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I. Statement of Policy

The Land Trust Accreditation Commission uses multiple sources of information in making decisions on accreditation and taking actions to ensure the credibility of the accreditation program. However, there may be instances when an applicant or accredited land trust disagrees with a Commission decision to not award or not renew accreditation or to revoke accreditation. Accordingly, the Commission provides applicants for accreditation and accredited land trusts the opportunity to appeal decisions to not award or not renew accreditation, or to revoke accreditation. (Other actions by the Commission are not subject to appeal, including but not limited to rejecting a pre-application, tabling an applicant at first-time accreditation, awarding conditional accreditation at renewal, placing a land trust on probation, or invoking administrative revocation for failure to pay accreditation fees.)

Grounds for appeal are limited to allegations that the Commission made an erroneous decision by arbitrarily failing to follow its stated procedures, arbitrarily failing to make a decision based on its published requirements and/or failing to consider all the evidence and documentation presented on behalf of the applicant or accredited land trust. Appeals are limited to the time and circumstances that triggered the Commission decision and to a review of facts available at that time. Descriptions of changes made by the appellant since the Commission decision will not be considered as part of the appeal.

If the Commission finds that a land trust has not complied with or has failed to continue to comply with *Land Trust Standards and Practices* or program requirements, the Commission may decide to not award or not renew accreditation or to revoke its accredited status. The land trust shall be promptly notified of such a decision and of its ability to appeal the decision following the procedures specified below.

An accredited land trust that has not been awarded renewed accreditation, or has had accreditation revoked, will remain on the list of accredited land trusts and may continue to display the accreditation seal until either the appeal period has expired or the Commission has taken final action.

Notwithstanding the above, in cases where the land trust subject to the Commission decision has knowingly or willfully violated *Land Trust Standards and Practices* or program requirements, has put its organization at risk or threatened the credibility of the accreditation program, and/or has obstructed the accreditation process, the Commission at its sole discretion may require that the land trust immediately cease using the accreditation seal. In this circumstance, the Commission may remove the name of the organization from the accredited land trust list immediately, before the appeal period has expired, so long as it reinstates the land trust's name if an appeal is successful.

The fee for filing a Request to Appeal with the Commission is \$1,500. The Commission may require, at its sole discretion, additional proportionate fees if the appeal involves multiple corporations or entities. The filing fee covers a portion of the Commission's administrative costs for processing the appeal and is payable regardless of the outcome of the appeal. If the Commission does not agree to hear the appeal, 65% of the total appeal fee paid will be returned to the land trust at the time it is notified that the Commission will not hear the appeal. The land trust is also responsible for any and all expenses it incurs in planning for and participating in any level of the appeals process, including but not limited to, legal fees, administrative costs, travel expenses or any other related costs.

II. Appeals Procedures

A. Notice of Request to Appeal

If a land trust wishes to appeal the Commission's decision to not award or not renew accreditation, or to revoke its accredited status, it must notify the Commission within 30 days (calendar days here and throughout this policy) from the date of transmission of the notice of the decision. The land trust requesting the appeal must take the following steps.

1. Send a written Request to Appeal to the Commission's office, addressed to the attention of the chair of the Commission, consisting of two copies of a statement summarizing the reasons for disputing the Commission's decision.
2. Include a check or money order made payable to the Land Trust Accreditation Commission with the appeal fee.
3. Send all materials in a manner that provides a tracking number and date of transmission to the Commission.

B. Response to Request to Appeal

The Commission shall take the following steps when a Request to Appeal is received.

1. The chair (or vice chair if chair is unavailable here and throughout this policy) and executive director of the Commission shall review the Request to Appeal within 30 days of transmission and make a determination that the grounds for

appeal listed in section I, “Statement of Policy,” have been met. This determination will be forwarded to the executive committee for ratification no later than 60 days from the date of transmission.

a. If the grounds for appeal have not been met, the appellant will be asked to provide supplementary information or will be informed in writing that the Request to Appeal has been denied on the basis of not meeting the grounds for appeal. This decision is not subject to any additional appeal.

b. If the grounds for appeal have been met, the Commission will provide a written notice to the appellant that the appeal will be heard.

2. Upon a determination that the Request to Appeal will be heard, the Commission shall establish an Appeals Panel (Panel) consisting of three current or former members of the Commission selected on the basis of their knowledge of accreditation and absence of any conflict(s) of interest. A Commission staff member will be assigned to assist the Panel. The Panel and Commission staff member assigned to the panel cannot include members of the original review team.

a. The appellant shall be provided with the list of Panel members and will have 10 days from the electronic transmission of the list to disclose if the land trust believes a Panel member has a conflict of interest. The Commission will consider this disclosure and will make a final assignment of the Panel.

3. The Panel shall operate as follows:

a. The chair of the Commission shall appoint one Panel member as chair.

b. The Panel will establish a date for a conference call with the appellant to hear the appeal.

c. The Commission shall provide the appellant with at least 30 days notice of the date of the conference call.

d. If the appellant will be represented by legal counsel on the call, it must notify the Commission at least 15 days in advance of the call.

e. In advance of the call, Panel members will review the documents on record and may privately discuss the information with representatives of the Commission in preparation for the call. The Panel may also request clarifying information, in writing, from the appellant in advance of the conference call with a response deadline determined by the Panel.

f. During the conference call, the Panel will take statements from and pose questions to the appellant and any other persons that the appellant wishes to provide information on its behalf. The Panel may record this call. The Panel may also request clarifying information, in writing, with a response deadline determined by the Panel.

g. After presentations are made during the conference call, the Panel shall make its recommendation in closed session. The Panel may recommend that the Commission reverse its previous decision and accredit with or without expectations for improvement, recommend that the Commission affirm its previous decision or recommend some alternative action.

i. If the Panel determines that it needs additional data to verify the information presented, it may request such information from the appellant or conduct a site visit and will notify the appellant of the need for more information or a site visit within 20 days of the conference call with the appellant. If a site visit is to be conducted, the budget for the visit must be approved by the Commission’s executive committee.

ii. The Panel shall prepare a recommendation and the rationale therefor to the full Commission within 45 days of the conference call with the appellant, conclusion of the site visit, or the date additional data is received, whichever is later.

iii. The Panel chair shall transmit the recommendation to the Commission in writing.

- h. The Commission will act on the Panel’s recommendation at its next regularly scheduled in-person meeting with a quorum, provided that the recommendation is received by the Commission no less than 14 days before the meeting – otherwise the matter will be acted on at the subsequent in-person meeting. The Panel’s recommendation may be adopted by a majority vote of the Commission.. The Panel’s recommendation is not binding on the Commission. A two-thirds affirmation vote of the Commission shall be required to reverse or amend the recommendation of the Panel; otherwise the recommendation of the Panel shall be deemed adopted by the Commission.

- i. The appellant will be notified in writing of the Commission's decision within 20 days of the decision.

C. Final Action

1. If no written Request to Appeal is received by the Commission within 30 days from the date of transmission of the notice of its initial decision, the Commission's initial decision shall constitute the final action by the Commission.
2. If an appeal has been heard, the determination of the Commission on the Panel's recommendation shall constitute the final action of the Commission.
3. Any legal actions brought by the appellant after the final action by the Commission must be filed in the District of Columbia.

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