



NATIONAL BOARD FOR
CERTIFIED COUNSELORS®

National Board for Certified Counselors (NBCC)
Certification Eligibility Ethics Policy
*Relating to Criminal and Lesser Offense Convictions and Professional
Disciplinary Matters*

A. POLICY INTRODUCTION AND PURPOSES.

National Board for Certified Counselors (NBCC) certification applicants and certificants are expected to understand and adhere to all NBCC ethical conduct standards, including the NBCC Code of Ethics. Due to the nature of the counselor-client relationship and the sensitive information shared within the relationship, professional counselors assume a position of power with their clients. Therefore, counselors must conduct themselves in a highly ethical manner, which protects the high level of trust required in the relationship. As a matter of public trust and protection, the National Board for Certified Counselors (NBCC) has an obligation to carefully review all disclosures of potential ethical issues related to the certification eligibility and fitness of applicants and certificants, consistent with this Policy.

The purposes of this Policy are: to define and explain the ethics-related matters and events that must be reported to NBCC as part of the certification application and recertification processes; and, to explain the process by which NBCC reviews such ethics-related disclosures, and determines whether the reported information will affect the applicant's or certificant's certification eligibility.

B. REQUIRED ETHICS-RELATED DISCLOSURES.

NBCC requires all applicants and certificants to disclose all past and current criminal, legal and disciplinary or other complaint matters when applying for certification or recertification, or within sixty (60) days of the applicant's or certificant's knowledge of such matters. As required in NBCC certification applications, each applicant and certificant must identify and explain whether he/she was or is the subject of any of the following ethics-related matters (Required Disclosure Matters):

1. Criminal felony, misdemeanor, and similar criminal convictions, and pending charges.
2. Other criminal matter convictions occurring within ten (10) years prior to the date of a certification or recertification application.
3. Government agency and professional organization disciplinary complaint matters occurring within ten (10) years prior to the date of a certification or recertification application.

4. Civil, non-criminal, lawsuits and other legal matters in which the applicant/certificant is or was identified as a defendant, or otherwise the subject of such a complaint.

Applicants and certificant, who are or were the subject of criminal and other offense matters that did not result in a conviction, do not need to disclose such matters, unless otherwise instructed by NBCC.

C. DISCLOSURE REVIEW PROCESS.

Following the receipt of a Required Disclosure Matter, the NBCC Director of Ethics, or a representative designated by the NBCC President and Chief Executive Officer (CEO), will review the related certification/recertification application, and the information reported by the applicant/certificant. The Director of Ethics will determine whether additional information is necessary to evaluate the matter, and may require the applicant/certificant to submit specific information and/or documents in order to complete the disclosure evaluation.

During this disclosure review process, no final eligibility determination will be issued by NBCC concerning the certification/recertification application. In the event that NBCC receives information that a Required Disclosure Matter was not reported by the applicant/certificant, NBCC will instruct the applicant/certificant to provide all relevant information concerning the matter, and may seek additional information and documents from other sources.

D. ELIGIBILITY DECISION CRITERIA.

The following criteria will be applied to the information received concerning a Required Disclosure Matter, and considered in determining whether the applicant/certificant is eligible for NBCC certification:

1. The relationship of Required Disclosure Matter to the applicant's professional activities and/or ethical responsibilities;
2. The severity of the Required Disclosure Matter;
3. Any injury to person(s) or property related to the Required Disclosure Matter;
4. The amount of time that has passed since the Required Disclosure Matter;
5. The imposition and completion of the court, agency, or organizational conditions and/or requirements related to the Required Disclosure Matter; and,
6. Whether the applicant/certificant has cooperated with the review of the Required Disclosure Matter.

E. ELIGIBILITY DECISION DETERMINATIONS.

Based on a review of the Required Disclosure Matter under the criteria set forth in Policy Section D, above, the NBCC Director of Ethics or designee will make the final determination whether the certification or recertification application is accepted, accepted with conditions, or rejected. The Director of Ethics may consult with the Ethics Hearing Committee, General Counsel, and/or other appropriate NBCC representatives concerning the matter. If the application is accepted, the Director of Ethics will determine if any conditions will be placed on the applicant's/certificant's eligibility and/or certification. Such determinations will be communicated to the applicant/certificant in writing.

F. ELIGIBILITY ETHICS DECISION APPEALS.

Applicants and certificant may appeal final Director of Ethics eligibility decisions by submitting an appeal pursuant to the Application and Certification Appeals Procedures. All such appeals are reviewed by the NBCC President and CEO. Final appeal decisions of the President and CEO will be transmitted to the applicant/certificant in writing.

G. FEES.

Application and recertification fees will not be returned to applicants and certificant who are determined to be ineligible for NBCC certification pursuant to this Policy.

H. NOTIFICATION TO REGULATORY BOARDS.

NBCC reserves the rights to publish certification and recertification ineligibility decisions, and to provide such decisions to State licensure agencies, other government bodies, and organizations.