



## ETHICS CASE PROCEDURES

### INTRODUCTION

The National Board for Certified Counselors (NBCC) develops and promotes high ethical standards for counselors. NBCC requires that certified counselors meet these standards. The following disciplinary procedures are the rules for processing possible violations of NBCC ethics directives. These rules are applicable to NBCC certificants and applicants. This document identifies the only procedures for handling ethics cases brought to the attention of NBCC. When counselors apply for certification or recertification, they agree to abide by the NBCC policies, including the *Code of Ethics (Code)* and the *Ethics Case Procedures*. In addition, certified counselors and applicants for certification agree that (a) these procedures are a fair process for resolving all ethics matters, (b) they will be bound by decisions made pursuant to these procedures, (c) these procedures are governed by the principles of the laws of the State of North Carolina and (d) these procedures do not constitute a contract between NBCC and the certificant or applicant.

### SECTION A: GENERAL

- 1. NBCC Process:** These procedures identify the means to resolve ethical concerns regarding an applicant or certificant's conduct. NBCC has the exclusive authority to end any ethics inquiry or case, regardless of circumstances. By applying for certification or recertification, counselors voluntarily agree that they will abide by the *Code* and will not challenge the results of any NBCC action taken under these policies in a legal or government forum. These ethics procedures are not formal legal proceedings; therefore, many legal rules and practices are not observed. NBCC will review the pertinent information presented when considering ethics matters.

The NBCC *Ethics Case Procedures* are designed to operate without the assistance of attorneys. Anyone may be represented by an attorney with respect to ethics proceedings and procedures, at that individual's sole expense. However, if an individual has retained an attorney, that individual's legal counsel and attorney may be directed to communicate with NBCC only through NBCC legal counsel. The individuals are encouraged to communicate directly with NBCC.

- 2. Participants:** Ethics cases may be decided by the NBCC director of ethics, the Board Ethics Appeals Committee and/or any representative designated by the NBCC president and CEO or authorized by these procedures. An NBCC certificant or applicant who is the subject of an ethics grievance or inquiry will be identified as the respondent in these rules. The person(s) initiating an ethics charge statement relating to a certificant or applicant will be identified as the grievant(s).
- 3. Grievant:** Any person (s), or in appropriate cases NBCC, may initiate an ethics inquiry and act as a grievant.
- 4. Statement of Grievance:** A grievant other than NBCC must (a) contact the NBCC Ethics Department and request a *Statement of Grievance*, the identified form that provides NBCC details regarding the concerns about the certificant or applicant; (b) provide the information requested; and (c) submit the completed *Statement of Grievance* to the NBCC director of ethics. Each *Statement of Grievance* must include a detailed written description of the facts regarding the grievance(s). NBCC will also forward to the grievant a copy of the NBCC *Code of Ethics* and the *Ethics Case Procedures*.
- 5. 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 final resolution of any ethics matter. Grievants and respondents are required to comply with all time requirements specified in this document. Time

extensions or postponements may be granted by the NBCC director of ethics or president and CEO if a timely written request explains a reasonable cause.

6. **Litigation/Other Proceedings:** NBCC may accept and resolve ethics grievances when civil or criminal litigation, or other proceedings related to the grievance have been or are presently before a court, regulatory agency or professional organization. NBCC may also continue or delay reviews in such cases.
7. **Grievances Concerning Noncertificants and Nonapplicants:** In the event that NBCC receives a *Statement of Grievance* or obtains information concerning an individual who is not a current applicant or certificant, NBCC may refer the grievant to an appropriate authority.
8. **Improper Disclosure/False or Misleading Responses:** Any applicant or certificant who provides a misleading disclosure or who fails to disclose all pertinent information with respect to a civil, criminal or disciplinary proceeding, or similar matter may be committing a violation, which may result in certification ineligibility.
9. **Time Limitations Concerning Complaints:** NBCC may consider any disclosed matter or grievance regardless of (a) whether the respondent held an NBCC credential at the time of the asserted violation, (b) when the asserted violation occurred or (c) whether the respondent continues to hold or seek an NBCC credential during the course of any ethics case.
10. **Confidentiality:** In order to protect the privacy of the individuals in an ethics case, all material prepared by or submitted to NBCC will be confidential. An exception will be made if a release of information is authorized by these rules. The identities of all members of the Ethics Consultative Committee and the Board Ethics Appeals Committee shall remain confidential and will not be released without the specific authorization of each committee member.

