interviewing Skills

- Interviewing Considerations
- Questioning Considerations
- Questioning Tips
- Questioning Techniques
- Interview Challenges: Resistance, Reluctance, and Lying
- Final Interview Questions
- Interview Documentation and Review

Evidence

- Understanding Evidence
  - Types of Evidence
  - Privileged and Medical Information
  - Impermissible Evidence
- Standard of Proof
- Credibility
  - Credibility Assessment
  - Evidence Authentication
Additional Considerations

- Coordinating with Law Enforcement

Complaint Analysis Tools

- Correct Charging Rubric
- Consent Construct
- Evaluating Sex-Based Harassment Rubric

Investigation Report

- Step 7: Draft Investigation Report
  - G.A.S. Framework
  - Investigation Report Elements
  - Investigation Report Steps
- Step 8: Internal Report Review
  - TIXC/Legal Counsel Role in Review
- Step 9: Parties’ and Advisors’ Draft Report Review
  - Review and Response
  - Investigator-Facilitated Cross-Examination
- Step 10: Final Investigation Report

Post-Investigation: Decision-Making and Hearings

- Determination
- Decision-Maker
- Live Hearings
- Written Determinations

Appeals

- Appeal Grounds
- Appeal Decision-Maker and Outcomes

Note: Each 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.