



## **Civil Rights in Education: Consent, Credibility, Retaliation, and Discrimination Training & Certification Course Agenda**

### **Description:**

Civil rights Investigators and Decision-makers must be able to apply a wide array of skills to serve in their roles with competence, precision, and neutrality.

Participants in this two-day certification course will focus on application, analysis, and writing skills for Investigators and Decision-makers to implement in their practice, including policy parsing techniques; analysis of consent evidence; investigating and resolving disparate treatment and retaliation complaints; composing rationales analyzing and weighing relevant evidence; and developing robust credibility assessments. ATIXA's faculty members will discuss best practices and techniques from their own experience, as well as lead discussions designed to help participants explore nuances of each topic.

### **Learning Outcomes:**

After completing this course, participants will be able to:

- Apply policy parsing skills in investigations and decision-making phases of civil rights resolution processes
- Analyze complex consent evidence, including advanced concepts like implied consent, incapacitation, and ratification, in investigating and decision-making roles
- Understand how to approach disparate treatment complaints and retaliation complaints
- Describe and implement best practices in rationale writing
- Explain the purpose and structure of credibility assessments

## **Course Topics**

### **Applying Policy in Investigations and Determinations**

- Parsing the Policy
  - Models of Proof
  - Understanding Policy Elements
  - Policy Parsing Considerations
  - Multi-Allegation Complaints
  - Activity and Case Study

## **Policy Constructs: Disparate Treatment and Retaliation**

- Disparate Treatment Defined
- Disparate Treatment Construct
- Disparate Treatment Analysis
  - Investigators: Step One, Two, and Three
  - Decision-makers: Step One, Two, and Three
- Resolving Disparate Treatment Complaints
  - Assessing Motive
  - Similarly Situated Individuals
  - Common Non-Discriminatory Reasons Used as Rebuttal
  - Inference/Rebuttal/Pretext Construct
  - Disparate Treatment Questioning Guidelines
  - Case Study
- Resolving Retaliation Complaints
  - Retaliation Defined
  - Retaliation Construct and Analysis
  - Protected Activity
  - Adverse Action
  - Causation Element
  - Non-Retaliatory Reasons
  - Evidence of Pretext
  - Evidentiary Considerations
  - Retaliation Complaint Decision-Making
  - Retaliation Boundaries
  - When “Retaliation” Isn’t Retaliation

## **Consent Construct**

- Consent Defined
- Consent in Context
- Consent Principles
  - Consent and Kink
- ATIXA Consent Construct
  - Force
  - Types of Force
  - Incapacity
  - Evidence of Incapacity
  - Incapacity Analysis
  - Prior Knowledge Construct
  - Consent Analysis

- Case Study

## **Credibility Assessments and Determinations**

- Credibility Role
- Credibility Factors
- Inconsistencies, Affect, and Credibility
- Credibility in Investigations and Decision-Making
  - Example: Credibility in Investigations
  - Considerations
  - Consistency
  - Corroboration
  - Credibility in Decision-making
  - Activity

## **Rationale Writing**

- Defining Terms
- Findings of Fact and Determinations
- Written Rationale Sections
  - Examples and Best Practices

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.