

**BYLAWS
BOARD OF CERTIFIED SAFETY
PROFESSIONALS**

**Board of Certified Safety Professionals
208 Burwash Avenue
Savoy, IL 61874-9510
Voice: 217-359-9263
FAX: 217-359-0055**

**ARTICLE XIV
DISCIPLINARY ACTION**

Section 1 — Grounds

The Board 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 Board 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 Code of Ethics and Professional Conduct; 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.

Section 2 — 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 Section 1. 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 Section 1.
- 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 Section 1 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 Section 1 and states sufficient facts to call for a hearing on the charge before a quorum of the Board of Directors. 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 Section 1 and is not supported by sufficient evidence to establish a preliminary finding that probable cause exists relating to one or more grounds enumerated in Section 1, 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 Board not later than the second regularly scheduled Board Meeting following final review and a decision by the Executive Committee described in subparagraph B, above.
 - D. The date and place of any hearing on a charge shall be at the offices of the BCSP or such other place fixed by a quorum of the Executive Committee. 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 30 days prior to the date fixed for the hearing. The Board 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 by his or her designated representative. If the person charged fails or refuses to appear, the Board 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,
- 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 Board.
 - G. At any hearing the person charged may appear personally or be represented by his or her authorized representative.
 - H. The Board may appoint an ad hoc committee, consisting of no fewer than three members to hear the charges. The decision of that committee may be reviewed by the Board on its own motion but otherwise the decision of that committee shall be final subject to the provisions of subparagraph J, below. If after the hearing, a majority of a quorum of the Board or majority of the ad hoc committee votes in favor of sustaining the charges, the Board or the ad hoc committee 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 Board, for reasons it may deem sufficient, may reinstate or reissue a certificate to any person whose certificate has been suspended, not

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 Board 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.

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.

- J. Any applicant, candidate or certificate holder who has been disciplined as provided in subparagraph H above by an ad hoc committee of the Board shall have the right to an appeal, if said applicant, candidate or certificate holder shall request same in writing in accordance with the provisions of this section within 30 days of the date of the letter notifying the person of the disciplinary action. Such appeal shall be directed to the President. The appeal shall be heard at the next regularly scheduled meeting of the Board which convenes at least ninety (90) days following the date of receipt of the appeal or, at the discretion of the Board, at a meeting of the Board scheduled prior to ninety (90) days following the date of the filing of the appeal. Any appeal shall be limited to the record of the proceedings of the ad hoc committee including, but not limited to, all exhibits plus any written statement of the person charged who pursues an appeal. Any action taken by to majority of a quorum of the Board pursuant to such appeal shall be final, and the decision of the Board upon such reconsideration shall be sent to the person appealing within ninety (90) days of the decision of the Board.
- K. The appeal may again be referred to the ad hoc committee whose decision shall be reviewed by a majority of a quorum of the Board.