2023 Title IX Training Academy – Module 3

# Title IX Decision-Maker Training for School Districts & County Offices

# Part 1

November 6, 2023

Presented by:

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# Title IX Decision-Maker Training for K-12 Districts & COEs

#### Title IX Decision-Maker Training November 6, 2023 – 9:00 a.m.

#### SESSION ONE

PRESENTED BY: *Eve P. Fichtner, Partner Ashlee Reece-Walker, Senior Associate* Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego



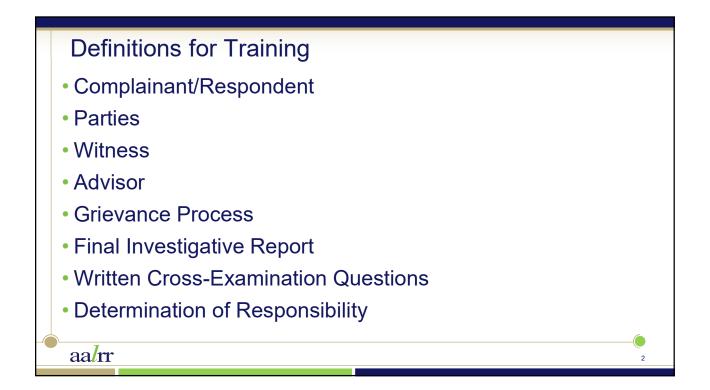
# Agenda

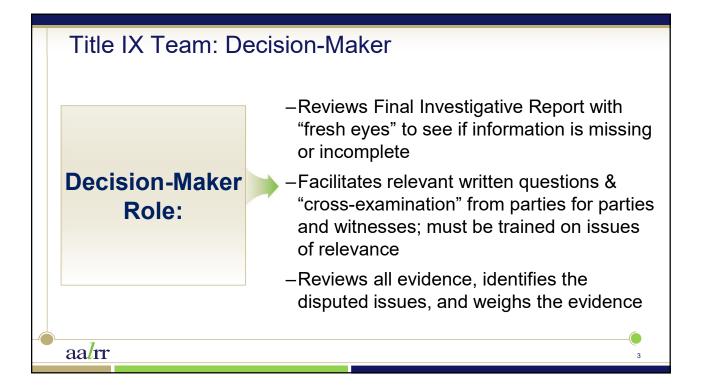
- Definitions for Training
- Review Title IX Decision-Maker Role
- Review Final Investigative Report
- Facilitate Written Questions for the Parties
- Review Hypothetical "Cross-Examination" Questions
- Preparation for Session 2

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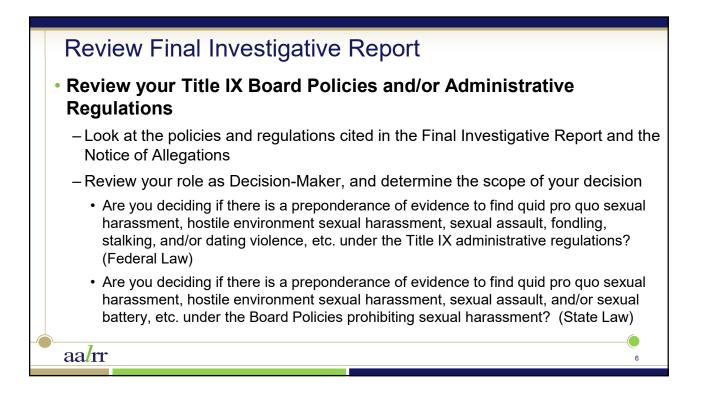


