2020
Regs
Rapid
Response

R³

R³ Resources:
ATIXA Title IX Coordinator's Roadmap for Developing an Implementation Plan for the 2020 Regs by August 14, 2020

ATIXA has created a roadmap for you and your Title IX team to ensure compliance by August 14, 2020

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Roadmap

1. **Learn the regs** (you can't implement rules you do not understand)
   a. Read the regs. Read the preamble, read the last section (the actual regs), skip the comments (if you don't have time), read the discussions sections, the changes sections, and a comparison guide for changes between the 2018 proposal and the 2020 final version.
   b. Attend the ATIXA and TNG webinars.
   c. Read the support documents, explanations, checklists, and blogs.
   d. Drown ATIXA in listserv questions ;)
   e. Attend our new regs certification course if you really want chapter and verse, and all the nuances:
      i. You know our courses – we go deep on questions like: If the respondent doesn't come to the hearing, we draw no inference from that. But, what if they do come and then choose not the answer certain questions? What is the effect of that?
      ii. Register for the new regs course or the eleven other June summer training series courses here.
      iii. If you want to train with ATIXA later in the summer with 2-day or once-a-week for a month options, click here.
      iv. We are getting a lot of questions about whether you need to redo your certifications. Yes, I would say to help you get up to speed on the new regs, you could redo Coordinator Level One if you're a Coordinator, and Investigator Level Two if you're an investigator. These will be completely refreshed and taught for the first time in our June Summer Certification Series and in the once a week class format in July and August.
      v. It's a whole new compliance regime now, and these courses are very different from when you first took them. If you are not available in June, we'll be teaching these in July and August, too.
2. **Brief your supervisors**, cabinet/senior officers, and board of trustees/education members on the enormity of the compliance task ahead. In this economic environment, you will have to fight to make the case for the program expansion you will need to achieve compliance. Set realistic expectations for them in terms of what you can achieve, especially in light of COVID-19, between now and August 14, 2020. Our webinar for boards and trustees is scheduled for June 2, 2020.

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3. **Develop a stopgap plan**
   a. How will you address cases currently underway between now and the implementation deadline?
   b. How will you address cases reported after August 14th where the alleged harassment occurred before August 14th?
4. **Identify and convene stakeholders**. Who will you need to be able to bring together (and how will you do so remotely) to move the policy and procedure revision process forward? Set a timeline for each decision-making step.
   a. Work with various stakeholder groups on specific areas where you will need buy-in.
      i. ATIXA position statements can help to frame key issues for stakeholder groups.
   b. Use your Title IX Team and deputies as ambassadors to different stakeholder groups.
   c. Collect and compile feedback.
5. **Triage**. You have less than 3 months. Take on the minimum required to get you to compliance.
   a. Trying to take on too much right now is going to doom your efforts.
   b. Avoid anything too political if you don't need to.
      i. Informal resolution – this will take a while and can wait if you don't have a program in place.
      ii. Where will dismissed cases (ones that do not meet the new sexual harassment definitions but otherwise violate your conduct code) be resolved? Student conduct? Some other process? You can use the "regs-compliant" process you are designing, for now, and then decide what other processes you want to fold in at a later date. Assuming a potentially reduced caseload this fall because of COVID-19, you may have some time and space to really think this through, not rush it, and wait to address tasks like this until after August 14th.
      iii. If your mandatory reporters policy is functional, don't tackle revisions now. You don't need to and can always do so down the road. Plus, if it isn't broken, why mess with it?

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6. **Revise/Draft Interim Policy and Procedures**
   a. Share drafts with stakeholder groups/solicit feedback.
   b. ATIXA will be rolling various new model policy and procedure templates starting as early as we can this summer. Work from our templates to save you time, ensure compliance, and enshrine whatever best practices you can. We will be releasing templates in this sequence:
      i. 1P1P IHE (state-specific versions coming later)
      ii. 1P1P K12
      iii. ATIXA Model Policy and Procedures (for those who don't want to go the 1P1P route)

7. **Determine Staffing Needs**
   a. The regs talk about having more than one Coordinator. Maybe you should be talking about this, too? This is certainly starting to look like a project for more than one person, maybe even an entire team? Our K12 and IHE Who's Who on the Title IX Team are indispensable resources with compliance checklists for each team position.
   b. You're going to need: A TIXC, deputies, investigators, hearing officers/decision-makers (3 or more?), an appeals officer(s), advisors for the parties, and likely a facilitator for the hearing process. That's a team of 8, minimum.
   c. Do you need to hire? Do you need to promote or assign internal personnel to the Title IX Team? Do you need to outsource, form regional coalitions, or mutual aid agreements within your system, district, or area schools? Do you have qualified Title IX legal counsel? You're building a plane while flying it. What are you going to need to keep it aloft?

8. **Get Revised Interim Policies and Procedures Approved**
   a. Every school and college needs to revise policies and procedures, without exception. COVID-19 has proven that the old multi-year process for policy changes can be short-circuited when truly necessary. We don't need to short-circuit our processes to get new Title IX policies and procedures in place, but we do need a fast track. Who do you need onboard to streamline the approval process?
   b. In 2011, after the DCL was released, many recipients took years to fully implement it. And that was just guidance. These 2020 regs have the force and effect of law. Your students and employees will be able to sue you and file OCR complaints beginning on August 15th if you're not ready in time.

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9. **Implement Interim Policies and Procedures/Communicate New Policies and Procedures to Your Community**
    a. Post to websites, etc.
10. **Train your Title IX Team Comprehensively** with one or more ATIXA Certification Courses or our Title IX Team Training that focuses on workflow, case management, and division of responsibilities for your entire Title IX Team.
    a. Post your training materials on your website.

While you're doing all of this: breathe, practice radical self-care, keep caring for your loved ones, keep homeschooling your kids, remember you have kids (if you have kids; or a memory), keep reading the listserv and the R3 site (new content every week), monitor the Title IX regs litigation, VOTE, and remember **COMMITMENT BEYOND COMPLIANCE**. You've got this, and you've got ATIXA to help get you there.

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