



ACGC Decisions Subject to Reconsideration and Appeals

Denial of Accreditation and Revocation of Accreditation are *adverse* actions. Adverse actions are *subject to reconsideration* and are *appealable*. In the case of an appealable action, the ACGC notifies the program and its institution's Dean or Program Director and Chief Executive Officer, stating specific reasons for the denial or revocation. Such actions are not made public for 30 days following notification and are not made public until final.

An Accreditation Warning, Accreditation with Contingencies, extension of Probationary Accreditation, or deferral of an accreditation decision are not adverse and accordingly are not subject to reconsideration or appeal.

Request for Reconsideration

A program that has received an appealable accreditation decision will be promptly notified of the decision by written notice delivered by overnight/traceable carrier by the deadline for notification stated by the Board. The notice shall state the reason(s) for the decision and inform the program director that he or she has the right to seek review of the decision by filing a written "Request for Reconsideration" with the Executive Office. At the time of notification, the Executive Office shall furnish the program director with a copy of the **ACGC Process for Reconsideration and Appeal**. To be valid, a Request for Reconsideration must be received by the Executive Office no more than thirty (30) calendar days after the program director receives notice of the adverse decision.

A Request for Reconsideration must contain a statement of why the program director believes that the ACGC's decision was improper and include any supporting documentation that the program wishes to have considered during the review. Information contained in the Request for Reconsideration may include evidence that the program has remedied the deficiencies that were the subject of the adverse accreditation decision.

Reconsideration Process

A Request for Reconsideration must be accompanied by a check, money order or credit card payment in the amount of \$500 made payable to the Accreditation Council for Genetic Counseling. This fee will not be refunded regardless of the outcome of the review.

The Executive Office forwards to each member of the Board the program's Request for Reconsideration, the complete file of all documents concerning the program that were available to the Program Review Committee and upon which the Board relied in making the accreditation decision.

If, after reviewing the Request for Reconsideration and the Review Record, the Board determines that there is no reason to alter the decision, it shall affirm its decision. If, on the other hand, the Board determines that the program submitted adequate evidence of remediation, or that the original decision was not supported by the evidence, or that the ACGC's policies and procedures were not followed, it shall modify or reverse its original decision.

The Executive Director is responsible for providing a written summary of the Board's findings and a justification for its decision to the program director within 60 calendar days of receipt of request.

Decisions on reconsideration are appealable in accordance with Section VII C. below.

Appeals

Notice of Appeal: A program that intends to appeal a Board decision on reconsideration must file a written Notice of Appeal addressed to the Executive Director within 10 days of receipt of the notice of decision. In the event a Notice of Appeal is not timely filed, the adverse decision will become final.

Appeal Brief: Within 30 days of filing the Notice of Appeal, the program must submit an appeal brief setting forth the reasons why the Board's decision should be changed.

Standard of Review: The Appeal Panel (see below) will consider whether the decision of the Board was erroneous as a matter of fact, was arbitrary and capricious or not based on substantial evidence on the record at the time the Board made its decision.

Burden of Proof: The program has the burden of proof.

Appeal Panel Composition

The Appeal Panel is appointed by the Board of Directors and is composed of individuals who were not involved in the original decision. The Appeal Panel should include:

- Public Member
- Academic member/educator
- Current Genetic Counseling Practitioner
- Current or recent Site Visitor who was not involved in this program's review

Protections against Conflict of Interest in Appeals

A member of the Appeal Panel shall not have participated in the most recent site visit or any review of the program that led to the Board's adverse accreditation decision and:

-) Shall not have or have had any close personal relationship or professional association with the program or the program's director.
-) Shall declare any potential conflict of interest and sign a confidentiality statement.

The ACGC Executive Committee shall resolve any question regarding a potential conflict.

The Record on Appeal

The Appeal Panel will consider the entire record in the matter, including the program's appeal brief. No new evidence will be considered by the Appeal Panel. New evidence is information that was not formally before the Board on the record at the time the Board made its decision to deny or revoke accreditation.

Decision on Appeal

The Appeal Panel will determine by majority vote whether to affirm, reverse, remand or modify the appealed decision and report the decision and rationale to the Board within 15 days of the date of the decision.

Notification of Decision

The Executive Office shall notify the program director of the Appeal Panel's decision and the reasons for the decision in writing (either electronically or via overnight/traceable carrier) within 30 days after receipt of the Appeal Panel's Report.

Appeal Hearing

The program may request a hearing before the Appeal Panel. The request must be made at the time the program files the Notice of Intent to Appeal and must include the names and affiliations of the representatives of the program and state whether the program will be represented by legal counsel.

All expenses incurred by the program director and his/her representatives in connection with the hearing shall be borne by the program and/or its sponsoring institution.

Hearing Procedure

The Appeal Panel will set aside two hours for the appeal hearing. The hearing will include an opening statement by the Chair of the Appeal Panel which will describe the proceeding and the process of review. Representatives of the program and ACGC will have an opportunity to offer opening and closing statements addressing the grounds for appeal which will be limited to 20 minutes, the Appeal Panel will pose questions to the program representatives. The Appeal Panel Chair will offer a closing statement.

The appeal hearing is not considered to be adversarial in nature. Accordingly, there will not be witnesses or cross examination.

A record of the hearing will be maintained by ACGC as a permanent part of the archives of the Board. A copy of the hearing record shall be made available to the program director upon payment