



# **Certification Eligibility Appeals Policy**

**Oct. 27, 2022**

## POLICY INTRODUCTION

The National Board for Certified Counselors, Inc. (NBCC) sponsors professional certification programs for the profession of counseling, including the National Certified Counselor® (NCC®) and Certified Clinical Mental Health Counselor™ (CCMHC®) credentials and other specialized certification programs. The primary purposes of NBCC are the development, maintenance, evaluation, promotion, and administration of rigorous, validated examination-based, professional credentialing programs. NBCC programs are designed to objectively assess and measure the professional knowledge of counselors. NBCC requirements and eligibility standards are to be applied fairly, impartially and in a manner consistent with applicable laws. NBCC will not discriminate against any candidate for any unlawful reason, and will grant certification without regard to a candidate's membership or nonmembership in any organization or group.

NBCC certification candidates must satisfy all educational and experiential requirements established by the NBCC Board of Directors, and must demonstrate a past and ongoing professional commitment to the profession of counseling. In addition, each NBCC certification candidate must demonstrate minimum professional knowledge in areas tested by appropriate certification examinations.

### A. GENERAL POLICY TERMS

1. Appeal Process: This Certification Eligibility Appeals Policy (Appeals Policy) and its procedures are the only way to resolve challenges and appeals concerning NBCC actions and decisions regarding certification applications and certification maintenance, including matters related to certification eligibility (certification appeals). However, all appeals related to NBCC examinations, including appeals concerning test administrations, special examination accommodations, and examination content are governed by, and exclusively resolved pursuant to, the NBCC Examination Appeal Policy, which is published at: [https://www.nbcc.org/Assets/Policies/NBCC\\_CCE\\_Examination\\_Appeals\\_Policy.pdf](https://www.nbcc.org/Assets/Policies/NBCC_CCE_Examination_Appeals_Policy.pdf).

These informal procedures are not legal proceedings, and are designed to operate without the assistance of attorneys. A certification candidate may be represented by an attorney at that individual's sole expense. However, if an attorney has been retained by a candidate, that attorney may be directed to communicate with NBCC only through the NBCC General Counsel and Chief Legal Officer or designee. However, candidates are permitted to communicate directly with designated NBCC representatives unless otherwise specified.

All certification appeals submitted pursuant to this Policy will be resolved by the designated NBCC representative(s), including the Director of Certification and Credentialing Services, the Vice President of Credentialing and Quality Assurance, or the Board of Directors, or their designees. Candidates involved in certification appeals are not permitted to communicate with such NBCC representatives unless specifically authorized by this Policy.

2. Appeal Time Requirements: NBCC will make reasonable efforts to follow the time schedules and requirements identified in this Policy. However, NBCC's failure to meet a time requirement will not prohibit the handling or resolution of any certification appeal. Certification candidates are required to comply with all time requirements and deadlines specified in this Policy. NBCC may grant a limited time extension to a candidate, who submits a timely, written request that provides a reasonable basis for the extension.
3. Related Legal and Organizational Matters: NBCC may review and resolve any certification appeal regardless of whether any related issues are the subject of any legal or organizational matter, such as proceedings before a court, regulatory agency, or professional organization. NBCC also may continue or delay the review and resolution of any such certification appeal.
4. Confidentiality: In order to protect the privacy interests of certification candidates and NBCC related to certification appeals, all information and material prepared by or submitted to NBCC (appeal information) will be confidential, except as otherwise explained in this Policy. The disclosure of appeal information is permitted only when specifically authorized by an NBCC policy, and by the President and CEO or other authorized representative. In order to protect the confidentiality of candidate information, NBCC will only communicate with the candidate or their attorney concerning certification appeals, and not with any other candidate representative.

Among other information, NBCC will not consider the following materials and documents to be confidential:

- a. Published NBCC policies, including certification and eligibility criteria;
- b. Information, records, and other materials that are disclosed as the result of a legal requirement;
- c. At the request of a candidate, certification information that the candidate would like made available to a government agency, another credentialing agency or a professional organization; and,
- d. Final NBCC certification appeal decisions and orders.

