

Title: Appeals
Approved: May 15, 2003
Revised: November 18, 2003

Requests for Reconsideration

An applicant for accreditation that is materially aggrieved by a decision or other action of the Commission may request that the Commission reconsider the action. A request for reconsideration must be made in writing and delivered by mail, courier or facsimile to the NCCA Executive Director, 2025 M Street, N.W., Suite 800, Washington, D.C. 20036-3309, fax: 202/ 367-2165, no later than thirty (30) days after the date on which the Commission sent or gave notice of its action. If the Commission does not receive a timely request for reconsideration, then the underlying action shall be final.

The written request for reconsideration must identify the decision or other action for which reconsideration is sought; describe with specificity the reasons or grounds for reconsideration; and state what relief the applicant seeks. The Commission will reconsider a decision denying accreditation or re-accreditation only if the reasons or grounds for reconsideration arise from: (1) errors of fact in the decision-making process; and/or (2) a failure to conform to published standards, policies or procedures of the NCCA.

In most cases, the Commission will review a request for reconsideration at its next regularly-scheduled meeting (usually held in or about March, July and November of each calendar year) following receipt of the request, and will notify the applicant of its decision in writing as promptly thereafter as possible. The notice shall contain a short and plain statement of the reasons for the decision. The Commission's determination of a request for reconsideration constitutes final action of the NCCA unless the applicant requests an appeal hearing, described below.

Appeal Hearings

An applicant for accreditation that is materially aggrieved by a decision or other action of the Commission, including an adverse determination of a request for reconsideration, may appeal such action by requesting an in-person hearing before an Appeals Panel of the NCCA.

The applicant's request for an appeal hearing must identify the decision or other action for which reconsideration is sought; describe with specificity the reasons or grounds for appeal; and state what relief the applicant seeks. The Appeals Panel will review a decision denying accreditation or re-accreditation only if the reasons or grounds for appeal arise from: (1) errors of fact in the decision-making process; and/or (2) a failure to conform to published standards, policies or procedures of the NCCA.

The request must be made in writing and delivered by mail, courier or facsimile to the NCCA Executive Director, 2025 M Street, N.W., Suite 800, Washington, D.C. 20036-3309, fax: (202) 367-2165, no later than thirty (30) days after the date on which the Commission sent or gave notice of its action. The applicant shall bear its own costs of appeal, including but not limited to the costs of travel, attorney's fees and for transcribing the hearing. If the Commission does not receive a request for an appeal hearing within 30 days, by which time the applicant must also pay to NCCA a non-refundable administrative fee of \$2000, then the underlying action shall be final.

Upon receipt of full payment of the fee in good funds, the Executive Director shall assemble a Panel by appointing three (3) persons who are experienced in accreditation and/or certification matters. No member of the Panel may be a current member of the Commission. One member of the Panel will be designated as Panel Chair. It shall not be grounds for disqualifying a member of the Panel that he or she has previously served as a member of the Commission.

In most cases, the hearing will be held at the Commission's office in Washington, D.C. or at the site of the NOCA annual educational conference. The actual date, time and place of the hearing will be as set by the Panel.

The applicant may assume that the Appeals Panel has access to NCCA's files with respect to the underlying Commission action, such as the entire accreditation application file. If the applicant intends to rely upon or make reference at the hearing to any documents or written materials not previously furnished to the NCCA, then the applicant must identify all such documents and materials at least twenty (20) days in advance of the hearing and furnish copies of them by that date to the NCCA Executive Director. Failure to identify and furnish copies of such documents and materials shall be good cause at the Panel's discretion to exclude them from the hearing and consideration.

The Commission Chair, or such other member(s) of the Commission who agree(s) to serve in such capacity, shall attend the hearing as the Commission's representative(s) and be given an opportunity to present the Commission's views concerning the appeal to the Panel. The NCCA Executive Director and the NCCA General Counsel may attend the hearing, and one or both of them may serve as the Commission's representative(s) if requested to do so by the Commission Chair. The applicant may be represented at the hearing by up to five persons, including legal counsel.

The applicant shall have one (1) hour in total to present orally its appeal, including rebuttal argument. The Commission's representative(s) shall have one-half (1/2) hour to respond to applicant's presentation. The Panel Chair shall decide all questions relating to conduct of the hearing. When reviewing an accreditation decision, the Appeals Panel shall not consider any facts or argument relating to changes in or improvements to the application or applicant's certification program that occurred later than the date of the last information considered by the Commission in rendering its initial decision.

The Panel will notify the applicant of its decision in writing as promptly after the hearing as possible. The notice shall contain a short and plain statement of the reasons for the decision. The Appeal Panel's decision shall constitute final action of the NCCA.

Confidentiality

Consistent with the Commission's general policy of maintaining the confidentiality of information and documents obtained by applicants for accreditation and re-accreditation, and as an extension of such policy, the Commission (including the Executive Director, Appeals Panel and General Counsel) shall preserve and protect from public disclosure all documents and information submitted by the applicant in connection with requests for reconsideration and appeals, unless applicant consents to such disclosure or if any such matter already exists in the public domain or disclosure is required by law.