



Disciplinary Action Policy

The Judicial Commission shall have the power to reject or suspend the application of any applicant, to terminate or suspend the eligibility of any candidate, to reprimand a certificate holder, suspend, refuse to renew or revoke the certificate of any certificate holder and to terminate or suspend the status with BCSP held by anyone who is found guilty of one or more of the following:

- A. Obtaining or seeking to obtain a certificate or a renewal of a certificate through the use of fraud or deceit. The making of any fraudulent, misleading or untruthful statements in any application or documentation submitted to the BCSP by any applicant, candidate or certification holder, or person holding any status with BCSP in an effort to obtain, retain or renew certification; *or*
- B. Violation of one or more of the provisions in the BCSP credentialing Code of Ethics; or
- C. A criminal conviction of a felony; or
- D. Any other criminal conviction for acts done in connection with activities for which the certificate was issued or considered by BCSP to encumber those who rely on the certifications issued by BCSP, whether the conviction arises by a finding of guilty by a judge or jury, a plea of guilty, or a plea of nolo contendere; or
- E. Unauthorized or illegal use of a certificate issued by the BCSP or the unauthorized or illegal use of a certificate or license issued by another certification or licensing organization; or
- F. Unauthorized or illegal use of any BCSP document; or
- G. Unauthorized possession, distribution or use of any BCSP testing or examination materials including but not limited to, copying and/or reproduction of any BCSP examination questions or test related items; or disclosing to others any examination question or test related item.
- H. Unauthorized or illegal use of any registered certification mark or logo owned by the BCSP.

Procedure

- A. The Executive Director of the Board shall be solely responsible for bringing a charge against a certificate holder based on the ground enumerated in this policy. A charge shall be in writing and shall not be acted upon until filed with the President of the BCSP. Any person may present to the Executive Director information relating to any person holding a certificate issued by the BCSP who may be guilty of one or more of the grounds enumerated in this policy.
- B. All charges shall be reviewed by a quorum of the Executive Committee within Sixty (60) days of receipt of the charges by the President. The Board, its employees, agents and representatives shall not reveal the identity of any person who gives information to the BCSP that a certificate holder may be guilty of one or more of the acts enumerated in this policy unless the person giving that information authorizes the BCSP in writing to reveal his or her identity or unless revelation of that person's identity is directed by a court order. The Executive Committee shall review the charge as presented by the Executive Director to determine if the charges relates to grounds specified in the policy and states sufficient facts to call for a hearing on the charge before a quorum of the Judicial Commission. The Executive Committee may request additional information from the Executive Director, but the investigation of the charges and prosecution of any charges against a certificate holder shall be the sole responsibility of the Executive Director. A charge which does not allege a violation under this policy and is not supported by sufficient evidence to establish a preliminary finding that probable cause exists relating to one or more grounds enumerated in the policy, or which is more appropriately the subject of a different forum or court proceeding, or which is found to be untrue upon review by the Executive Committee, or which would

create a conflict of interest if reviewed by the BCSP, or prosecution of which would interfere substantially with any State or Federal government investigation or prosecution shall, at the discretion of the Executive Committee, be stayed or dismissed.

- C. A charge, unless dismissed or stayed by the Executive Committee, shall be heard by quorum of the Judicial Commission for a final decision.
- D. The date and place of any hearing on a charge shall be at the offices or via teleconference of the BCSP or such other place fixed by a quorum of the Judicial Commission. A copy of the charge or charges, together with a notice of the date, time and place of the hearing on the charge or charges, shall be personally served on the charged certificate holder or mailed to the last known address of the charged certificate holder at least 60 days prior to the date fixed for the hearing. The Judicial Commission may presume that service at the last known address, according to the records of the BCSP's official records, is adequate service for the purposes of implementing disciplinary procedures. Service by mail shall be certified mail, return receipt requested. The notice of hearing shall advise the person charged that his or her right to a hearing may be forfeited if, without good cause, he or she fails to appear at the hearing personally or via teleconference or by his or her designated representative. If the person charged fails or refuses to appear personally or via teleconference, the Judicial Commission may proceed to hear and determine the validity of the charges and take all appropriate action in accordance with the provisions of this article.
- E. At the hearing, the person charged shall have the right to have a record made of the proceedings, copies of which may be obtained by the person charged at their own expense if any expenses are associated with the preparation of such record. The person charged shall have the right to call, examine and cross-examine witnesses which appear at the hearing. Any witnesses appearing on behalf of the person charged shall appear at the sole expense of the charged certificate holder. The person charged shall have the right to introduce evidence in his or her own defense if that evidence is determined by the Judicial Commission to be relevant and material regardless of its admissibility in a court of law. At the hearing on the charge the rules of evidence and procedure which apply to state and federal courts shall not apply.
- F. The person charged shall have the right to submit a written statement at the close of the hearing, and the person charged shall have the right to receive the written decision of the Judicial Commission.
- G. At any hearing the person charged may appear personally or via teleconference, or be represented by his or her authorized representative.
- H. The Judicial Commission, consisting of no fewer than three member, will hear the charges. The decision of the Judicial Commission shall be final. If after the hearing, a majority of a quorum of the Judicial Commission votes in favor of sustaining the charges, the Judicial Commission may dismiss the charge, or reprimand the applicant, candidate or certificate holder, or suspend, refuse to renew or revoke the certificate or suspend or terminate the certification process of the person charged or take such other or further action as is deemed appropriate. If the certificate of the person charged is suspended, such suspension shall be for a period not longer than 10 years. If the certificate of the person charged is revoked such revocation shall be permanent. A person whose certificate has been revoked may apply for reinstatement only once every two years.
- I. The Judicial Commission, for reasons it may deem sufficient, may reinstate or reissue a certificate to any person whose certificate has been suspended, not renewed or revoked. In the case of any revocation of a certificate, such revocation shall be for a period of time of at least two years.