## **B. NBCC CERTIFICATION ELIGIBILITY ACTIONS/ELIGIBILITY DETERMINATIONS**

1. NBCC Application Actions/ Eligibility Determinations: Following receipt of a candidate's certification application, the Director of Certification and Credentialing Services or designee (Director) will review the application pursuant to the terms of the NBCC Certification Eligibility Policy. Based on that review, the Director will take one or more of the following certification eligibility status actions:
  - a. Determine that the application is incomplete, and issue an initial eligibility determination rejecting the application, and identifying the information required to complete the application and related submission requirements.

- b. Determine that the candidate has not satisfied the applicable certification eligibility requirements, and issue an eligibility determination explaining the reasons for rejection of the application.
  - c. Determine that the candidate has acted contrary to an NBCC policy or rule, such as the NBCC Certification Eligibility Ethics Policy, which is published at: [https://www.nbcc.org/Assets/Ethics/NBCC\\_Certification\\_Eligibility\\_Policy\\_Ethics.pdf](https://www.nbcc.org/Assets/Ethics/NBCC_Certification_Eligibility_Policy_Ethics.pdf), and issue an eligibility determination rejecting the application.
  - d. Determine that the candidate should be granted conditional eligibility status, and issue a conditional eligibility determination specifying the terms and requirements of such status.
  - e. Determine that the candidate is eligible for certification, and issue an eligibility determination accepting the candidate's certification application pending successful completion of the certification examination.
2. Candidate Requests for Reconsideration: Within thirty (30) days of receipt of a certification eligibility rejection or conditional determination, the candidate may submit a written request to the Director for reconsideration of such determination. The eligibility reconsideration request must explain all reasons that the candidate believes that such determination is in error under the terms of the Certification Eligibility Policy. Following receipt of the reconsideration request, the Director will determine and advise the candidate: whether additional information is required; and/or, whether the request is granted or denied, including the basis of such reconsideration determination. Upon denial of a request for reconsideration or the issuance of a final adverse reconsideration determination, the candidate may choose to submit an appeal of the adverse certification eligibility determination within thirty (30) days of receipt of such reconsideration denial or adverse determination, pursuant to this Policy.

### **C. APPEAL OF ADVERSE CERTIFICATION ELIGIBILITY DETERMINATIONS**

A candidate may submit an appeal of an adverse certification eligibility determination, finding that the candidate failed to satisfy, or acted contrary to, a certification eligibility requirement, or imposed a condition on certification eligibility. All such appeals must conform to the terms of this Policy. NBCC retains the sole authority to reject non-conforming appeals.

### **D. INITIAL APPEALS TO THE NBCC VICE PRESIDENT OF CREDENTIALING AND QUALITY ASSURANCE**

A candidate may submit an initial, written appeal of an adverse eligibility determination to the NBCC Vice President of Credentialing and Quality Assurance, or designee (Vice President), within thirty (30) days of the date of the determination. Consistent with Policy Section E, such appeals must provide a detailed explanation of the basis of the reasons that the candidate believes the adverse eligibility determination is incorrect, including all policies and factual information that support the appeal, and all reasons why the decision should be changed or modified. The appeal also must identify, include, and reference all supporting documents. The Vice President retains the sole authority to reject an appeal that does not conform to these requirements, and any other terms of this Policy.

## **E. INITIAL APPEAL REQUIREMENTS**

In order for an initial appeal of an adverse eligibility decision to be considered by the Vice President or designee, the written appeal submission must include the following information:

1. The name, certification candidate identification number, and signature of the candidate.
2. Substantial information supporting the positions that: the candidate is eligible for certification under the applicable NBCC policies; and, the final ineligibility decision is incorrect and should be modified.
3. All factual information and supporting materials that the candidate believes to be relevant to the resolution of the appeal.
4. All specific objections and corrections concerning the final eligibility determination.
5. The identification of all persons and organizations with information relevant to the appeal, including contact information for those persons and organizations.

