

Quick Reference Guide to the Appeals Process – Title 79, Chapter 13

There are appeals regarding the separation of a student from the basic police academy training, which go to the Deputy Director of Training, and appeals regarding academy applications, reciprocity, and discipline, which go to the Director. Ensure your appeal goes to the appropriate person and note the specific timelines and requirements for those appeals.

The appeal process was designed to remove discretion from the Director regarding Title 79 of the Nebraska Rules and Regulations, as well as related statutes. This process allows a person and/or agency to seek out an exception to a rule from the Police Standards Advisory Council.

004.01 Appeals of Academy Testing Failures **Deputy Director of Training**

004.01A An aggrieved individual and or agency desiring to appeal the separation from training for academic failure shall give notice of intent to appeal to the Deputy Director of Training within **seven (7) calendar days of the date the separation took effect.**

1. You can make this intent know by sending an email. You may also follow the email with written notification.

004.01B The individual or agency shall provide the appeal **in writing to the Deputy Director of Training within fourteen, (14) calendar days of the separation.** The appeal shall present the specific reasons justifying the request for review and reconsideration. The individual or agency shall also submit a proposed resolution of the decision or action to the Deputy Director of Training for his/her consideration.

1. This must be presented in writing and document a specific reason for the appeal.

004.01C The Deputy Director of Training shall arrange to meet with or contact the individual and or agency by telephone to discuss the merits of the appeal within seven, (7) calendar days of the receipt of the appeal.

004.01D The Deputy Director of Training shall review the appeal and conduct such research as necessary to determine the merits of the appeal.

004.01E The Deputy Director of Training shall notify the aggrieved individual and or agency in writing of acceptance or denial of the appeal within fourteen, (14) calendar days of receipt of the appeal. The Deputy Director of Training shall specify in writing any conditions that are incumbent to acceptance of the appeal.

004.01F The individual and or agency may appeal the decision of the Deputy Director of Training to the Director. The individual and or agency **must submit the appeal to the Director in writing within seven (7) calendar days of receipt of the Deputy Director's decision.**

004.01G The Director shall review the appeal and conduct such research as necessary to determine the merits of the appeal.

004.01H The Director shall notify the individual and or agency of his decision to accept or deny the appeal in writing within fourteen, (14) calendar days from the date of receipt of the appeal. The Director shall specify in writing any conditions that are incumbent to acceptance of the appeal. The decision of the Director is final.

004.02 Appeals of the Director's Decisions **Director**

004.02A An aggrieved individual and or agency may appeal decisions of the Director related to admission to training, certification status, and discipline.

004.02B An aggrieved individual and or agency desiring to appeal a decision or action of the Director **shall give notice of intent to appeal to the Director or his/her designee within seven (7) calendar days following the decision or action of the Director.**

1. The intent may be submitted by email to expedite the notification, which can then be followed up in writing.

004.02C The individual or agency **shall provide the appeal in writing to the Director within twenty-one, (21) calendar days of the Director's decision or action.** The appeal shall present the specific reasons justifying the request for review and reconsideration. The individual or agency shall also submit a proposed resolution of the decision or action to the Director for his/her consideration.

1. The request for reconsideration must be submitted. If there are no considerations or factors to consider, this step must still be followed to ensure the full process is complete.

004.02D The Director will investigate and consider the written request and proposed resolution and will provide a written decision to the individual or agency within twenty-one, (21) calendar days of receipt of the appeal.

1. You may receive reconsideration based on circumstances not previously considered or have changed.
2. If your request for reconsideration is denied, this will be considered your final denial. Now your appeal must proceed to PSAC for relief. In order to have your appeal placed in the agenda, you must follow the following steps.

004.02E The decision of the Director may be **appealed to the Council by notifying the Secretary to the Council in writing within ten, (10) calendar days of the Director's final decision. The appeal to the Council shall be addressed to:**

**Police Standards Advisory Council
C/O Secretary to the Council
NLETC
3600 North Academy Road
Grand Island, NE 68801**

004.02F The Secretary to the Council shall notify the individual/agency of receipt of the appeal and the date, time, and location of the Council meeting that the appeal will be heard.

004.02G The issues presented to the Council on appeal will be limited to those raised in the request for review and reconsideration as provided in section 004.02C and the Director's written decision in response.

Contact Information:

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PSAC Secretary – Steve Gobel Steven.Gobel@Nebraska.gov