



Title IX Investigation Foundations Level One: Procedures and Critical Skills for Higher Education Training & Certification Course Agenda

Description:

Title IX Investigation Foundations Level One: Procedures and Critical Skills 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 sexual harassment, retaliation, and sex discrimination investigations. Expert faculty members will guide participants through an in-depth exploration of each phase of an investigation as prescribed by the Title IX Formal Grievance Process, including additional relevant topics for each phase.

The concepts and investigation structure taught in this course are consistent with the 2020 Title IX Regulations and can be applied to the full range of Title IX-based allegations. Participants will examine the key components of the investigation process and the investigator's role at each stage.

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 critical elements of the investigation and report within the overall Title IX Grievance Process
- Explain the steps of a formal investigation
- Develop an investigation strategy after receiving a formal complaint
- Recognize potential policy violations and the need for updating a NOIA
- Articulate strategies for managing a variety of investigation-based challenges
- 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: Title IX Applicability, Scope, and Definitions

- Title IX Statute
- Applicability
- Scope
- Sex Discrimination Definitions
 - Sexual Harassment Definitions
 - ATIXA Model Policy Definitions

Civil Rights Investigations Overview

- Purpose and Overview
- Role of the Investigator
- Bias and Conflicts of Interest
- Required Investigator Training

Formal Grievance Process

- Title IX Formal Grievance Process Overview
 - Prompt and Fair Resolution
- Parties' Rights in the Grievance Process

Investigation Process

- Investigation Overview
- Investigation Oversight and Supervision
- Investigation Steps

Pre-Investigation

- Step 1: Notice/Complaint
- Step 2: Initial Assessment & Jurisdiction Determination
 - 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
 - Coordinating with Law Enforcement

Formal Investigation

- Step 6: Formal Comprehensive Investigation
 - Pre-Interview Planning
 - Interview Scheduling and Sequencing
 - Interview Preparation
 - Sample Interview Sequences
 - Evidence Collection
 - Information Sharing
 - Party and Witness Investigation Concerns
 - 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
- Wrap-Up Interview Questions
- Interview Documentation and Review

Evidence

- Understanding Evidence
 - Types of Evidence
 - Privileged and Medical Information

- Relevant Evidence Exclusions
- Evidence Authentication
- Standard of Evidence
- Credibility Assessment

Complaint Analysis Tools

- Sexual Harassment Charging Rubric
- Evaluating Sexual Harassment Rubric
- Consent Construct

Investigation Report

- Step 7: Draft Investigation Report
 - G.A.S. Framework
 - Example Investigation Report Sections
 - Investigation Report Steps
- Step 8: Internal Report Review
- Step 9: Parties' and Advisors' Review Draft Investigation Report
 - Review and Response
- Step 10: Final Investigation Report

Post-Investigation: Decision-Making and Hearings

- Decision-making
 - Live Hearings
 - Written Determinations

Appeals

- Appeal Grounds
- Appeal Decision-Maker and Outcomes

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 are scheduled for seven hours (including breaks) each day unless otherwise specified. Please check your registration confirmation email and ATIXA Event Lobby for start and end times. All times listed are in the Eastern time zone.