Until an ethics case has been closed or finalized pursuant to Section M, all individuals must maintain the confidentiality of all information related to the ethics case, including its existence, consistent with these rules. If anyone discloses information related to the ethics case contrary to these rules, the NBCC president and CEO, director of ethics, or Board Ethics Appeals Committee may terminate the ethics grievance if such disclosure is made by the grievant, or may impose any sanction included within these rules if such disclosure is made by the respondent.

11. **Failure to Cooperate:** If any individual refuses to fully cooperate or participate with NBCC or its representatives, and it is determined that the lack of cooperation was without good cause, NBCC may take the following actions: (a) the NBCC president and CEO, director of ethics, and/or Board Ethics Appeals Committee may terminate the ethics grievance of an uncooperative grievant and (b) if a respondent is uncooperative, the director of ethics, and/or Board Ethics Appeals Committee may impose any sanction included within these rules. No appeal of such NBCC actions is permitted.
12. **Resignation From NBCC:** Should a respondent attempt to relinquish NBCC certification or withdraw an application during the course of any ethics inquiry or case, NBCC reserves the right to continue the matter to a final resolution according to these rules. NBCC may require that a certificant agree to conditions related to the relinquishment of a certification.

## **SECTION B: INFORMAL RESOLUTION**

1. **Cases Appropriate for Informal Resolution:** The director of ethics will receive the *Statement of Grievance*. The director of ethics will consider the seriousness of the grievance, the respondent's background, prior conduct and any other pertinent material, and make a decision concerning the likelihood that the matter can be resolved fairly without formal disciplinary proceedings as described in these rules. Ethics cases concerning charges issued

by a regulatory agency or professional organization and those involving criminal or civil litigation are not appropriate for informal resolution.

2. **Informal Resolution Determination:** Should the director of ethics determine that a particular ethics matter is appropriate for informal resolution and the grievant and respondent agree, the director of ethics will attempt to resolve the dispute to a fair conclusion.
3. **Successful Informal Resolution:** In the event of successful informal resolution, the director of ethics will prepare a report summarizing the terms and forward it to the individuals involved. An informal resolution of an ethics matter may not be appealed after the acceptance of the report by all individuals involved in the ethics case.
4. **Unsuccessful Informal Resolution:** In the event of unsuccessful informal resolution, the director of ethics will refer the case for resolution consistent with these procedures.

## SECTION C: SUBMISSION OF STATEMENT OF ETHICS GRIEVANCE

**Statement of Ethics Grievance:** In order for NBCC to consider a grievance, a grievant other than NBCC must complete a *Statement of Ethics Grievance*, including all information required by the form and submit it to the NBCC director of ethics. The *Statement of Ethics Grievance* is a formal written communication from a grievant describing in detail the concerns regarding an NBCC certificant or applicant, and is the only form of grievance submission accepted. Documents such as government agency complaints or decisions, court complaints or decisions, and other public documents or materials may be submitted in support of a *Statement of Ethics Grievance*, or may serve as the basis of an ethics inquiry initiated by NBCC.

When a completed *Statement of Ethics Grievance* is received by NBCC, the NBCC director of ethics will (a) review the material received and assign a case number to the matter; (b) review the grievance(s) made; (c) determine whether the grievance(s) is presented in sufficient detail to permit NBCC to conduct a preliminary inquiry; and if necessary, (d) contact the grievant and request additional factual material. The NBCC director of ethics will send a letter to the grievant and respondent stating whether the grievance(s) submitted is accepted or rejected for a formal ethics review.

## SECTION D: ACCEPTANCE OR REJECTION OF ETHICS GRIEVANCES

1. **Acceptance of Statement of Ethics Grievance:** The NBCC director of ethics will review each grievance presented in the *Statement of Ethics Grievance* and then determine if it will become the subject of a formal ethics review. The following criteria will be considered to determine if a grievance is accepted or rejected: (a) whether the respondent is an NBCC certificant or applicant; (b) whether a proven grievance would constitute a violation of the *Code of Ethics*; (c) whether the passage of time since the possible violation requires that the grievance be rejected; (d) whether relevant, reliable information or proof concerning the grievance is available; (e) whether the grievant is willing to provide proof or other information to NBCC concerning the grievance; and (f) whether the grievance appears to be supportable considering the proof available to NBCC.

The NBCC director of ethics will determine whether the grievance(s) and available information support the issuance a formal ethics complaint notification.