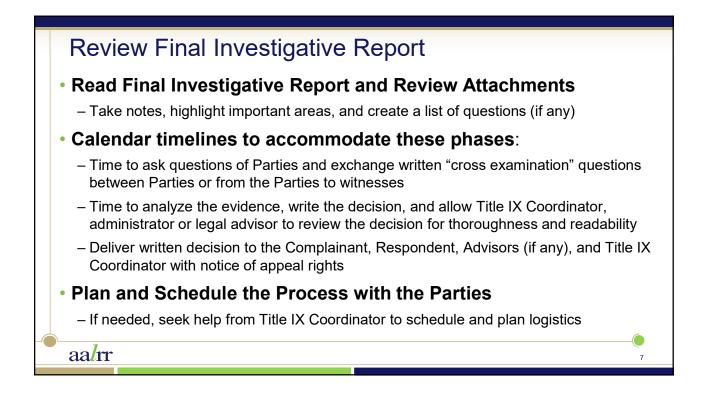


Title IX Team: Decision-Maker	
	<ul> <li>Makes conclusions about whether alleged conduct occurred and determines responsibility</li> </ul>
Decision-Maker Role:	<ul> <li>Prepares written determination with findings of fact, policy conclusions, and rationale for the result as to each allegation</li> </ul>
	<ul> <li>If applicable, recommends sanctions for Respondent and remedies for Complainant</li> </ul>
	<ul> <li>Provides written determination and appeal rights to the parties/advisors simultaneously</li> </ul>
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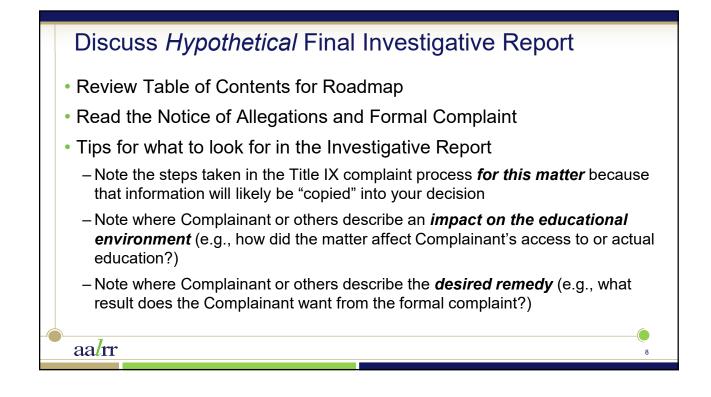


