



Certification Eligibility Ethics Policy

**Relating to Criminal, Legal, and
Professional Disciplinary Matters**

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A. POLICY INTRODUCTION AND PURPOSES

National Board for Certified Counselors, Inc. (NBCC) certification candidates 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 and professional responsibility with respect to their clients. Therefore, counselors must conduct themselves in a highly ethical manner, which protects the counseling relationship, and maintains the required high level of trust between the counselor and the client. As a matter of public trust and protection, NBCC has an obligation to carefully review all reports and disclosures of potential ethical issues related to the conduct, fitness, and related certification eligibility of candidates/certificants, consistent with this Policy.

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

B. REQUIRED ETHICS-RELATED DISCLOSURES

NBCC requires all candidates/certificants to report all disclosable criminal, legal, and professional disciplinary matters when applying for certification or certification maintenance, within sixty (60) days of the candidate's/certificant's knowledge of such matters. However, the disclosure of such matters does not automatically disqualify a candidate/certificant from certification eligibility.

As required by this Policy and NBCC certification applications, each candidate/certificant must identify and explain whether they were or are the subject of any of the following ethics-related matters (Required Disclosure Matters):

1. Prior criminal felony, misdemeanor, and other criminal convictions.
2. Current and pending criminal felony, misdemeanor, and other charges, including complaints and indictments.
3. State Court matters where the candidate or certificant was charged with driving under the influence (DUI) of alcohol or controlled substances within ten (10) years prior to the date of their initial certification application or certification maintenance application.
4. Government agency and professional organization conduct or other complaint matters relating to the candidate/certificant, including disciplinary and complaint matters, within ten (10) years prior to the date of their initial certification application or certification maintenance application.
5. Legal matters related to the candidate's/certificant's business or professional activities, including civil complaints and lawsuits.

C. DISCLOSURE REVIEW PROCESS

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

In the event that NBCC receives information that a Required Disclosure Matter was not reported by a candidate/certificant, the Director of Ethics or designee will instruct the candidate/certificant to provide all relevant information concerning the matter, and may seek additional information and documents from other sources. In addition, the Director of Ethics may direct the candidate/certificant to satisfy other conditions related to the Required Disclosure Matter.

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 candidate/certificant is eligible for NBCC certification:

1. The relationship of the Required Disclosure Matter to the candidate's/certificant's ethical responsibilities and conduct, or professional responsibilities.
2. The severity and significance of the candidate's/certificant's conduct related to 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 events related to the Required Disclosure Matter.
5. The imposition and completion of Court, government agency, and/or organizational conditions and requirements related to the Required Disclosure Matter.
6. Whether the candidate/certificant has cooperated with the review of the Required Disclosure Matter, and has conducted themselves in a professional and cooperative manner.
7. Whether the candidate/certificant has provided all required information related to the Required Disclosure Matter, and has satisfied all conditions related to the matter.
8. Whether the candidate/certificant has engaged in remedial actions and/or rehabilitative activities related to the Required Disclosure Matter.
9. Whether granting certification to the individual would negatively affect the public's trust in NBCC and/or NBCC certification.

E. ELIGIBILITY ETHICS DECISIONS

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 authorized designee will make a final eligibility ethics decision whether the candidate/certificant is:

1. Eligible for certification or certification maintenance;
2. Eligible for certification or certification maintenance, with conditions;
3. Ineligible for certification or certification maintenance under the Policy; or,
4. Ineligible for certification or certification maintenance under the Policy, with conditions.

The final eligibility ethics decision regarding a Required Disclosure Matter will be communicated to the candidate/certificant in writing by mail and email. The Director of Ethics may consult with the Ethics Advisory Council, General Counsel, and/or other appropriate NBCC representative(s) concerning the Disclosure Matter.