2. **Rejection of Statement of Ethics Grievance:** If the NBCC director of ethics determines that a *Statement of Ethics Grievance* should not become the subject of a formal ethics complaint, the NBCC director of ethics will reject the grievance(s). The NBCC director of ethics will notify the grievant and respondent of the rejection and the reasons for it in writing.
3. **Appeal of Grievance Rejection:** Within thirty (30) days of the mailing date of a grievance rejection letter, the

grievant may appeal the rejection of the *Statement of Ethics Grievance* to the NBCC president and CEO. In order to have the NBCC president and CEO consider this appeal, a grievant must state in writing the following: (a) the procedural errors possibly made by the NBCC director of ethics with respect to the grievance rejection, if any; (b) the specific provisions of the *Code of Ethics* believed violated; and (c) the specific information to support the acceptance of the grievance(s).

The NBCC president and CEO will consider any grievance rejection and issue a final decision, which cannot be appealed.

## **SECTION E: INITIATION OF ETHICS COMPLAINTS AND INQUIRIES**

**Ethics Complaint Notifications:** After an ethics grievance is accepted for a formal inquiry, the NBCC director of ethics will issue an *Ethics Complaint Notification* identifying each term that may have been violated and the basis for each. This notification will be delivered to the respondent and the grievant at the last known address(es) by regular mail or other verifiable delivery service, return receipt requested, and will be marked “Confidential.”

## **SECTION F: RESPONSE TO THE ETHICS COMPLAINT NOTIFICATION**

- 1. Submitting an Ethics Complaint Response:** Within thirty (30) days of the mailing date of an ethics complaint notification, the respondent must submit a written response according to the instructions in the notification. The response must include the following: (a) a full answer to each item identified in the complaint, (b) the identification and a copy of each document that the respondent believes to be relevant to the resolution of the ethics complaint and (c) any other information that the respondent believes will assist NBCC in considering the ethics complaint fairly.
- 2. Response Deficiencies:** The NBCC director of ethics may require the respondent to supplement or expand a response.
- 3. Optional Reply to Ethics Complaint Response:** The NBCC director of ethics will forward a copy of the submitted response to the grievant within approximately ten (10) days following its receipt by NBCC. The grievant may submit a reply to the response by letter or similar document within ten (10) days of the mailing date of the response to the grievant. If submitted, this reply must fully explain any additional information that the grievant wishes to present to the director of ethics concerning the ethics complaint response. If more information is submitted, the respondent will receive a copy and will have 10 days to provide a final response.

## **SECTION G: PRELIMINARY ACTIONS**

- 1. Voluntary Temporary Suspension of Certification:** At any time following the issuance of an ethics complaint, the respondent may be asked to agree to a temporary suspension of NBCC certification, pending the final resolution. If the respondent accepts this request, he or she will sign a voluntary suspension agreement. This agreement will state the temporary suspension and that the respondent voluntarily ceases from representing himself or herself as certified by NBCC until further notice. The respondent will also return any certifications to NBCC to be held until the ethics matter has reached a final resolution.
- 2. Involuntary Suspension of Certification:** If a respondent fails to agree to and sign a Voluntary Suspension Agreement pursuant to Section G.1 (above), the NBCC director of ethics, the president and CEO, or the Board Ethics Appeals Committee may involuntarily suspend the respondent’s certification(s) pending the final resolution of the complaint.

3. **Circumstances of Involuntary Suspension Actions:** Suspensions are authorized where: (a) the respondent has been convicted of a criminal or quasi-criminal act, or the respondent has not contested a criminal indictment under any statute, law or rule; (b) the respondent has been indicted or similarly charged with any criminal act or violation of criminal law under statute, law or rule; (c) the respondent has been found in violation of any law, regulation or rule by a professional regulatory organization, or has been sanctioned or disciplined by such a regulatory organization; (d) the respondent is the subject of a formal complaint or inquiry by a professional regulatory organization; (e) the respondent has been found in violation of an ethics code of a professional association or certifying body; (f) the respondent is the subject of a formal complaint or similar charge and inquiry by a professional association or certifying organization concerning ethics or disciplinary matters; or (g) the respondent is the subject of litigation pertaining to professional practice.
4. **Other Preliminary Actions:** The NBCC director of ethics, the president and CEO or the Board Ethics Appeals Committee may require the respondent to do or to refrain from doing certain acts by preliminary and temporary action, including the disclosure and submission of documents relevant the ethics review. Any temporary and preliminary action requested will be reasonably related to the complaint under consideration or to an individual's responsibilities under the *Code of Ethics*.
5. **Failure to Comply With Preliminary Actions:** The NBCC director of ethics, the president and CEO, or the Board Ethics Appeals Committee may discipline a respondent who fails to comply with a temporary or preliminary action. The NBCC director of ethics, the president and CEO, or the Board Ethics Appeals Committee will consider the severity of the failure to comply and other relevant factors in determining the discipline. Preliminary and temporary actions cannot be appealed.