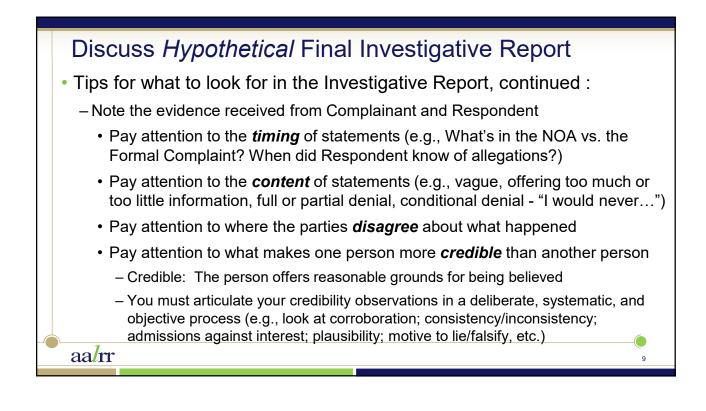




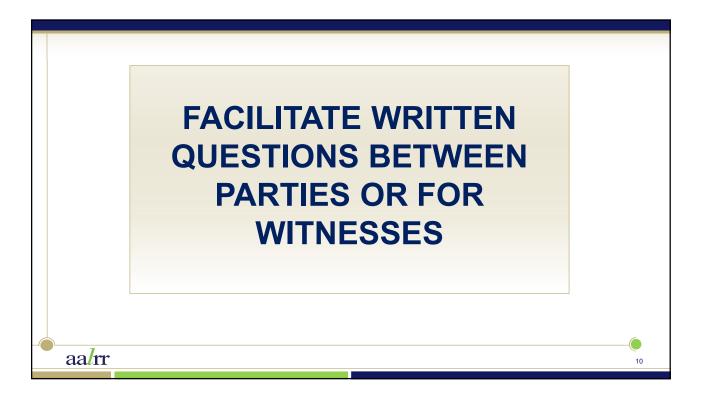


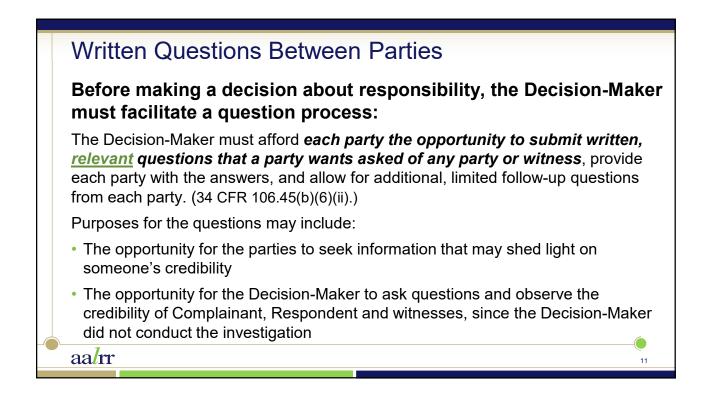




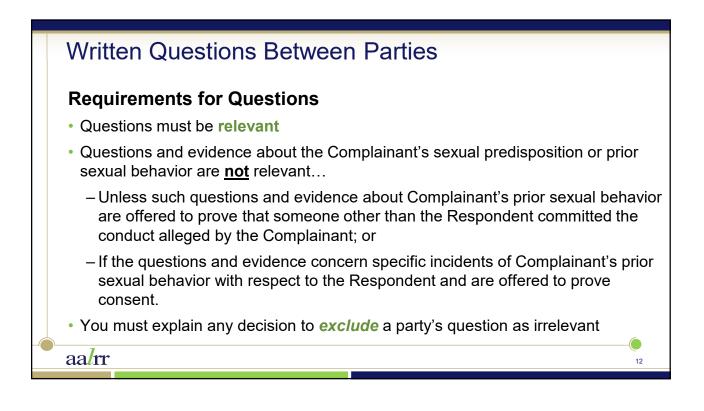


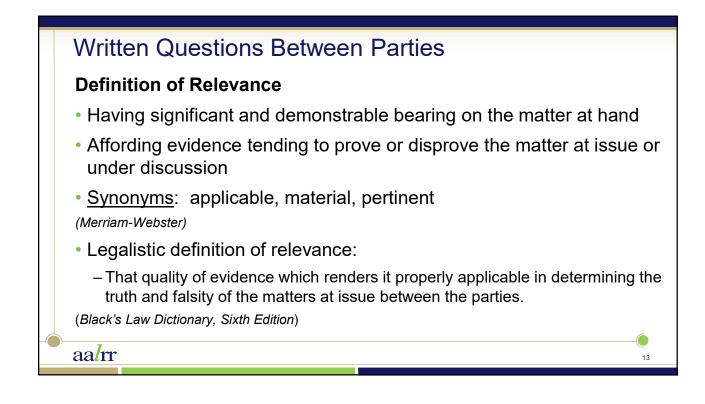




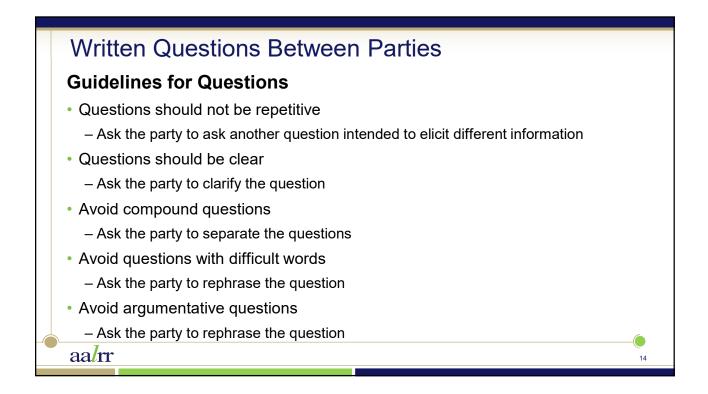


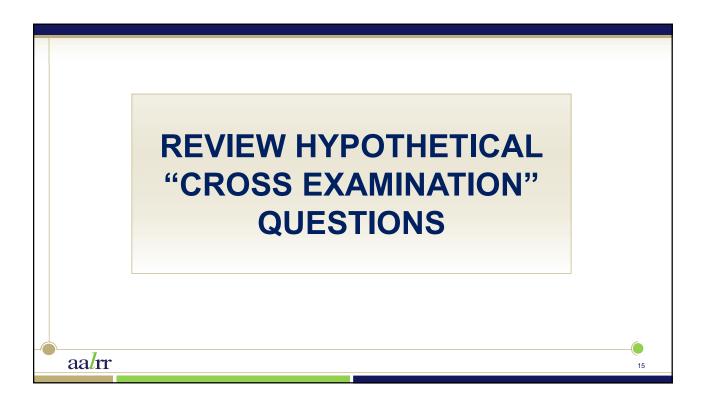




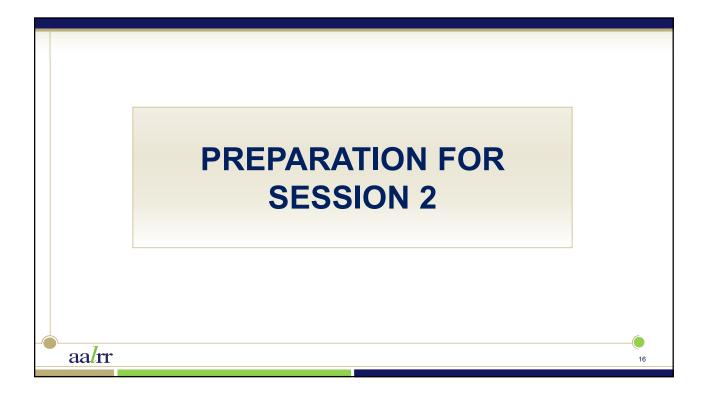






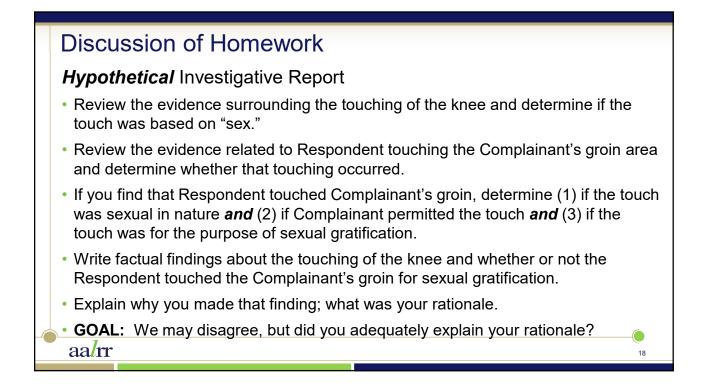






# Discussion of Homework for Session 2 Hypothetical Investigative Report Weigh the evidence and determine by a preponderance of the evidence whether Respondent was flirty and/or friendly with Complainant before the August 21 incidents. If you find that Respondent was flirty, write factual findings to demonstrate the flirting. If you find the Respondent was friendly in a non-sexual way, write factual findings to demonstrate the non-sexual friendliness. Your factual findings should include who, what, where, when, why & how of what happened that was flirty and/or friendly. Explain why you made that finding; explain your rationale. GOAL: We may disagree, but did you adequately explain your rationale?







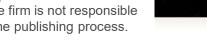
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### **Eve P. Fichtner**

Partner 916-923-1200 epeekfichtner@aalrr.com



I go beyond identifying potential legal problems. I try to anticipate our clients' strategic options which are consistent with their values.

Eve Peek Fichtner represents school districts, county offices of education, community colleges, and private employers for personnel matters, student issues, and all forms of discrimination and harassment claims. Ms. Fichtner has certification and significant experience conducting impartial, prompt, thorough, and effective workplace investigations and Title IX investigations. She also serves as a hearing officer for K-12 expulsion matters and for Title IX hearings with the University of California, the California State University system, and private universities. In addition, Eve provides resolution-based services to clients, including workplace coaching for employees and supervisors, conflict resolution training, and facilitated meetings.

