APPLICATION AND CERTIFICATION APPEALS PROCEDURES

INTRODUCTION

The National Board for Certified Counselors, Inc. (NBCC) sponsors professional certification programs within the profession of counseling, including the National Certified Counselor (NCC) credential and other specialized certification programs. The purpose of NBCC is the development, maintenance, evaluation, promotion and administration of a rigorous, examination-based, professional credentialing program. The NBCC program is 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 reason and will grant certification without regard to a candidate’s membership or nonmembership in any organization or group.

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

SECTION A: GENERAL

1. **NBCC Process:** All challenges regarding the actions of NBCC are governed by procedures contained in this document. These appeal procedures are the only way to resolve all NBCC application, eligibility, examination and other certification challenges, and complaints of irregularities.

   Because these informal procedures are not legal proceedings, they are designed to operate without the assistance of attorneys. Anyone may be represented by an attorney at that individual’s sole expense. However, if an attorney has been retained by an individual, that legal counsel may be directed to communicate with NBCC only through NBCC’s legal counsel. However, applicants are encouraged to communicate directly with NBCC unless otherwise specified.

2. **Participants:** The NBCC Board of Directors, president and CEO, and any other authorized representative of NBCC may be involved in deciding matters to be resolved under these procedures.

3. **Time Requirements:** NBCC will make every effort to follow the time requirements described in this document. However, NBCC’s failure to meet a time requirement will not prohibit the
handling or final resolution of any matter arising under these procedures. NBCC applicants are required to comply with all time requirements specified in this document. Unless provided otherwise, time extensions may be granted by NBCC if a timely, written request explaining a reasonable cause is submitted.

4. **Litigation/Other Proceedings:** NBCC may resolve a dispute arising under these proceedings when civil or criminal litigation, or other proceedings related to the dispute are also before a court, regulatory agency or professional organization. NBCC may also continue or delay the resolution of matters and disputes in such cases.

5. **Confidentiality:** In order to protect the privacy of all individuals involved in a matter under these procedures, all material prepared by or submitted to NBCC will be confidential. Disclosure of material prepared by or submitted to NBCC is permitted only when specifically authorized by an NBCC policy and by the NBCC president and CEO or other authorized representative. As they are a part of the appeals process, applicants are not authorized to informally communicate with the NBCC president and CEO or members of the Board of Directors.

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

5.1. Published certification and eligibility criteria;
5.2. Records and materials that are disclosed as the result of a legal requirement;
5.3. At the request of an applicant, any certification information that the applicant would like made available to other credentialing agencies or organizations; and
5.4. Final NBCC certification appeal decisions and orders.

**SECTION B: NBCC CERTIFICATION ACTIONS**

1. **NBCC Actions With Regard to the Application:** NBCC will make one of the following decisions with regard to a candidate’s application(s) for NBCC certification: (a) accept the application; (b) request additional or supplemental information; or (c) reject the application on the ground(s) that the applicant does not meet the necessary eligibility requirements, or the applicant has breached an NBCC policy or rule.

2. **NBCC Actions With Regard to the Examination:** NBCC shall, in accordance with established procedures, notify each applicant as to whether he/she has achieved a passing or failing score on the certification examination.

3. **NBCC Actions With Regard to the Application:** NBCC shall make one of the following decisions with regard to an applicant’s certification application: (a) grant certification; (b) conditionally accept the application for certification, pending satisfactory completion of an NBCC certification examination or satisfaction of all eligibility requirements; (c) request additional information; or (d) reject the application on the ground(s) that the applicant does not meet the necessary criteria for certification, or the applicant has breached an NBCC policy or rule. In cases where a determination of ineligibility is made, the applicant will be notified, and he or she will have 30 days to submit additional information he or she would like considered. Applicants may also request the opportunity to make an oral presentation to the credentialing services administrator or the director of ethics who will have full authority to convene and preside over the oral presentation.
SECTION C: CIRCUMSTANCES FOR APPEAL OF AN ADVERSE NBCC CERTIFICATION DECISION

Appeal Limitations: An applicant may submit an appeal of an adverse NBCC certification program decision under the following circumstances:

1. The applicant was found to be ineligible to take the NBCC certification examination;
2. The applicant did not pass and successfully complete the NBCC certification examination; or
3. The applicant failed to satisfy an NBCC certification requirement, including those related to education or experience.

SECTION D: TIME PERIOD FOR FILING AN APPEAL TO THE PRESIDENT AND CEO

An applicant may submit a request for the NBCC president and CEO to review an adverse action or decision within thirty (30) days of the date of the action or decision. Such appeals must be submitted in writing and must detail the nature of the appeal and the specific facts supporting the appeal. This written request for an appeal must include all reasons why the decision should be changed or modified and all supporting documents.

