

Appeal Policy and Procedures

Appeal Policy B.2

Decisions by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) Board of Directors (Board), to deny initial accreditation or reaffirmation of accreditation at the conclusion of an accreditation review process or to withdraw accreditation from an accredited program for cause may be appealed. No other accreditation decisions of the Board are subject to appeal.

Consideration of the Appeal

The consideration of the appeal is based upon the Board's written findings and reasons related to the decision, the program's written Statement of Grounds for Appeal, any reply to the Statement of Grounds for Appeal by CACREP, all relevant supportive documents and any oral presentation by the program if a hearing is requested. In all instances, the appeal is limited to the factual record that was before the Board at the time of its decision (the Accreditation Record). No new information will be reviewed on appeal.

Standard of Review

The program has the burden of demonstrating on appeal that (1) the Board's decision was arbitrary and capricious and not supported by the record or was clearly erroneous and/or (2) CACREP failed to a material degree to follow its written procedures causing the accreditation decision to be unfair to the program.

Accreditation Status During Appeal

A program's accreditation remains in effect pending the outcome of the appeal.

Appeal Procedure

Application for Appeal

To initiate the appeal process, the program must submit a completed **Application for Appeal Form** and the appeal fee to the President and CEO of CACREP within 15 calendar days of the date of the Board's letter advising the program of the decision to deny or withdraw accreditation. The Application must include a succinct statement of the basis for the appeal, taking into account the Standard of Review, and indicate if the program is requesting a hearing. If the Application for Appeal Form or fee are not received by the deadline, the program will be deemed to have waived its right to appeal and the Board's decision will become final. The program will be notified of the effective date of the decision.

Appeal Panel Composition

1. The program's appeal is considered by an appeal panel that is separate and independent from the Board and serves as an additional level of due process for the program.
2. The Appeal Panel consists of three qualified individuals with knowledge of accreditation purposes and CACREP Standards and Policies. Appeal Panel members may be selected from the ranks of former members of the CACREP Board; however, the Appeal Panel cannot include any current member of the Board or a Board member who was serving on the Board at the time the accreditation decision under appeal was made. Appeal Panel members are subject to the CACREP Conflict of Interest Policy and receive training on CACREP's Appeal Policy and Procedures in advance of undertaking their responsibilities.

Appeal Panel Selection

The President and CEO of CACREP will submit a list of proposed Appeal Panel members to the program in advance of their selection. Within 10 calendar days of receiving the list, a program may request the removal of a proposed member on the basis of a potential conflict of interest. The President and CEO will propose additional qualified Appeal Panel members until three members are mutually agreed upon. If no mutual agreement is reached, the President and CEO shall appoint qualified individuals to serve on the Appeal Panel. The President and CEO will notify the Appeal Panel members and the program promptly when the Appeal Panel is fully constituted.

Appeal Administrator

The Appeal Panel will have a designated Appeal Administrator who will be responsible for arrangements pertaining to the appeal, and independent legal counsel who will provide guidance to the Appeal Panel.

Accreditation Record

CACREP will provide the members of the Appeal Panel with a copy of the Accreditation Record consisting of copies of all documents used by the Board in reaching its decision. Copies of the Application for Appeal, Statement of Grounds for Appeal and supporting documents will also be provided. The Appeal Panel considers the Statement of Grounds for Appeal and any reply by CACREP, the program's oral presentation, if any, and the record that was before the Board when it made the decision to deny accreditation or withdraw accreditation.

Statement of Grounds for Appeal

The program must submit to CACREP a written Statement of Grounds for Appeal setting forth all of the reasons the program believes that the Board's decision was in clear error and the part or parts of the Record that support its positions within forty-five (45) calendar days of the date of the notification letter of the Board's decision. CACREP reserves the right to reply to the Statement of Grounds for Appeal to correct any factual inaccuracies or misstatements within fifteen (15) calendar days of receipt. In the event the program has not requested a hearing, the Appeal Panel will convene and render its decision within 15 days of receipt of the Statement of Grounds for Appeal and the expiration of the timeframe for any reply by CACREP. The appeal decision will be communicated in writing to the Board of CACREP and will be implemented and communicated to the program in accordance with the procedure outlined under Board Receipt and Implementation of Appeal Panel Decisions below.