Ms. Fichtner provides representation, advice, and counsel on numerous school and employment matters, including employee leave, evaluation, discipline and dismissal, student discipline, bullying, reasonable accommodation, interactive meetings, release of public records, search and seizure law, restraining orders, and motions to quash defective subpoenas. Ms. Fichtner has represented clients before state courts and administrative bodies. She has served as General Counsel to several school districts, including Davis Joint Unified School District for over ten years.

Ms. Fichtner is an experienced and effective trainer on a variety of legal issues, including Title IX sexual misconduct matters; prevention of sexual harassment, discrimination, bullying and retaliation; understanding student discipline laws; conducting internal investigations; addressing electronic misconduct; effective conflict resolution techniques; and the FRISK® Documentation Model.

#### OFFICE

2151 River Plaza Drive Suite 300 Sacramento, CA 95833

#### **EDUCATION**

J.D., University of California, Davis School of Law B.A., University of California, Santa Barbara

#### **ADMISSIONS**

1994, California U.S. District Court, Eastern District of California

#### **PRACTICE AREAS**

Board Governance Discrimination & Harassment Education Employee Performance & Evaluation Equity in Education/Office for Civil Rights Investigations Student Discipline Workplace Training



# **Eve P. Fichtner**

#### **Events & Speaking Engagements**

Ms. Fichtner developed a comprehensive Title IX training series for K-12 and CCD's to address the new Title IX regulations released in 2020. She also developed an investigation training seminar, PROOF, which she has presented throughout California. She has prepared and presented workshops on a variety of other topics as well, including sexual harassment prevention, cyber-misconduct, bullying, free speech/religion, the Brown Act, California Public Records Act, employee evaluation, student discipline, and ADA/FMLA.

#### **Publications**

Ms. Fichtner contributes to the firm's publications and education law blog.

#### **Community & Professional**

Ms. Fichtner served as President of the Camerado Springs Middle School Parents Club for 5 years. Additionally, she is a member of the following organizations:

- Association of Title IX Administrators
- Association of Workplace Investigators
- California Council of School Attorneys
- Sacramento Bar Association, Labor and Employment Section



# Ashlee B. Reece-Walker

Senior Associate (562) 653-3200 Ashlee.Reece-Walker@aalrr.com



Ashlee Reece-Walker provides counsel and representation to California public school districts, county offices, and cities in a wide variety of employment and education law matters. Ms. Reece-Walker primarily conducts investigations for school and community college districts with respect to allegations of discrimination, harassment and retaliation. She has used this experience to develop a Cultural Sensitivity Training, which she has presented to individual clients, statewide conferences and professional consortiums. Ms. Reece-Walker is also a member of the firm's Title IX Sexual Misconduct Committee. She has fulfilled the role of Investigator and Decision-Maker in Title IX matters and helps train Decision-Makers across the state of California. Additionally, Ms. Reece-Walker has successfully defended clients against charges brought by the DFEH, EEOC and PERB.

Prior to joining Atkinson, Andelson, Loya, Ruud & Romo, Ms. Reece-Walker was a labor and employment law associate for a large law firm in downtown Los Angeles where she handled matters including ADA, FEHA, wrongful termination, and Unruh Civil Rights Act litigation. Prior to working in litigation Ms. Reece-Walker was an Equity Officer at a private Jesuit research university in St. Louis, Missouri where she conducted Title VII and Title IX investigations, and trained new managers.

#### OFFICE

12800 Center Court Drive Suite 300 Cerritos, CA 90703

#### **INDUSTRIES**

Educational Agencies

#### **EDUCATION**

J.D., Saint Louis University B.A., University of Missouri

#### **ADMISSIONS**

2019, California 2017, Missouri United States District Court Central District of California

#### **PRACTICE AREAS**

Investigations Labor & Employment Law