

BOARD OF CERTIFIED SAFETY PROFESSIONALS

Policy Relating to Standards and Procedures for Dealing with Criminal Records and Unethical Behavior of Applicants, Candidates, Certificate Holders or others with BCSP Status

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A. Background

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 evaluating 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 true safety professional. 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.

B. 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.

C. 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.

D. Definitions

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

professional safety experience to be eligible for examinations.

Candidates. Individuals who BCSP has notified that they have met BCSP educational, experience or other qualifications 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. Examples are CSP-Retired or Leave of Absence.

E. General Guidelines and Procedures

1. An applicant for certification who has been convicted of a criminal offense, other than minor traffic and petty offenses, is expected to disclose such information on the application form. Failure to do so 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 is not eligible for certification or status with BCSP unless the Appeals Committee determines otherwise in accordance with this policy.

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. Cases involving persons convicted of crimes other than felonies or having records of unethical behavior shall be evaluated on an individual, case-by-case basis.

6. Only those parties determined by the Executive Director 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.

7. 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.

8. 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 Executive Director and/or the Executive Committee and Board 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.

9. 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)

10. When dealing with any case involving criminal convictions or unethical behavior under this policy, the Executive Director, Executive Committee or board may seek legal assistance from the BCSP legal counsel.

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

F. 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.

G. Guidelines for Evaluating Conduct

The BCSP Code of Ethics and Professional Conduct provides general guidelines for evaluation of behavior of applicants, candidate, 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.

H. Procedures for Applicants

1. The Application Form for certification from BCSP shall include a request for disclosure of all criminal convictions that an applicant may have. The Application Form shall also request information related to having a professional license or certification denied, suspended or revoked for other than not meeting qualifications.

2. The Executive Director shall review any 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 for cases involving other than felonies. 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 Executive Director 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 Executive Director 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 Executive Director 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 Executive Director by majority vote. The Executive Director 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 an interview with the applicant may be called by the Executive Committee in order to gain additional information that may aid in reaching a decision. Should the Executive Committee not be able to reach a decision following an interview, the matter will be forwarded to the Board for a decision at its next regularly scheduled meeting. The individual, alone and/or with a representative, will have the right to appear before the Board to present the appeal. The decision of the Board will be final. The Executive Director will issue a written report to the applicant regarding the decision by the Board.

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 Executive Director in writing. The appeal will be heard by an Appeals Committee appointed by the BCSP President. The hearing will be conducted through a conference call or potentially a live

hearing at the discretion of the Appeal Committee. The individual, alone and/or with a representative, will have the right to submit or present information to the Appeals Committee. The decision of the Appeal Committee will be final. The Executive Director will issue a written report to the applicant regarding the decision by the Appeals Committee with regard to the appeal.

8. If BCSP denies a person's application because of a felony conviction, the applicant may appeal the decision within 30 days of the issuance of a report of denial to the applicant. The appeal must be submitted to the Executive Director in writing. The appeal will be heard by an Appeals Committee appointed by the BCSP President. The hearing will be conducted through a conference call or potentially a live hearing at the discretion of the Appeal Committee. The individual, alone and/or with a representative, will have the right to submit or present information to the Appeals Committee. The decision of the Appeal Committee will be final. The Executive Director will issue a written report to the applicant regarding the decision by the Appeals Committee with regard to the appeal.

I. 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 disciplinary procedures included in Article XIV of the BCSP Bylaws.

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 Executive Director 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 Executive Director and/or the Executive Committee.

3. After a complete review of the facts in the case, the Executive Director 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 Executive Director 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.

J. 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 Executive Director 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 Executive Director will notify the individual that the criminal convictions and/or unethical behavior are being processed in accordance with BCSP policies and procedures. The Executive Director 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 Executive Director by majority vote. The Executive Director 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. Should the Executive Committee not be able to reach a decision after an interview, the matter will be forwarded to the Board for a decision at its next regularly scheduled meeting. The decision of the Board will be final. The Executive Director will issue a written report

to the individual regarding the Board's decision.

5. The individual will have the right to appeal the decision of the Executive Committee to the Board *within 60 days of the issuance of the written report*. The appeal must be submitted to the Executive Director in writing. BCSP will consider the appeal at the next regularly scheduled meeting of the Board following receipt of the appeal. The individual, alone and/or with a representative, will have the right to *submit any materials and* appear before the Board to present the appeal. The decision of the Board will be final. The Executive Director will issue a written report to the individual regarding the Board's decision on the appeal.

K. Implementation

1. This policy will be in effect when approved by the Board of Directors.

2. Any current candidate, certificate holder, or status holder, who informs the Board of a felony conviction pursuant to this policy shall not have his or her certificate or status immediately revoked, but shall have such certificate or status evaluated by the Executive Committee. Such candidate, certificate holder or status holder shall have the right to appeal any decision of the Executive Committee pursuant to Paragraph J(5) of Article XIV of the BCSP Bylaws.

Appendix A

Guidelines for Appeals of Decisions Related to Criminal Convictions

Background

BCSP intends to provide a reasonable opportunity for individuals whose applications have been denied under this policy or affected by other provisions in this policy to present their case in an appeal process. This Appendix serves to assist in handling such appeals.

Administrative Procedures

The appeal process will be coordinated by the attorney for the Board. If requested, he will provide procedural guidance to the person filing an appeal. He will advise the committee or the Board in the conduct of the appeal and any associated hearing.

In most cases, the hearing will be handled by conference call. On occasion, there may be a need to arrange for a live hearing, which will be scheduled in conjunction with regularly scheduled meetings of the Board.

Information Considered in an Appeal

When processing an appeal under this policy, any committee or the full Board shall take into consideration all relevant material submitted by the individual and/or his representative.

Considerations in Reaching a Decision

In making a decision on an appeal, a committee or the Board shall consider any of the following factors:

- a. Nature and seriousness of the offense,
- b. Circumstances under which the 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 might have contributed to the offense,
- h. Any evidence of rehabilitation demonstrated by good conduct while incarcerated or in the community or both,
- i. Demonstration of remorse,
- j. Relationship or potential relationship of the offense to professional safety practice.