

ATIXA Title IX and VAWA Sec. 304 Training Checklist



Checklist Key:

- ✓ Title IX required
- ◆ Clery Act (VAWA Sec. 304) required
- + ATIXA added recommendation
- Ⓟ Primary Prevention Recommended

* ATIXA recommends making all Faculty and Staff "Mandatory Reporters" for both Title IX and Clery-based incidents. Accordingly, this checklist reflects that approach. Those wishing to differentiate between Title IX and Clery Act reporting responsibilities can parse the two out based on the Title IX and Clery Act (VAWA Sec. 304) symbols.

		Level A	Level B	Level C*	Level D
		Title IX Compliance Officers	First Responders	All Faculty & Staff; ATIXA Mandatory Reporters	All Students
Overview of Title IX and Clery Act (VAWA Sec. 304): Law and Regulations					
1	Institution's Title IX responsibilities to address sex- and gender-based harassment	✓	✓	✓	✓
2	Institution's Clery Act (VAWA Sec. 304) responsibilities to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking	◆	◆	◆	◆
3	Role of federal government (especially OCR) in enforcing Title IX and DOJ's role with Title IX	✓	✓	✓	✓
4	Overview of the rights Title IX and Title IV confer on students and employees	✓	✓	✓	✓
5	What is sexual harassment, sex discrimination, sexual assault, and sexual violence, and what are the differences between them	✓	✓	✓	✓
6	Differences between criminal and Title IX investigations	✓	+	✓	✓
7	Title IX and Clery Act prohibitions on and protections against retaliation	✓◆	✓◆	✓◆	✓◆
Institutional Policy Overview					
8	Institution's policies and prohibitions regarding Title IX-based harassment	✓	✓	✓	✓
9	Institution's policies and prohibitions regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking	+	+	◆	◆
10	When institution exercises off-campus jurisdiction over Title IX complaints	✓	✓	✓	✓
11	Institution's policies prohibiting retaliation	✓◆	✓◆	✓◆	✓◆
Institutional Procedure Overview					
12	Institution's disciplinary procedures to address Title IX-based complaints and how victims can invoke them	✓	✓	✓	✓
13	Preponderance of Evidence standard used to address all Title IX-based complaints and evidentiary standards used to address all Sexual Assault, Domestic Violence, Dating Violence, and Stalking complaints	✓	✓	✓◆	✓◆
14	How institution analyzes whether conduct was unwelcome	+	+	✓	✓
15	How institution analyzes whether conduct creates a hostile environment	+	+	✓	✓
16	Institutional disciplinary procedures used to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking	+	+	◆	◆
17	How to evaluate and weigh evidence in an impartial manner	✓			
18	Appeals procedures for Title IX	✓	✓	✓	✓
Reporting					
19	The identity, role, function of, and how to contact the Title IX Coordinator	✓	✓	✓	✓
20	When (upon notice), how, what, and to whom to report sex- and gender-based harassment	✓	✓	✓	✓
21	Consequences for mandatory reporters failing to report sex- and gender-based harassment	+		✓	
22	How to contact OCR	✓	✓	✓	✓
23	Recognizing, responding to, appropriately addressing, and reporting allegations and complaints	✓	✓	✓	
24	Procedures victims should follow if a Title IX violation or Sexual Assault, Domestic Violence, Dating Violence, or Stalking has occurred, including: 1) The importance of preserving evidence; 2) How and to whom to report such alleged offenses; and 3) Victims' options to notify law enforcement and campus authorities (if victim so chooses)	+	+	✓◆	✓◆
25	Appropriate interaction with victims	✓	✓	✓	
26	Providing fair and objective communication and resources that do not discourage reporting	✓	✓		
27	Victimology/psychology of the victim/neurobiological effects of trauma	✓	✓	✓	✓
28	Cultural competence in working with victims, reporting parties, witnesses, and responding parties	✓	✓		
Confidentiality					
29	Confidential reporting options on- and off-campus	✓	+	✓	✓
30	Responding to victim/reporting party request for confidentiality	✓	✓	✓	
31	Information about how the institution protects the confidentiality of victims and other parties when: 1) providing accommodations and protective measures; and 2) working with publicly available documents	+	+	◆	◆
32	Confidentiality/privacy of reports and other investigative information	✓	✓	✓	✓

ATIXA Title IX and VAWA Sec. 304 Training Checklist (Cont.)