F. CERTIFICATION INELIGIBILITY DECISION APPEALS

1. Appeals of Ineligibility Decisions. Candidates/certificants may appeal an ineligibility ethics decision (Ineligibility Decision) issued under this *Certification Eligibility Ethics Policy* by submitting a completed NBCC Appeals Form and written appeal to the NBCC Ethics Department. The President-Chief Executive Officer (President-CEO) or their designee is responsible for reviewing and resolving all appeals concerning applicant Ineligibility Decisions of the NBCC Director of Ethics.
2. Time Period for Appeal. A completed NBCC Appeals Form and written appeal must be submitted to the NBCC Ethics Department within thirty (30) calendar days of the date of the Ineligibility Decision. Appeals submitted after the 30-day appeal deadline will be rejected and not considered.
3. Acceptable Grounds for Appeal. For an appeal to be accepted and considered by the President-CEO, the appeal must be based on one or more of the following grounds:
 - i. **New or Previously Undiscovered Information:** Relevant information and/or documentation was located or obtained that was not previously submitted to the NBCC Ethics Department by candidate/certificant that could have affected the determination of the ineligibility decision.
 - ii. **Misapplication of Policy:** The ineligibility decision resulted from the misapplication of specific terms of the NBCC *Certification Eligibility Ethics Policy* to the Required Disclosure Matter(s).

- iii. **Contrary to the Information Presented:** The Ineligibility Decision is contrary to the most substantial and relevant information in the record materials submitted to NBCC, and such information supports an eligibility determination in favor of the candidate/certificant.
4. Contents of Appeal and Submission Requirements. For an appeal of an Ineligibility Decision to be considered by the President-CEO or designee, the appeal must include the following information:
 - i. A completed NBCC Appeals Form, including the name, candidate/certificant identification number, and signature of the candidate/certificant.
 - ii. A written statement identifying the ground(s) for the appeal (see, Section F.3 above) with a detailed explanation of the reason(s) why the Ineligibility Decision should be modified or reversed.
 - iii. The specific facts and *Certification Eligibility Ethics Policy* terms supporting the appeal.
 - iv. Complete and accurate copies of all supporting materials that the candidate/certificant believes to be relevant to the review and resolution of the appeal.
5. Appeal Deficiencies and Rejections. Following a preliminary review of the appeal, the President-CEO or designee will determine if the appeal is accepted for further review. If the appeal is incomplete, does not satisfy the appeal requirements identified in Section F.4, or does not otherwise warrant further formal review, the President-CEO will reject the appeal. NBCC retains the sole authority to reject non-conforming or incomplete appeals. Candidates/certificants will be notified of an appeal rejection in writing, and such determinations are not subject to appeal.
6. Appeal Review and Final Appeal Decisions. If the appeal is accepted for further review and resolution, the President-CEO or designee will review the appeal submission and determine the outcome of the appeal. Based on a review of the record materials and appeal information submitted by the candidate/certificant, the President-CEO or designee will issue a final, written appeal decision, which will include: (a) a summary of any relevant portions of the Ineligibility Decision; (b) an explanation of the finding(s) and determination(s) of the President-CEO or designee concerning the appeal based on the *Certification Eligibility Ethics Policy* terms; and, (c) the final decision affirming, reversing, or modifying the Director of Ethics' decision, including any sanction(s) or condition(s). The appeal decision will be transmitted to the candidate/certificant by mail and email. The appeal decision of the President-CEO or designee is final, and no further appeals are available.



G. CLOSING CERTIFICATION INELIGIBILITY MATTERS

Certification ineligibility ethics decisions and appeal decisions will become final in the following circumstances:

1. The Director of Ethics or authorized designee issues a final ineligibility decision which is not appealed by the candidate/certificant within thirty (30) days of the date of the decision.
2. The President and CEO or authorized designee issues a final appeal decision affirming, modifying, or reversing the ineligibility ethics decision issued by the Director of Ethics or designee.

The ineligibility decision will remain in effect for at least two (2) years from the date of the decision, unless otherwise indicated by the Director of Ethics, or the President and CEO.

H. NON-REFUNDABLE FEES

Application and certification maintenance fees are not refundable to candidates/certificants determined to be ineligible for NBCC certification pursuant to this Policy.

I. PUBLICATION OF CERTIFICATION INELIGIBILITY DECISIONS

NBCC reserves the right to publish ineligibility ethics decisions and appeals decisions issued pursuant to this Policy, and to provide such decisions to State licensure agencies, other government bodies, and professional organizations.