## SECTION H: ETHICS CONSULTATIVE COMMITTEE

1. **Ethics Consultative Committee:** The NBCC president and CEO shall appoint a committee of individuals who serve as a professional resource for the NBCC director of ethics and the president and CEO. At the direction of the NBCC president and CEO or the director of ethics, this committee may be consulted for the purpose of reviewing confidential ethics case material that may or may not be incorporated with final decisions or appeals.
2. **Meetings of the Ethics Consultative Committee:** Ethics Consultative Committee meetings will be scheduled by the NBCC director of ethics. Each committee meeting will be held via telephone conference.
3. **Participation of NBCC Legal Counsel:** NBCC Legal Counsel will be present at an ethics consultative committee meeting if possible.
4. **Confidentiality/Inclusion of Other Persons:** All ethics consultative committee meetings are confidential and private. No observers are permitted without prior written permission. The NBCC director of ethics or the NBCC president and CEO will rule on such a request.
5. **Information:** The Ethics Consultative Committee may have access to relevant confidential information necessary to provide feedback, which may include relevant prior conduct of individuals involved.

## SECTION I: COMPLAINT RESOLUTION

1. **NBCC Director of Ethics Resolution of Complaints:** The NBCC director of ethics will consider the matter under these procedures, resolve the ethics complaint, and issue a final decision and action. The grievant or the respondent may request the opportunity to make an oral presentation to the NBCC director of ethics, who will have full authority to convene and preside over the oral presentation.

2. **Final Decision and Action:** The decision of the NBCC director of ethics is final, but may be appealed consistent with the requirements of these procedures.

## SECTION J: DECISIONS AND ACTIONS

1. **Decision of the NBCC Director of Ethics:** A decision will be prepared by the NBCC director of ethics within thirty (30) days of the closing of the case record, or as soon thereafter as practical.
2. **Decision Contents:** The following information will be included in the decision of the NBCC director of ethics: (a) a summary of the case; (b) a summary of all relevant factual findings based on the record; (c) a final ruling on each *Code of Ethics* violation charged; (d) a statement of any disciplinary action(s) and/or sanction(s) issued; and (e) any other material that the NBCC director of ethics determines to be appropriate.
3. **Action Contents:** The NBCC director of ethics may include in the decision any of the following: (a) an action directing the respondent to cease and desist from any behavior or acts found to be in violation of the *Code of Ethics*, (b) a statement of the disciplinary action(s) imposed and mandate directing the respondent to comply immediately with these disciplinary action(s) and (c) any other appropriate action consistent with the decision.

## SECTION K: DISCIPLINARY ACTIONS

1. **Disciplinary Actions Available:** When a respondent has been found to have violated one or more provisions of the *Code of Ethics*, NBCC may issue one or more of the following actions: (a) determination that the NBCC certificant or applicant is ineligible for recertification or certification, and that any reapplication of the respondent for NBCC certification be denied; (b) a requirement that the respondent take appropriate corrective action(s); (c) a private reprimand and censure of the respondent concerning violation(s) found; (d) a public reprimand and censure of the respondent concerning violation(s) found; (e) a term of certification probation for a period of not less than six (6) months and not more than three (3) years, which may include conditions on the respondent's conduct during that period, such as the condition that the respondent be monitored with respect to counseling activities; (f) the suspension of any NBCC certification held by the respondent for a period of not less than six (6) months and not more than three (3) years, which shall include the requirements that the respondent return to NBCC all original or copied credential materials for the suspension period and immediately stop any professional identification or affiliation with NBCC during the suspension period; and (g) the revocation of any NBCC certification held by the respondent, which shall include the requirements that the respondent return to NBCC all original or copied credential materials and immediately stop any and all professional identification or affiliation with NBCC.
2. **Referral and Notification Action:** NBCC may notify appropriate government or professional organizations of any final disciplinary action taken against a respondent by sending a copy of the decision issued by the NBCC director of ethics, NBCC president and CEO, or the Board Ethics Appeals Committee. Such notification may be sent by NBCC at any point after the time period for the respondent to appeal an adverse decision has lapsed. NBCC will not notify governmental and professional organization until after a final ruling on the case has been made, if necessary. During an appeal period, NBCC may respond to inquiries concerning ethics cases and may indicate the existence of such proceedings.
3. **Publication of Disciplinary Action:** Following the lapse of any appeal rights and upon case closure, NBCC may publish or release a final decision following the issuance of an adverse NBCC director of ethics, NBCC president and CEO, or Board Ethics Appeals Committee decision or ruling. Any interested individual may request publication of any final decision, consistent with these procedures. However, the NBCC director of ethics, the president and CEO, or Board Ethics Appeals Committee may deny such requests, and such decisions cannot be appealed.

