



## Criminal Conviction and Unethical Behavior Policy

BCSP has established that it has a responsibility to evaluate the character of applicants, candidates, certificants and others holding status with BCSP in addition to evaluate the education and professional safety experience qualifications and knowledge of professional safety practice through examinations. In keeping with this responsibility, BCSP further recognizes a responsibility to certify, retain certification or authorize other status only to those whose character exemplifies that of a SH&E practitioner. To this end, the Board will take into account the criminal conviction history and known unethical behaviors of each applicant, candidate, certificant or other person holding status with BCSP.

### Purpose

The purpose of this policy and associated procedures is to insure that people who rely on the Board's certifications and status of individuals can do so unencumbered by the presence of criminal and unethical conduct.

### Applicability

This policy and its associated procedures applies to all applicants, candidates, certificants and others holding status with BCSP. The policy and procedures detail how BCSP will evaluate criminal records and other unethical behaviors with regard to applying for, pursuing, or holding certification by BCSP or with regard to retaining any official status with BCSP.

### Definitions

Applicants. Individuals who submit a formal application and supporting information seeking to pursue BCSP certifications and whose qualifications are being evaluated to establish whether they are eligible to sit for examinations that may lead to certification. This may include individuals who have not presented sufficient experience to be eligible for examinations.

Candidates. Individuals who have met the minimum educational, experience or other qualification requirements and are eligible to sit for an examination that may lead to certification.

Certificants. Individuals to whom BCSP has awarded an interim, final or specialty certification and are in good standing or individuals who have previously held a certification from BCSP and have some rights granted by BCSP to regain certification.

Other Status with BCSP. Individuals who once held certification from BCSP and have chosen some other status under BCSP policy and procedures. An example is Leave of Absence.

### Procedures

1. Applicants who have been convicted of a felony must report the event on the application form regardless of when the conviction occurred.
  - a. Misdemeanor convictions which occurred within five (5) years of the application date must also be reported.

- b. Minor traffic and petty offenses do not have to be reported.

Failure to report felonies and misdemeanors as delineated above is a material omission of significant information and is cause for denial, suspension, or revocation of certification or holding status with BCSP.

2. BCSP has established the following standards:
  - a. A person currently incarcerated as a result of a felony criminal conviction cannot hold certification.
  - b. A person convicted of a felony and/or having records of unethical behavior shall be evaluated by the Executive Committee.
  - c. A person convicted of misdemeanor offense within the last five (5) years shall be evaluated either by the CEO and legal counsel, or by the Executive Committee.
  - d. If BCSP receives documentation of a misdemeanor conviction that is more than five (5) years old, this information shall be evaluated as any other criminal conviction.
3. BCSP will use conviction information to determine whether the convictions have anything to do with the practice for which the Board would certify someone.
4. BCSP will make no inquiry into the arrest record of applicants, candidates, certificants or others holding status with BCSP, as arrests are merely accusations and not convictions by due process of law.
5. Only those parties determined by the Chief Executive Officer to have a need for the information submitted by the individual or obtained from other sources regarding criminal convictions for purposes of a review and determination of the suitability of an applicant, candidate, certificant or others holding status with BCSP shall be privy to such information.
6. BCSP will not retain in any form in computer databases or directories information relating to criminal convictions of applicants, candidates, certificants or others holding status with BCSP.
7. Information on criminal convictions of applicants, candidates, certificants and others holding status with BCSP shall be retained in strict confidence by BCSP and shall be kept only for so long as it takes for the Chief Executive Officer, the Executive Committee and Judicial Commission to consider the individual's criminal conviction record and to make a final determination regarding the application, eligibility for certification, certification or status with BCSP. After the determination is made, all information regarding criminal convictions of an individual will be pulled from the person's general file and may be retained in special files.
8. BCSP may act to deny, revoke or suspend certification or status with BCSP for applicants, candidates, certificants and others holding status with BCSP who are found to have falsified or used without authority any BCSP or other license, certification or designation without authority. (Refer also to the BCSP Policy on Unauthorized Use of BCSP Designations)
9. When dealing with any case involving a criminal offense under this policy, the Chief Executive Officer, Executive Committee, or Judicial Commission may seek legal assistance from the BCSP legal counsel.

10. The authority to grant exception to one or more of these policies and procedures is vested with the Chief Executive Officer and the Executive Committee.

### **Guidelines for Evaluating Criminal Records**

BCSP will consider the following factors when evaluating criminal convictions other than felonies:

- a. Nature and seriousness of the offense,
- b. Circumstances under which an offense occurred,
- c. How long ago the offense occurred,
- d. Age of the person when he or she committed the offense,
- e. Whether the offense was an isolated or repeated violation,
- f. Whether there are patterns of offenses,
- g. Social conditions which may have contributed to the offense,
- h. Any evidence of rehabilitation demonstrated by good conduct in prison or in the community or both.

### **Guidelines for Evaluating Conduct**

The Code of Ethics and Professional Conduct for each of the BCSP credentials provide general guidelines for evaluation of behavior of applicants, candidates, certificants, and others holding status with BCSP.

Unethical conduct, as it pertains to this policy, also includes whether BCSP or other certifying or licensing organization have determined that an applicant, candidate, certificant or person holding status with BCSP has used a license, certification or other designation without authority of the granting organization or whether the granting organization has taken disciplinary action against the individual.

