



# Statewide Interoperability Radio Network (SIRN)

## Standards, Protocols, Procedures



Document Section	<b>Standards Compliance Process</b>	SIEC Sub Committee
State Standard Number	<b>7.3.0</b>	Date: 08/31/2020
Standard Title	<b>Appeal Process</b>	
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Date Revised/Reviewed	<b>NA</b>	

### **1. Purpose or Objective**

The purpose of this standard is to describe the process by which a decision of the owner agency, Statewide Interoperability Executive Committee (SIEC) Subcommittee, or the Statewide Interoperability Executive Committee (SIEC) may be appealed

### **2. Technical Background**

- **Capabilities**
- **Constraints**

### **3. Operational Context**

The SIEC is charged with setting standards and determining protocols and procedures for the smoothest possible operations between and among users of the SIRN system.

### **4. Recommended Protocol/ Standard**

All participants of the SIRN system, whether full, limited, or interoperability have the right to appeal a procedure, a decision, or a sanction set forth by the SIEC Chair or Vice Chair.

### **5. Recommended Procedure**

#### **Step 1: APPEAL**

- In the event of a dispute regarding the outcome of non-compliance procedure under SIEC Standard 7.2.0, Response to Non-Compliance, an aggrieved party may file a written appeal to reverse recommendations or sanctions within 30 days of issuance of directives or sanctions.
- Within ten days of receiving a request for appeal, the SIEC shall provide written notice of the request to all involved parties and set a date for an appeal hearing by the full SIEC Board within 45 days. SIEC Chair may appoint, at his or her discretion, someone to further investigate the appeal.

**DECISION** - The SIEC, after a hearing on the matter, shall make a decision regarding the dispute within 60 days and transmit an order to all parties involved. Unless a request for mediation by an aggrieved party is



received within 30 days, the action called for shall be implemented in accordance with the Order. Copies of the Order will be mailed to all affected parties, as well as the SIEC Chair.

## **Step 2: MEDIATION**

- If a dispute between an aggrieved party and the SIEC is not satisfied by Step 1 (above), an aggrieved party may file a written request for mediation with the SIEC Chair. This may be filed at any time prior to a deadline for action or within 30 days of a final action.
- Within ten days of receiving a request for mediation, the SIEC shall provide written notice of the request for mediation to all parties involved. The SIEC shall also provide a list of neutral parties experienced in the SORN system, public safety, and public service issues. Within 30 days, the affected parties shall select a mediator from the list of neutrals, or someone else mutually acceptable to all parties, and submit to mediation for a period of 30 days.

If the parties are not able to mutually select a mediator, a mediator will be selected by the North Dakota Attorney General's office.

- Mediator costs incurred throughout this mediation process will be shared equally by all involved parties.

DECISION – The mediator will assist the parties in their attempt to achieve a negotiated agreement.

If no agreement is reached, the SIEC's previous sanctions, directives, or findings will remain in effect. The aggrieved parties may need to seek other remedies as provided by law.

The SIEC Chair will maintain a master schedule and calendar for each event to ensure timely response.

## **6. Management**

The SIEC Chair, acting on behalf of the SIEC, will manage this process.

