ATIXA Managing Retaliation Complaints Workshop Agenda

Nearly all Title IX practitioners will have to respond to retaliation complaints at some point during their career. Retaliation complaints are materially different than other Title IX complaints with respect to analysis and assessment of intent.

The Addressing Retaliation Complaints Workshop is designed to provide practitioners with a deep dive into the retaliation construct and core concepts for evaluating the merits of a retaliation allegation, managing retaliation complaints amidst ongoing resolution of the underlying complaint, and how to minimize the risk of abuse of process.

ATIXA’s expert faculty members will highlight considerations specific to responding to retaliation allegations, including conducting retaliation investigations. Participants will also learn how to apply appropriate supportive measures and intervention strategies for retaliation complaints with an employee as a party.

Learning Outcomes:
After completing this workshop, participants will be able to…
- Define retaliation
- Understand the key role of intent in assessing whether conduct is retaliatory
- Operationalize the concepts of adverse actions, protected activity, legitimacy, and pretext
- Apply the three-part construct to analyze a retaliation allegation
- Execute ATIXA’s recommended practices for investigating retaliation allegations
- Identify possible supportive measures and interventions for responding to retaliation

Workshop Topics

Retaliation Definition & Elements

The Retaliation Construct
- The Retaliation Construct
- “Protected Activity?”
- Understanding Adverse Action
- Causation
- Motive Evidence
- Non-Retaliatory Reason
- Pretext Analysis
- Evidentiary Considerations

**Best Practices**
- Communication with Parties, Witnesses, and Others
- Investigation Considerations
- Decision-making
- Understanding and Avoiding Abuse of Process
- Timing Considerations
- Training and Prevention

**Applied Learning Exercises**

Note: Workshops do not include a standard break. Participants are welcome to eat and/or drink during the workshop and step away for other needs as necessary. Workshop start and end times for in-person events are determined by the host site. All virtual workshops take place from 11:00 AM – 3:00 PM ET unless otherwise specified.