### **Procedures for Applicants**

1. The Application Form for certification from BCSP shall include a request for disclosure of:
  - a. All felony convictions
  - b. Misdemeanors convictions within the past five (5) years
  - c. Any record of unethical behavior that an applicant may have
  - d. Information related to having a professional license or certification denied, suspended or revoked for other than not meeting qualifications
2. The Chief Executive Officer shall review criminal conviction information provided with an application and any information regarding actions taken by BCSP or other certification or licensing organizations against the applicant and prepare a recommendation for the BCSP Executive Committee. The recommendation will be to:
  - a. Allow the application to proceed or
  - b. To reject the application and terminate or suspend the ability of applicant to pursue certification.

For rejection of an application, the Chief Executive Officer may also recommend conditions (including a delay in time) that must be met before an application from the individual will be considered.

3. All other aspects of the application for certification will be handled through normal application processes used by the Board.
4. The Chief Executive Officer will notify the applicant that the criminal convictions and/or unethical behavior are being processed separately from the rest of the application using the policies and procedures established by BCSP. The Chief Executive Officer will provide a copy of the policies and procedures relating to an applicant whose criminal convictions and/or unethical behavior are under review in determining acceptance of the application.
5. The Executive Committee shall concur with or modify the recommendation of the Chief Executive Officer by majority vote. The Chief Executive Officer will provide the applicant a written statement regarding the decision of the Executive Committee.
6. Should the Executive Committee not be able to reach a decision, then the Executive Committee may call an interview with the applicant in order to gain additional information that may aid in reaching a decision. In the event the Executive Committee either decides not to interview the applicant or the Executive Committee interviews the candidate and is still unable to reach a decision, then the recommendation of the Chief Executive Officer shall control. The Chief Executive Officer will issue a written report to the applicant regarding the decision by the BCSP.
7. The applicant will have the right to appeal the decision of the Executive Committee within 60 days of the issuance of a written report to the applicant. The appeal must be submitted to the Chief Executive Officer in writing. The Judicial Commission will hear all appeals. The hearing may be conducted through a conference call, video conferencing or a live hearing at the discretion of the Judicial Commission. The individual, alone and/or with a representative, will have the right to submit or present information to the Judicial Commission. The decision of the Judicial Commission will be final. The Chief Executive Officer will issue a written report to the applicant regarding the decision by the Judicial Commission with regard to the appeal.

#### **Procedures for Candidates and Certificants**

1. Should BCSP learn of criminal convictions or unethical behavior of individuals who are candidates for certification by or who hold certification with BCSP, the information will be considered using this policy and the case will proceed following the BCSP's Disciplinary policy and procedures.
2. Someone who is a candidate for certification or holds certification from BCSP who is charged with committing a crime should make every attempt to contact the Chief Executive Officer of BCSP to inform him of the charges. This includes candidates and certificants whose case has not yet received final disposition. Such candidates and certificants may be subject to temporary suspension of eligibility or certification pending investigation of the case by the Chief Executive Officer and/or the Executive Committee.
3. After a complete review of the facts in the case, the Chief Executive Officer must issue a written decision regarding how BCSP will handle the individual's case during litigation and/or incarceration.
4. If BCSP suspends the individual's eligibility or certification, and the individual is cleared of any wrongdoing, BCSP will reinstate the eligibility or certification and the individual's BCSP records will be cleared of the incident. If the individual is found guilty and/or subsequently incarcerated,

the individual will be deemed to have voluntarily given up eligibility for certification or the certification issued by BCSP.

5. If the Chief Executive Officer and or the Executive Committee determines that a candidate or certificant engaged in activity that compromises the candidate's or certificant's character or that of BCSP, the candidate or certificant may be subject to revocation of eligibility or certification, even if not convicted.

#### **Procedures for Others Holding Status with BCSP**

1. Should BCSP learn of criminal convictions or unethical behavior of individuals who hold status with BCSP other than as an applicant, candidate or certificant, the Chief Executive Officer shall review the information and prepare a recommendation for the BCSP Executive Committee for cases involving other than felonies. The recommendation will be a) To allow the individual to retain the status held with BCSP or b) To terminate or suspend the status until any conditions (including a possible time period) are met before the status or any rights and privileges associated with the status can be restored.
2. The Chief Executive Officer will notify the individual that the criminal convictions and/or unethical behavior are being processed in accordance with BCSP policies and procedures. The Chief Executive Officer will provide a copy of the policies and procedures relating to an individual holding status with BCSP whose criminal convictions and/or unethical behavior are under review.
3. The Executive Committee shall concur with or modify the recommendation of the Chief Executive Officer by majority vote. The Chief Executive Officer will notify the individual of the decision of the Executive Committee.
4. Should the Executive Committee not be able to reach a decision, then an interview with the individual may be called by the Executive Committee in order to gain additional information that may aid in reaching a decision. In the event the Executive Committee either decides not to interview the individual or the Executive Committee interviews the individual and is still unable to reach a decision, then the recommendation of the Chief Executive Officer shall control.
5. The individual will have the right to appeal the decision of the Executive Committee to the Judicial Commission *within 60 days of the issuance of the written report*. The appeal must be submitted to the Chief Executive Officer in writing. The Judicial Commission will consider the appeal through (a) conference call, (b) video conferencing or (c) a live hearing at the discretion of the Judicial Commission. The individual, alone and/or with a representative, will have the right to submit or present information to the Judicial Commission. The decision of the Judicial Commission will be final. . The individual, alone and/or with a representative, will have the right to *submit any materials and* appear before the Judicial Commission to present the appeal. The Chief Executive Officer will issue a written report to the individual regarding the Judicial Commission decision on the appeal.