Appeal Hearing

1. In the event the program has requested a hearing, Appeal Panel selection will take place according to the process above after a date for the hearing has been determined.
2. The Appeal Administrator will notify the parties in writing of the date, time, and location of the appeal hearing, which will be scheduled no later than seventy-five (75) calendar days of the date of notification to the program of the decision on appeal. This time may be extended by the President and CEO as circumstances require. At CACREP's discretion, the hearing may take place using a web-based platform.

Hearing Procedure

1. Three (3) hours will be set aside for the hearing which may be extended at the discretion of the Appeal Panel. The program will have forty-five (45) minutes to make its presentation to the Appeal Panel and may reserve some of that time for a closing statement. The rest of the time will be reserved for questions to the program from the Appeal Panel members.
2. The program must submit the names and affiliations of those appearing at the hearing to CACREP at least thirty (30) calendar days prior to the hearing. The Appeal Panel Chair may limit the number of representatives who may make oral presentations.
3. The program may be represented by counsel during the appeal hearing.
4. CACREP shall have at least one observer present at the hearing.
5. CACREP does not consider the appeal hearing to be adversarial in nature. Accordingly, the program will not have the right to question the CACREP designated observer.
6. The appeal hearing will be recorded by stenographic or electronic means. The program may request copies of the recording and transcripts at the program's expense.

Decisions Available to the Appeal Panel

1. Affirm: If the Appeal Panel determines in applying the Standard of Review that the program has failed to meet its burden of proof it must affirm the decision of the Board. Where the Board's decision was based on multiple violations of CACREP standards or procedures, if the program shows that there is no support in the record for some of the violations, that is not by itself sufficient to meet the program's burden of proof. The program must show that, in light of the entire record, the decision is not supported by the record or is clearly erroneous.
2. Remand: The Appeal Panel may remand a decision to the Board when it finds that the Board's decision was arbitrary and capricious, not supported by the record or was clearly erroneous and/or that the Board failed to a material degree to follow its written procedures causing the accreditation decision to be unfair to the program. Where the Appeal Panel finds that the Board failed to consider a material fact before it in reaching its decision, the decision must include a directive to the Board that it must reconsider its decision in light of all relevant facts that were before the Board at the time of its decision, including the specific material fact or facts that are the basis for the remand.

Board Receipt and Implementation of Appeal Panel Decisions

The written decision of the Appeal Panel is provided to the Board within fifteen (15) calendar days. The Board implements the decision of the Appeal Panel to affirm or remand the prior Board decision at a Special Meeting of the Board called for that purpose or at its next regularly scheduled Board Meeting. The Board notifies the program of the decision and the effective date within thirty (30) calendar days of implementation.

Effective Date of Decision

Initial Applicants:

The effective date of a decision to deny accreditation after appeal will be the date of official notification to the program that the decision has become final.

Accredited Programs:

The effective date of a decision to withdraw accreditation after appeal will be the last day of the academic term in which the program receives official notification that the decision has become final.

Public Notification

The Board notifies the public of its decision according to CACREP Policy 4.a Policies Governing the Publication of Accreditation Decisions and Status.

Costs of Appeal

CACREP and the appealing program will pay individually the costs associated with obtaining their own legal advice, preparing their case, and sending their representatives or observers to the hearing. All other costs will be the responsibility of the appealing program. Costs may include, but are not limited to, travel costs for the Appeal Panel members, duplicating costs, stenographic and/or electronic recording expenses, hearing room rental. Legal fees for counsel to the Appeal Panel will be shared equally between CACREP and the program. The program will submit a deposit for these costs with the Application for Appeal. CACREP will determine these costs after the hearing and invoice or refund the appealing program in accordance with this policy.

Effective: July 1, 2022