## SECTION L: BOARD OF DIRECTORS ETHICS APPEALS COMMITTEE

1. **Board Ethics Appeals Committee:** The Chair of the NBCC Board of Directors shall appoint three (3) or more Board Directors to serve as the Board Ethics Appeals Committee, which shall be responsible for resolving all appropriate appeals concerning decisions of the NBCC director of ethics. The NBCC Board of Directors Chair shall appoint a Board Ethics Appeals Committee Chair to preside over each ethics appeal, consistent with these procedures.
2. **Time Period for Appeals to the Board Ethics Appeals Committee:** Within thirty (30) days of the mailing date of an adverse decision by the NBCC director of ethics, the respondent may appeal all or a portion of the decision to the NBCC Board Ethics Appeals Committee pursuant to this section. Any appeals received beyond this time period will not be considered by the Board Ethics Appeals Committee.
3. **Grounds for Appeal to the Board Ethics Appeals Committee:** The grounds for appeal of an adverse decision are strictly limited to the following: (a) Procedural Error: the director of ethics misapplied a procedure contained in these rules; (b) New or Previously Undiscovered Information: following the closing of the hearing record, the respondent has located relevant evidence that was not previously in his/her possession, was not reasonably available prior to closure of the record and could have affected the director of ethics' decision; (c) Misapplication of the *Code of Ethics*: the decision of the director of ethics has misapplied the provisions of the *Code of Ethics*; or (d) Contrary to the Information Presented: the decision of the director of ethics is contrary to the most substantial information provided in the record.

With respect to subsections 3(a) and (c) above, the Board Ethics Appeals Committee will consider only arguments that were presented to the director of ethics prior to the closing of the hearing record.

An adverse decision of the NBCC director of ethics may be affirmed, reversed or otherwise modified by the Board Ethics Appeals Committee on appeal.

4. **Contents of Appeal/Letter of Appeal:** In order to appeal to the Board Ethics Appeals Committee under this section, the respondent must submit, within the prescribed time period, a written request to the Board Ethics Appeals Committee that contains the following information and material: (a) the ethics case name, case number and the date of the decision; (b) a statement of the grounds for the appeal under Section L.3 (above) and a complete explanation of the reasons that the respondent believes that the decision should be reversed or otherwise modified; and (c) accurate, complete copies of any information or material upon which the respondent relies in support of the appeal.
5. **Appeal Deficiencies:** The Board Ethics Appeals Committee may require the respondent to clarify or supplement an appeal submission.
6. **Appeal Rejection:** If the Board Ethics Appeals Committee determines that an appeal does not meet the appeal requirements or otherwise does not warrant further formal review, consistent with these procedures, the Board Ethics Appeals Committee will reject the appeal. The Board Ethics Appeals Committee Chair will notify the grievant and respondent of the rejection, as well as the reason(s) for the rejection. Appeal rejection determinations are not subject to appeal.
7. **Optional Response to Appeal Letter:** Within fifteen (15) days of the mailing date of a respondent's appeal, the grievant may submit to the Board Ethics Appeals Committee any objections that the grievant wishes to present to the Board Ethics Appeals Committee concerning the appeal.
8. **Board Ethics Appeals Committee Hearings:** Within one hundred and eighty (180) days after the submission of

a complete appeal, or as soon after as practical, the Board Ethics Appeals Committee will conduct a hearing to determine the final resolution of the appeal. During the course of appeal hearings, the Board Ethics Appeals Committee members will review the hearing record, any appeal submissions presented and/or any other information determined to be relevant. Thereafter, the Board Ethics Appeals Committee will determine the outcome of the appeal by majority vote in closed session.