Checklist Key:

- ✓ Title IX required
- ◆ Clery Act (VAWA Sec. 304) required
- ⊕ ATIXA added recommendation
- Ⓟ Primary Prevention Recommended

		Level A	Level B	Level C*	Level D
		Title IX Compliance Officers	First Responders	All Faculty & Staff; ATIXA Mandatory Reporters	All Students
Victim Resources & Remedies					
33	Resources available to victims of sex- or gender-based discrimination	✓	✓	✓	✓
34	Rights of victims and institution's responsibilities for orders of protection, "no contact" orders, restraining orders, or similar institutional/legal orders	⊕	⊕	◆	◆
35	Information about on- and off-campus counseling, mental health services, victim advocacy, legal assistance, student financial aid, etc.	⊕	⊕	◆	◆
36	Victims' options to request/get changes to academic, living, transportation, and working situations (if reasonably available); such changes are available whether or not a crime is reported to police or whether or not victim pursues formal campus action	⊕	⊕	◆	◆
Investigative Complaints					
37	Conducting/documenting adequate, reliable, and impartial investigations	✓◆	⊕		
38	How to conduct an investigation and hearing process that protects the safety of victims/reporting parties and promotes accountability	✓◆	⊕		
39	Coordinating and cooperating with law enforcement (campus and local) during parallel criminal and Title IX proceedings	✓	⊕		
40	How to encourage victims, reporting parties and witnesses to cooperate with investigations when they are concerned about conduct/disciplinary implications of alcohol or drug use (e.g., amnesty/immunity policies)	✓	✓	✓	✓
41	Determine credibility and impartial evaluation/weighting of evidence	✓			
42	Address link between alcohol/drugs in sex-based harassment allegations	✓	✓		
Consent in Sexual Interactions					
43	Force and consent (including examples)	✓	✓	✓	✓
44	Capacity/incapacity, including the role and correlation of alcohol and other drugs (including examples)	✓	✓	✓	✓
45	Effective Consent – "Yes" through clear word or action (including examples)	✓	✓	✓	✓
Rights of Parties in a Complaint, Investigation, Hearing and Appeal					
46	Both parties have same rights to have others present and to present evidence during proceeding and participate in hearings and/or appeals	✓	✓	✓	✓
47	Both parties are entitled to have an advisor of their choice present for all investigative and disciplinary proceedings (note that participation level of advisor may be constrained by the institution)	◆	◆	◆	◆
48	Both parties will be simultaneously informed in writing of the outcome of any disciplinary proceeding that arises from an allegation of Sexual Assault, Domestic Violence, Dating Violence, or Stalking	◆	◆	◆	◆
49	Both parties are entitled to the same options and opportunities for appeal	✓	✓	✓	✓
50	Both parties will be notified of changes in results that occur prior to when results become final, and will be notified when final	◆	◆	◆	◆
Sanctions/Repercussions					
51	Importance of accountability for those found responsible of sexual violence	✓	⊕	⊕	⊕
52	Criminal, academic, housing, athletic, and student record-related consequences of a Title IX violation	✓	✓	✓	✓
53	Possible sanctions and protective measures an institution may impose following an institution's disciplinary procedure involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking	⊕	⊕	◆	◆
54	Consequences of lying during an investigation	✓	✓	✓	✓
Prevention, Awareness and Community Education					
55	Definitions of Consent, Sexual Assault, Domestic Violence, Dating Violence, and Stalking in the applicable jurisdiction	⊕	⊕	◆	◆
56	Risk reduction measures – to increase victim empowerment, promote safety, and help community address conditions facilitating violence	⊕	⊕Ⓟ	◆Ⓟ	◆Ⓟ
57	Strategies and skills for bystanders to intervene to prevent sexual violence; attitudes of bystanders that may allow behavior to continue	⊕Ⓟ	⊕Ⓟ	✓Ⓟ	✓Ⓟ
58	Safe and positive options for Bystander Intervention pertaining to Sexual Assault, Domestic Violence, Dating Violence, and Stalking	⊕Ⓟ	⊕Ⓟ	◆Ⓟ	◆Ⓟ
59	How to prevent and identify sexual violence	✓Ⓟ	✓Ⓟ	✓Ⓟ	✓Ⓟ
60	Prevention mechanisms and strategies targeted to stop harassment or discrimination, remedy its effects, and prevent its recurrence	✓Ⓟ	✓Ⓟ	✓Ⓟ	✓Ⓟ
61	Awareness programming to prevent violence, promote safety and reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking	⊕Ⓟ	⊕Ⓟ	◆Ⓟ	◆Ⓟ
62	Potential for revictimization by responders and its effects on students	✓	✓	✓	
Assessment of Training					
63	Annual Climate Survey			⊕	⊕
64	Assessments that demonstrate the efficacy of training	✓	✓	✓	✓