



## **Title VI & Civil Rights Investigation Foundations Level One For Educational Settings Training & Certification Course Agenda**

### **Description:**

Title VI and Civil Rights Investigation Foundations Level One is the initial two-day course in ATIXA's Investigator curriculum for Investigators, Title VI Coordinators looking to acquire the fundamental skills necessary to conduct civil rights investigations. Expert faculty members will guide participants through an in-depth exploration of the types of discrimination they may investigate, each phase of an investigation process as prescribed by ATIXA's "Process B", including critical topics for each phase and implications for those investigating or overseeing a civil rights complaint.

This course will explore examples and unique considerations of investigating disparate treatment, disparate impact, hostile environment, and retaliation complaints. By the end of the course, participants will be proficient in all stages of the civil rights investigation process, ready to uphold federal compliance, protect individuals' rights, and contribute to thorough and fair investigations.

In combination with the included Civil Rights Fundamentals, the accompanying online pre-learning experience, Title VI and Civil Rights Investigation Foundations Level One provides the essential knowledge, skills, and best practices for success as a Civil Rights Investigator.

### **Learning Outcomes:**

After completing this course, participants will be able to...

- Distinguish between various forms of discrimination, including disparate treatment, disparate impact, retaliation, and hostile environment harassment, and apply this understanding to investigate potential violations
- Describe ATIXA's "Process B", including the phases of a Civil Rights investigation and develop an effective investigation strategy
- Explore essential investigation skills, including building rapport with interviewees, understanding evidence types, scheduling interviews, and employing trauma-informed interviewing techniques
- Conduct investigations for various forms of discrimination, including disparate treatment, disparate impact, retaliation, and hostile environment harassment, including a thorough and fair analysis of the evidence, and drafting a formal investigation report

## Course Topics

### Federal Civil Rights Laws

- Federally Protected Characteristics
- Title VI of the Civil Rights Act of 1964
- ATIXA Model Policy Definitions
- Civil Rights in Education Settings
- Sources of Title VI Compliance Obligations
- Related Civil Rights Laws
- Essential Compliance Elements

### Forms of Discrimination

- Discrimination Defined
- Types of Discrimination

### Civil Rights Investigation Process Overview

- Civil Rights Investigation Process
- Civil Rights Investigations Overview
- Role of the Investigator
- A Fair and Prompt Resolution Process
- Parties' Rights in the Grievance Process

### Investigation Phase One: Pre-Investigation

- Initial Report/Complaint Assessment
- Implementing Remedies
- Supportive Measures
- Investigation Scope
- Notice of Investigation and Allegations
- Investigation Strategy

### Investigation Phase Two: Conducting the Investigation

- Formal Investigation Overview
- Interview Sequencing
- Process Delays
- Working with Advisors
- Interviewing skills
  - Building Rapport
  - Introductory Spiel
  - Practical Considerations
  - Trauma-Informed Practices
  - Questioning Considerations
- Collecting Evidence of Motive

- Interview Challenges: Resistance, Reluctance, and Lying
- Interview Wrap-Up Questions
- Interview Documentation and Review

### **Disparate Treatment Investigations**

- ATIXA Model Policy Definition and Examples
- Disparate Treatment Construct
  - Step One: Complaint and Initial Allegation Assessment
  - Similarly Situated Individuals
  - Comparative Evidence
  - Step Two: Non-Discriminatory Reason
  - Common Rebuttal Arguments
  - Step Three: Pretext Analysis

### **Hostile Environment Harassment Investigations**

- OCR Title VI Hostile Environment Definition
- ATIXA Model Policy Definition
- Hostile Environment Construct
  - Totality of the Circumstances
  - Subjectively and Objectively Offensive
  - Severity
  - Pervasiveness
  - Out-of-Program and Online Harassment
  - Downstream Effects
- Temple University OCR Resolution Agreement

### **Retaliation Investigations**

- ATIXA Model Policy Definition
- Title VI Retaliation
- Retaliation Reports
- Retaliation Investigation Timing
  - Retaliation Construct
  - Step One: Protected Activity, Adverse Action, and Causation Element
  - Step Two: Non-Retaliatory Reason
  - Common Non-Retaliatory Reasons
  - Step Three: Pretext Analysis

### **Absent Information**

- Information Not Obtained
- Unanswered Questions

### **Investigation Phase Two: Investigation File and Report**

- Investigation File

- Investigation Report
  - Possible Report Sections
  - Format and Structure
  - Sensitive Information
  - Redaction Practices
  - Tips for Report and Evidence File Sharing
- Credibility
  - Credibility Assessment
    - Primary Credibility Factors
    - Consistency
    - Corroboration
  - Triangulating Credibility
  - Common Credibility Errors
  - Special Considerations for Credibility
- Discussion and Synthesis Models
- Report Review and Response
  - Information Sharing
  - Drafting, Reviewing, and Finalizing the Investigation Report

### **Phase Three: Determination and Remedies**

- Decision-Making Recommendations
- Parsing the Policy
- Applying Facts to Policy
- Findings, Final Determination, and Sanctions
- Sanctions and Remedies
- Determining Sanctions
- Remedies
- Sanctioning and Remedial Action Considerations

### **Appeals**

- Appeals
- Appeal Grounds

### **Recordkeeping**

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.