Incomplete appeals will not be considered and will be rejected by the Vice President.

## **F. INITIAL APPEAL DECISIONS AND ACTIONS**

Following the receipt of a complete initial appeal, the Vice President or designee will review the appeal and the related policy and record materials. Based on that review, the Vice President will take one or more of the following actions:

1. Determine that the appeal record does not present sufficient information to support further consideration, or does not include substantial information that would support modification of the adverse eligibility determination, and issue a decision denying and rejecting the appeal, including a summary of the findings and conclusions of the Vice President.
2. Determine that the appeal positions of the candidate are not supported by the record information and/or NBCC policy, and issue a decision affirming and accepting the initial ineligibility determination, including a summary of the findings and conclusions of the Vice President.
3. Determine that the appeal record information supports modification of the adverse eligibility determination, and issue a decision reversing that determination, including a summary of the findings and conclusions of the Vice President. Such decision may declare the candidate eligible for certification and/or impose conditions on the candidate's certification eligibility.
4. Determine that resolution of the appeal requires the consideration of a significant, substantive NBCC policy issue, and refer the appeal to the President and CEO for review and resolution as a final appeal pursuant to this Policy.

## G. LIMITED FINAL APPEALS TO THE BOARD APPEALS COMMITTEE

In certain circumstances, and so long as the President and CEO has not issued a final appeal decision pursuant to Policy Section F, a candidate may submit a final appeal of an adverse, initial appeal decision to the Appeals Committee of the NBCC Board of Directors (Board Appeals Committee) consistent with this Policy Section. Such final, limited appeals must be submitted to the Board Appeals Committee within thirty (30) days of the date of the initial appeal decision issued by the Vice President or designee. The Appeals Committee and the President and CEO retain the sole authority to accept a final appeal, and to reject a final appeal that does not conform to these requirements and any other terms of this Policy.

## H. FINAL APPEAL REQUIREMENTS

In order for a final appeal to be considered by the Board Appeals Committee, the written appeal submission must include the following information:

1. The name, certification candidate identification number, signature, and contact information of the candidate.
2. Substantial information in the appeal record showing that the initial appeal decision of the Vice President or designee is: inconsistent with the relevant NBCC certification policies; and/or, contrary to the relevant and primary information in the record related to the candidate's certification eligibility. The appeal may include new or previously undiscovered information only if: such information was not previously available to the candidate; and, the information could have significantly affected the initial appeal decision in the candidate's favor. Otherwise, the Appeals Committee will not consider information that was not previously provided to the Vice President with respect to the initial appeal.
3. A statement by the candidate providing a detailed explanation of the basis of the final appeal, including all policies and factual information that support the appeal, and the specific reasons that the initial appeal decision should be changed or modified.

## I. FINAL APPEAL DECISIONS

Following the receipt of an authorized and complete final appeal, the Board Appeals Committee will review the appeal record materials, and issue a final appeal decision, including a summary of its findings and conclusions. Based on that review, the Appeals Committee may take any of the following actions:

1. Determine that the appeal does not support any modification of the initial appeal decision, or otherwise should be rejected, and issue a final appeal decision: affirming the initial decision; dismissing the appeal; and, declaring the candidate ineligible for certification.
2. Determine that the appeal record information supports modification of the initial appeal decision, and issue a final appeal decision revising the initial appeal decision, which may include conditions or requirements related to certification eligibility. Such final decision may declare the candidate eligible or conditionally eligible for certification.

## **J. FINAL CERTIFICATION ELIGIBILITY APPEAL DECISIONS**

An NBCC certification eligibility appeal action and decision will be final, and a candidate is not permitted to further challenge and appeal that decision when any of the following events occur:

1. The deadline for the submission of an initial or final appeal has passed, and the candidate has not submitted a complete appeal pursuant to this Policy.
2. The Board Appeals Committee issues a final decision declaring that the candidate is not eligible for certification.
3. The appeal has been withdrawn or otherwise terminated by the candidate.