ATIXA Managing Appeals Seminar Agenda

Description:
This seminar provides participants with the philosophical and practical framework necessary for managing appeals consistent with ATIXA’s best practices to achieve equity and compliance with federal requirements under both Title IX and VAWA Section 304.

ATIXA’s expert faculty members will guide participants through the appeal process, including gatekeeping to determine whether a party has “grounds” for an appeal, understanding the federally required appeal grounds, the components of a solid appeal rationale, principles of appellate excellence, making the determination of an appeal on its merits, how best to communicate outcomes, and common pitfalls observed in appeal processes. This seminar is appropriate for both appeal decision-makers and those who oversee the appeal process, including Title IX Coordinators.

Learning Outcomes:
After completing this seminar, participants will be able to…

- Determine whether a request for appeal meets the requirements to be heard by an appeal decision-maker
- Explain the appeal grounds required by Title IX
- Distinguish between a gatekeeper’s determination of whether there are grounds for an appeal from the decision-maker’s determination of an appeal on the merit(s) of the stated issue(s)
- Operationalize the concepts of deference and remand
- Determine next steps and appropriate outcomes of appeals
-Compose a written outcome letter detailing the appeal finding, rationale, and curative instructions, if any
- Identify common pitfalls in current practices

Seminar Topics

Philosophical & Legal Framework
- Purpose of an Appeal
- Equitable Rights to Request an Appeal
Appeal Process
- Appeal Grounds (Mandatory Grounds and Optional Grounds)
- Requests for Appeal and Gatekeeping
- Exchange of Appeal Submissions and Responses
- Communication with the Parties
- Communication with Investigators or Decision-makers

Determining an Appeal
- Determining Whether Grounds Are Present
- Determining Appeal on Merits of Issue(s)
- Successful Appeals: Determining Next Steps and Outcome
- Deference, Clear Error, and Substantial Justification (When Sanctions are Involved)
- Written Outcome Letter
- Finality

Common Pitfalls
- An Appeal is Not a Rehearing
- Avoiding Rubberstamping
- Improper Interpretation and Overreach

Note: Seminars do not include a standard break. Participants are welcome to eat and/or drink during the seminar and step away for other needs as necessary. Seminar start and end times for in-person events are determined by the host site. All virtual seminars take place from 12:00 – 2:00 PM ET unless otherwise specified.