- 9. Board Ethics Appeals Committee Decisions and Actions:** Within thirty (30) days of the conclusion of an appeal hearing, or as soon after as practical, the Board Ethics Appeals Committee, by the Committee Chair or the NBCC president and CEO, will issue an appeal decision stating and explaining the outcome of the appeal. With respect to each appeal, the Board Ethics Appeals Committee decision shall include the following: (a) a summary of any relevant portions of the decision of the director of ethics; (b) a summary of any relevant procedural or factual findings made by the Board Ethics Appeals Committee; (c) the ruling(s) and decisions with respect to each matter under appeal; and (d) the Board Ethics Appeals Committee final decision affirming, reversing, amending or otherwise modifying any portion of the decision of the director of ethics, including any disciplinary or remedial action or sanction.

Copies of the Board Ethics Appeals Committee decision shall be sent to the individuals involved via U.S. mail, return receipt requested, or by another other appropriate delivery method.

## **SECTION M: CLOSING ETHICS CASES**

- 1. Events That Will Cause Closure of an Ethics Case:** An ethics case will be closed and all proceedings ended when any of the following occur: (a) following the lapse of any appeal rights, the ethics case has not been accepted and the charges have been rejected as the basis for an ethics complaint pursuant to these rules; (b) following the lapse of any appeal rights, a final decision has been issued by the NBCC director of ethics, president and CEO, or Board Ethics Appeals Committee pursuant to these procedures; or (c) an ethics complaint has been terminated or withdrawn by the grievant(s).
- 2. Events That Will Cause an NBCC Ethics Case Decision and Action to Become Final:** An ethics case decision that is not appealed in accordance with these procedures will become final. The decisions of the Board Ethics Appeals Committee are final, and no further appeals are available.

## **SECTION N: REINSTATEMENT PROCEDURES**

- 1. Reinstatement Requests Following Certification Revocation:** Five (5) years after the issuance of a final revocation action issued under these rules, a respondent may submit a Request for Certification Reinstatement to the NBCC Board of Directors, consistent with the requirements of Section N.4 (below).
- 2. Reinstatement Requests Following Certification Suspension:** After the expiration of a final suspension action issued under these rules, a respondent may submit a Request for Certification Reinstatement to the NBCC Board of Directors, consistent with the requirements of Section N.4 (below).
- 3. Reinstatement Following Certification Probation:** Following the expiration of a probation action, the NBCC director of ethics will determine whether the respondent has satisfied the terms of probation and will do the following: (a) if the respondent has satisfied the terms of probation in full, NBCC, via the NBCC director of ethics, will immediately verify that the probation has been completed and reinstate the counselor to full certification status; or (b) if the respondent has not satisfied the terms of probation in full, the director of ethics or the NBCC president and CEO will refer the case to the final decision-maker for review and action consistent with these rules, including but not limited to continuation of the probation and/or issuance of additional disciplinary or



remedial actions concerning the probation terms.

4. **Contents of Reinstatement Requests:** Subject to the time requirements above, the NBCC Board of Directors will consider reinstatement requests from those who have been the subject of a final revocation or suspension actions. Reinstatement requests must include the following information: (a) a statement of the relevant ethics case name, case number and the date that the final NBCC ethics decision was issued; (b) a statement of the reasons that the respondent believes support or justify the acceptance of the reinstatement request, including a statement explaining why the counselor should now receive NBCC certification; and (c) copies of any relevant documentary or other material upon which the respondent relies in support of the reinstatement request.
5. **Board of Directors Reinstatement Request Review:** Within ninety (90) days after the submission of a complete reinstatement request, or as soon after as practical, the Board of Directors will schedule and conduct a hearing to decide the reinstatement request. Each reinstatement petition will be considered by a quorum of the Board. During these deliberations, the Board will review the information presented by the respondent and any other relevant information. The Board will then determine the final outcome of the appeal by majority vote in closed session.
6. **Board of Directors Reinstatement Request Decisions and Action:** Within thirty (30) days of the conclusion of the Board of Directors' review of a reinstatement request, or as soon as practical, the Board, by the Board Chair or the NBCC president and CEO, will prepare and issue a decision with respect to the reinstatement request. The final Board decision and action will indicate whether the reinstatement request is granted, denied or continued to a later date. If appropriate, the decision and action will indicate any conditions of certification or recertification. Copies of the NBCC Board of Directors' decision and action will be sent to the individuals involved via U.S. mail, return receipt requested, or by another appropriate delivery method. While no appeal of the Board's decision and action is permitted by NBCC, the respondent may submit a new reinstatement request pursuant to this section, two (2) years or more after the issuance of the Board decision and action.

Approved by the NBCC Board of Directors: June 21, 2002

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