Any appeal received beyond this date will not be reviewed or considered by NBCC.

SECTION E: APPEAL TO THE PRESIDENT AND CEO

1. **Required Information and Grounds for Appeal:** In order for an appeal to be considered by the NBCC president and CEO, the appeal is limited to the following grounds and must contain the following information:

   1.1. The identity and signature of the individual applicant submitting the appeal;
   1.2. Substantial evidence of one of the following grounds:
       1.2.1. The applicant’s eligibility to sit for the certification examination was incorrectly reviewed and denied; or
       1.2.2. The certification examination was incorrectly scored, and as a direct result of the incorrect scoring the applicant received a passing score on an NBCC examination; or
       1.2.3. The applicant’s eligibility for certification was incorrectly or inaccurately evaluated under the qualification standards in use at the time certification was sought, and the applicant would have qualified for certification if the applicant had been evaluated properly and accurately.
   1.3. All objections, corrections and facts the applicant believes to be relevant to the appeal, including all documents in support of the appeal.
   1.4. The names, addresses and telephone numbers of people who can provide relevant information regarding the appeal.

2. **NBCC President and CEO Actions:** The NBCC president and CEO or his/her designee may take one of the following actions after reviewing the appeal information:
2.1. Refuse to further process the appeal because of inadequate cause, or deem the appeal to be frivolous;
2.2. Affirm or modify the adverse action or decision, or take other appropriate action; or
2.3. Refer the appeal to the Board of Directors for review and resolution

SECTION F: TIME PERIOD FOR APPEAL TO THE NBCC BOARD OF DIRECTORS

An applicant may file a written appeal to the Board of Directors within thirty (30) days of the date of the adverse decision of the NBCC president and CEO. Such appeals must be submitted in writing and must detail the nature of the appeal and the specific facts supporting the appeal. This written request for an appeal must include all reasons why the decision should be changed including all supporting documents.

Any appeal received beyond this date will not be reviewed.

SECTION G: APPEAL TO THE BOARD OF DIRECTORS

1. Required Information and Grounds for Appeal: In order for an appeal to be considered by the Board of Directors, the appeal is limited to the following:

   1.1. The identity and signature of the individual applicant submitting the appeal;
   1.2. Substantial evidence of one of the following:
       1.2.1. Information indicating that a procedural rule was misapplied in the appeal decision by the NBCC president and CEO;
       1.2.2. Evidence of new or previously undiscovered information that was not reasonably available to the applicant prior to the appeal to the NBCC president and CEO that could have significantly influenced the outcome of the first appeal in the applicant’s favor; or
       1.2.3. Information demonstrating that the NBCC president and CEO’s decision is contrary to the most substantial information presented.
   1.3. With respect to the grounds listed in 1.2.1 and 1.2.3 above, the Board of Directors will only consider arguments that were previously presented to the NBCC president and CEO.

2. Board of Directors Actions:
   2.1. The Board of Directors may refuse to further process the appeal because of inadequate cause, or may deem the appeal to be frivolous; or
   2.2. The Board of Directors may affirm or modify the decision, or take other appropriate action.

3. Scheduling of Final Appeal: Within sixty (60) days of receipt of a proper written appeal, the Board of Directors will schedule a date, usually not later than the next regularly scheduled Board meeting, on which to consider the appeal and will notify the applicant of the date the appeal will be considered.

4. Appeal Review: The Board of Directors will conduct a meeting designed to review all of the available information, including the appeal to the NBCC president and CEO and the materials submitted by the applicant. If needed, the Board may contact the appellant for additional information.
5. **Written Presentation to the Board:** The applicant may submit a written presentation to the Board of Directors that fully explains any claims, arguments and objections concerning the appeal and which addresses the grounds for appeal described in Section G (above).

**SECTION II: DECISION OF THE BOARD OF DIRECTORS**

**Decisions of the Board of Directors:** The Board will consider all relevant information and decide the appeal. A summary of its findings will be included in the Board’s final decision. The Board will issue its final decision within thirty (30) days of the closing of the review of the appeal, or as soon thereafter as is practical.

**SECTION I: CLOSING APPLICATION ELIGIBILITY MATTERS**

**Conditions for Closing an Application Eligibility Matter:** An application eligibility matter will be closed when any of the following occurs:

1. The allowable time period for the filing of an appeal pursuant to these procedures has lapsed;
2. The Board of Directors issues a decision; or
3. The appeal has been withdrawn or terminated by the applicant.

Approved by the NBCC Board of Directors: October 1997
Amended: March 1, 2008, June 8, 2012

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