



APPEAL POLICY AND PROCEDURES

POLICY

Applicants whose proposals are not funded are eligible to appeal the decision if the appeal is based solely on the procedural aspects of the review process.

PROCEDURE

1. All applicants whose proposals are not funded will receive notification in writing.
2. In the denial letter, applicants will be notified of their right to request a written summary of scoring results and will also receive notification of the appeal process. (Following receipt of this written summary, applicants can request a face-to-face meeting with Commission staff to review the results. If the application is in appeal proceedings, however, the meeting will not be held until the appeal is resolved.)
3. All applicants will have access to two levels of appeal.

LEVEL ONE APPEAL

1. Applicants whose proposals are not funded can file a Notice of Appeal with the Executive Director.
2. Appeals must be filed within 10 calendar days following notification of grant awards.
3. The appeal process will be used solely to contest a procedural aspect of the review process, e.g. consistent application of rules and standards. Examples include, but are not limited to:
 - i. The applicant alleges misconduct or impropriety by Commission officials or source selection committee members, e.g. reviewers had an alleged conflict of interest.
 - ii. A competing applicant had knowledge of the RFA process, which was unavailable to other applicants.
 - iii. An applicant is disqualified because he/she fails to submit paperwork by the deadline. Through the appeal process, they would have the opportunity to demonstrate that, in fact, they did submit the required information in a timely manner based on Commission deadlines.
 - iv. An applicant is not recommended for funding due to a low point score from the review process. Through the appeal process, they would have the opportunity to prove that the point totals were, in fact, miscalculated and they received a point score that puts them into the "funding range."
 - v. An applicant is not recommended for funding because the Commission's reviewers mis-applied the criteria or standards in the RFP. An example of this might be a situation where an RFP calls for a particular qualification, license, or

- corporate status from a potential grantee and an applicant is not recommended for funding because the reviewer mistakenly believes that the applicant does not meet that requirement. Through the appeal process they would have the opportunity to demonstrate they did meet all of the requirements and had submitted any required documentation within required deadlines.
- vi. Procedures were not followed which affected the applicant's proposal score.
 - vii. Evaluation and selection criteria specified in the RFP were not applied to the applicant's proposal.
4. The burden of proof for demonstrating grounds for an appeal lies with the applicant. The applicant is required "to demonstrate by substantial evidence that the Review Committee's decision was in error."
 5. Appeals will not be considered under the following circumstances:
 - i. Applicant files an appeal based solely on the merit of the proposal
 - ii. Applicant fails to file notice of appeal within the required time line
 6. If the Executive Director believes a decision should be reconsidered, the Executive Director will make a recommendation directly to the Commission.

LEVEL TWO APPEAL

1. If the Executive Director denies the appeal, and the applicant does not agree with the decision, the applicant can file an appeal directly with the Commission.
2. Appeals to the Commission (level two appeals) must be made within 10 calendar days from the receipt of the Executive Director's decision.

Level Two Appeal – Hearing Procedures

1. Appeal hearings are conducted in open session during a regular meeting of the Children & Families First Commission of Ventura County.
2. At the onset of the appeal hearing, the applicant will be given an opportunity to address the Commission and request the right for the appeal to be heard. The applicant will be asked to come to the podium to make their presentation. Once the Commission determines that there are sufficient grounds for appeal, the hearing will proceed. Written and electronic minutes of the meeting will be taken to assure an accurate record of the proceedings.
3. The Chairperson of the Commission will preside over the hearing. The parties will be cautioned that this is an appeal process and no new information may be considered. However, new information may be presented to support an argument that such information was unknown or unavailable during the Level One appeal.
4. The Chairperson of the Commission will state that the hearing will proceed as follows:
 - i. The Executive Director will have up to 5 minutes to provide a brief overview of the actions leading to the appeal.
 - ii. The Applicant will have up to 10 minutes to present the appeal.
 - iii. The Executive Director will have up to 10 minutes to respond.
 - iv. The Applicant will have up to 5 minutes for concluding remarks.
5. The Executive Director makes a factual presentation summarizing the process leading up to the appeal. (5 minutes)

6. The applicant makes the initial opening statement. A written statement may be submitted prior to the opening statement. (10 minutes)
7. The Executive Director may make an oral response. (10 minutes)
8. The applicant may then make a final statement. (5 minutes)
9. During or after the statements the members of the Commission may question either the Applicant or the Executive Director and request clarification of certain facts.
10. Upon completion of the statements and clarifications by the Commission, the Commission will deliberate in open session and review the statements of the Applicant and Executive Director.
11. Following the deliberation the Commission will do one of the following:
 - i. Uphold the Appeal
 - ii. Deny the Appeal
 - iii. Remand the application back to the Executive Director for further consideration
12. If the Commission upholds the appeal, they may elect to take any of the following actions:
 - i. Request the Review Committee to re-review their decision
 - ii. Conduct interviews with each of the applicants
 - iii. Re-open the Request for Application process
13. The decision of the Commission is final. The applicant will receive written notification of the Commission's decision within 15 days.