

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



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Appeal Guidelines for Competitive Grant Funding Decisions

Effective for appeals received on or after April 24, 2020

PURPOSE

The purpose of these Guidelines is to provide a process for the resolution of disputes between a Grant Applicant and the Commission on Peace Officer Standards and Training (POST) concerning a competitive funding decision.

GROUND FOR APPEAL

Any applicant who is denied state funding by POST may appeal POST's decision in this regard. There is no particular format required for an appeal, but the documents supporting the appeal must clearly establish that the appealing party (hereafter Appellant) has standing to appeal and sufficient grounds to proceed with an appeal.

Standing: An Appellant must have standing to appeal; i.e. the appeal must demonstrate that the Appellant is directly affected by the funding decision. Only those who have submitted a proposal have standing to appeal POST's decision to deny state funding for that particular proposal.

Grounds: The appeal documents shall identify the grounds for appeal. The appeal must show that (a) POST did not follow its criteria or priorities (as specified in the applicable Request for Proposal) with respect to evaluating the Appellant's proposal; AND (b) this failure constitutes a sufficiently substantial error justifying a change in the funding decision. An appeal will be rejected if it fails to show that both of these criteria are met. Only the information provided by the Appellant in the original RFP will be considered as part of the appeal process. The Appellant cannot provide new or different information to support their original RFP.

Appeal Address: A hard copy of all documents referred to in this procedure shall be emailed, mailed, or hand-delivered to:

**Commission on POST
860 Stillwater Road, Suite 160
West Sacramento, CA 95605
ATTN: DLGP Appeals
DLGP@post.ca.gov**

APPEAL PROCESS AND TIMELINES

In the case of a dispute regarding compliance with timelines, the date the document was postmarked, or date stamped by POST (in the case of hand-delivery) shall govern. Failure of the Appellant to comply with timelines shall constitute grounds for rejection of the appeal.

Level One Appeal to POST Assistant Executive Director

Step 1- Standing: Within fifteen (15) calendar days of the date of the letter from POST denying funding, the Appellant shall file an appeal in writing, along with any supporting documents or information necessary to determine standing for the appeal and grounds on which to base the appeal. (See above). If the Appellant does not establish standing for an appeal, as determined by POST, the appeal and decision will be returned.

Step 2- Review: If it is determined that there is standing for the appeal to advance, the POST Assistant Executive Director for the Field Services Division, or their designee, will review the issues in the documentation submitted by the Appellant to determine if there are sufficient grounds to overturn the original grant decision. It is critical that the Appellant submit all documentation that may support their appeal. Appellant cannot amend or supplement their original proposal as part of the appeal process. The Assistant Executive Director shall make a written determination on the appeals within ten (10) calendar days, or as soon as practical, after receipt of the Level One appeal. This decision shall indicate the decision reached and the reasons therefore.

Level Two Appeal to POST Executive Director

A second level appeal may only be submitted if there are new facts or documentation that was not available at the time of the first level of appeal. POST will not reconsider previously submitted materials. Within five (5) calendar days of receiving the Level One appeal decision, the Appellant may file a Level Two appeal, in writing, with the POST Executive Director, or their designee (same address as above) together with any supporting documents or information, including a copy of the Level One decision.

The appeal must state the issues in the dispute, and the relevance of the documentation not submitted under the first level appeal. The Executive Director shall issue a written decision on the appeal that includes the Executive Director's ruling and the basis for the ruling.

The Executive Director's decision shall be deemed a final judgement and is non-appealable.

POST reserves the right to request a telephone meeting or personal meeting with any Appellant. However, there is no requirement under this appeal process for a hearing or meeting with the Appellant or POST.

Third-Party Rights

No rights or remedies will accrue to third parties as a result of this appeals process, or the actions or consequences stemming from this process.