

Appeal Process for Adverse Accreditation Decisions

The following decisions affecting accreditation or re-accreditation by the Accreditation Council for Genetic Counseling (ACGC) are subject to appeal

1. Full accreditation with restrictions
2. Probationary accreditation
3. Revocation of accreditation

REVIEW BODIES

No Conflicts

Each member of the Review Committee or Board of Directors reviewing a program:

- a. shall not have participated in the most recent site visit or any recent review of that program;
- b. shall not have or have had any close personal relationship or professional association with the program or the program director; and
- c. shall declare any potential conflict of interest and sign a confidentiality statement. Any questions regarding a potential conflict shall be resolved by the President.

Grievance Committee:

The Grievance Committee will be appointed by the President of the ACGC annually. The Grievance Committee shall consist of a maximum of four former Board members who previously served on the Accreditation Committee and at least one former site visit team leader. The following requirements apply to each of these members:

1. No more than one member of the Grievance Committee shall be a current program director.

Review Committee:

The Review Committee refers to members of the Accreditation Review Committee as appointed by the President. The Accreditation Review Committee shall consist of a minimum of five members and shall be chaired by a member of the Board of Directors.

Board of Directors:

The Board of Directors refers to members of the Board of Directors of the Accreditation Council for Genetic Counseling who has been duly elected and is currently serving their terms of office. In the event that there are an inadequate number of eligible Board members, the President may appoint individuals who are not currently members of the Board, each of whom will have had past Board experience, and/or have served as an ABGC/ACGC site visitor.

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REQUEST FOR REVIEW

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A program that has received an adverse accreditation decision shall be given prompt notice of the decision. The Executive Office shall also furnish the program director with a copy of the ACGC Appeal Process for Adverse Accreditation Decisions. This notice shall be delivered by Federal Express or other overnight/traceable carrier by the deadline stated by the Board for notification. The notice shall state the reason/s for the adverse decision and shall inform the program director that he or she has the right to seek review of the adverse decision by filing a written request for reconsideration of this decision with the Executive Office. In order for the request for review to be valid, it must be received by the Executive Office no more than thirty (30) calendar days after receipt by the program director of the notice of the adverse decision.

The request must contain a statement of why the program director believes that the adverse decision was improper and must include any supporting documentation that the program director wishes to have considered during the review. Information contained in the request for review must be limited to the time and circumstances that triggered the adverse decision (e.g., a survey visit, progress report, etc.). Descriptions of changes made since that time will not be considered.

The request must be accompanied by a check or money order payable to the Accreditation Council for Genetic Counseling or credit card payment in the amount of \$500 to partially cover administrative costs associated with the appeal process. This fee shall not be refunded irrespective of the final outcome of the review.

REVIEW BY GRIEVANCE COMMITTEE

The Executive Office shall forward to each member of the Grievance Committee the complete file of all documents concerning the program that were available to the Accreditation Review Committee and upon which the Committee relied in making the adverse decision and the request for re- review submitted by the program (the "Review Record"). No additional material shall be available to or considered by the Grievance Committee.

The Grievance Committee shall make one of the following recommendations to the Accreditation Review Committee

- a. Affirm the adverse decision; or
- b. Modify or reverse the adverse decision.

If the Grievance Committee determines that there is no reason to alter the adverse decision, it shall recommend that the decision be affirmed. If the Grievance Committee determines that the adverse decision is not supported by the evidence, it shall recommend modification or reversal of the decision.

The Chair of the Grievance Committee shall be responsible for notifying the Chair of the Accreditation Committee and the President of the Board in writing of its recommendation together with the justification for this recommendation. This notification shall be sent by Federal Express or other overnight/traceable carrier (or electronically) within 60 calendar days after the receipt of the request for reconsideration.

FINAL REVIEW BY THE BOARD OF DIRECTORS

The President shall review the Grievance Committee Record on this matter and its recommendation. No additional material shall be available to or considered by the Grievance Committee. The President, using discretionary rules set out below, shall determine whether a hearing would be useful to resolve the matter. The issue must meet at least one of these discretionary rules in order to come before the board for a hearing:

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1. Procedural error occurred during the review process (e.g., notification to the program did not occur within the timeframe specified in this document);
2. The President determined that the punitive measures were overly excessive for the infraction;
3. The matter at hand is based upon the absence of ACGC policy (e.g., do not have a policy yet to govern the type of infraction)

A program appealing a decision of "Accreditation with Restrictions" will not be eligible for a hearing.

Discretionary Review without a Hearing

Based upon its review of the Grievance Committee Record and its recommendation, the Board of Directors shall determine by a majority of those directors voting whether to ratify, reverse, or modify the adverse decision. The Executive Office shall notify the program director in writing of the Board's decision, including the reasons for this decision, within 60 days after the recorded date of receipt of the notice from the Grievance Committee. This decision shall be sent to the program director by Federal Express or other overnight/traceable carrier (or electronically). This decision by the Board of Directors shall constitute the final decision of the Accreditation Council for Genetic Counseling on the matter.

Discretionary Review with a Hearing

If the President determines that a hearing on the appeal may be useful, the hearing shall be scheduled for the next regularly scheduled Board meeting occurring more than 60 days after the receipt of the notice from the Grievance Committee.

Not less than 30 calendar days prior to the scheduled date of the hearing, the Executive Office shall notify the program director in writing of the date, time, and place of the hearing. The notice shall also advise the program director that he/she may:

1. Appear personally before the Board of Directors;
2. Be represented by legal counsel; and
3. Submit a written statement relating to the matter for the Board of Directors' consideration.

Information submitted in the written statement or presented at the hearing must be limited to the time and circumstances that triggered the adverse action (e.g., a survey visit, progress report, etc.). Descriptions of changes made since that time will not be considered.

The program director's written intent to appear personally before the Board of Directors, stating whether it will be with or without legal counsel and the program director's written statement must be received by the Executive Office no less than 14 calendar days before the scheduled date of the hearing. If legal counsel will be present, he/she must be identified in the statement.

All expenses incurred by the program director and his/her legal counsel in connection with the hearing shall be borne by the program director and/or his/her institution. If the program director requests the opportunity to appear personally at the hearing and, without good cause, fails to appear or fails to advise the Executive Office in writing no less than 7 days prior to the scheduled date of the hearing that he/she will not attend the hearing, the Board of Directors may determine by a majority vote that there will be no other opportunity for the program director to make a personal appearance or file another appeal.

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A record of the proceedings shall be kept in the Executive Office as a permanent part of the archives of the Board of Directors. A copy of the hearing record shall be made available to the program director upon payment of the cost of reproduction.

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At the hearing, the program director shall be given the opportunity to make a statement summarizing the program's position. The Board of Directors shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate. The Board may question the program director about any issues that require clarification.

Following the hearing, the Board of Directors shall determine by a majority of the voting members whether to ratify, reverse, or modify the adverse action. The Board of Directors shall notify the program director in writing within 30 calendar day after the hearing of its decision, including the reasons for the decision. This decision by the Board of Directors shall constitute the final decision of the Accreditation Council for Genetic Counseling on the matter.