Criminal Conviction and Unethical Behavior Policy

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Policy
BCSP has established this policy to assist in evaluating 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. BCSP further recognizes the need to certify, retain certification or authorize other status only to those whose character exemplifies that of a Safety Health and Environmental (SH&E) practitioner. To this end, the Board will take into account the criminal conviction history and unethical behavior(s) of each applicant, candidate, certificant or other person holding status with BCSP.

Purpose
The purpose of this policy and associated procedures is to certify, retain certification or authorize other status only to those whose character exemplifies that of a SH&E practitioner.

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.

Applicability
This policy and its associated procedures apply to all applicants, candidates, certificants and others holding status with BCSP. The policy and procedures detail how BCSP will evaluate criminal records and unethical behavior(s) with regard to applying for, pursuing, or holding certification by BCSP or with regard to retaining any official status with BCSP.
1. Applicants who have been convicted of a felony must report the event on the application form regardless of when the conviction occurred.
2. Applicants who have been convicted of misdemeanors which occurred within five (5) years of the application date must report such conviction(s).
3. Minor traffic and petty offenses do not have to be reported. Convictions of Driving under the Influence and similar offenses are not considered minor traffic offences and must be reported.

Failure to report convictions 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. In addition, if convictions are reported other than those required under this policy, they will be considered in making all determinations under this policy.

4. BCSP has established the following standards and reporting requirements:
   a). A person currently incarcerated as a result of a felony criminal conviction cannot hold certification: and
   b). A person convicted of other offences are required to be reported under this policy and/or having records of unethical behavior shall be initially evaluated by the Chief Executive Officer (CEO) and BCSP legal counsel.

5. BCSP will use conviction information to determine whether the convictions have anything to do with the practice for which the Board would certify someone. It is the responsibly of the applicant to provide sufficient detailed information for BCSP to make such determination. Decisions will be based on factors available at time of review. Failure to provide sufficient information may results in a denial of application.

6. 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.

7. Only those parties determined by the CEO 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.

8. 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.

9. Information on criminal convictions of applicants, candidates, certificants and others holding status with BCSP shall be retained in strict confidence by BCSP

10. 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 to the BCSP Policies on Unauthorized Use of BCSP Designations and Discipline)
11. When dealing with any case involving a criminal offense or unethical behavior under this policy, the CEO, Executive Committee, or Judicial Commission may seek legal assistance from the BCSP legal counsel.

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

Guidelines for Evaluating Criminal Records

Among the factors BCSP may take into consideration when evaluating criminal convictions and unethical behavior:

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.
i. Completion of all conditions of court terms (i.e., parole, probation, restitution, treatment, registry (i.e. Sex Offenders) listing, etc.).
j. Demonstration of remorse;
k. Relationship or potential relationship of the offense to professional safety practice;
l. Such other factors as BCSP may deem relevant.

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 full 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

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2. The CEO and BCSP legal counsel shall review criminal conviction and unethical behavior information provided with an application and any information regarding actions taken by BCSP or other certification or licensing organizations against the applicant and:

   a). In the event the conviction(s) or unethical behavior(s) were within the 5 years preceding the application, the CEO will prepare a recommendation to the Executive Committee to allow the application to proceed, to deny the application or defer the ability of the applicant to pursue certification. For denial or deferral of an application, the CEO may also place conditions (including a delay in time) that must be met before an application from the individual will be considered.

   As to those matters reviewed by the Executive Committee; the Executive Committee shall concur with, reject, or modify the recommendation of the CEO by majority vote. The CEO will provide the applicant a written statement regarding the decision of the Executive Committee.

   Should the Executive Committee not be able to reach a decision, then the Executive Committee may request from the CEO to obtain additional information that may aid in reaching a decision. In the event the Executive Committee is still unable to reach a decision after review of the additional information, then the recommendation of the CEO shall control. The CEO will issue a written report to the applicant regarding the decision by the BCSP.

   b). In the event the conviction(s) or unethical behavior(s) occurring more than 5 years preceding the date of the application, the CEO will directly inform the applicant of the CEO’s decision relating to the application. The decision will be to either allow the application to proceed or to deny the application or suspend the ability of the applicant to pursue certification. For denial of an application, the CEO may also place 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 BCSP.

4. The CEO 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 CEO 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 applicant will have the right to appeal the decision of the CEO and/or the Executive Committee in the case of matters handled pursuant to paragraph 2 above, within 60 days of the issuance of a written decision to the applicant. The appeal must be submitted to the CEO in writing. The Judicial Commission will consider the appeal based upon the written documents reviewed by the CEO and/or the Executive Committee, or any additional documentation the applicant shall present.

   The Judicial Commission shall concur with, reject, or modify the recommendation under appeal by majority vote. The CEO will provide the applicant a written statement regarding the decision of the Judicial Commission.
The Judicial Commission will hear all appeals. The hearing will be conducted through a conference call 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 CEO 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 these policies and procedures and in applicable cases 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, that if convicted would be required to report the conviction to the CEO of BCSP 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 CEO and/or the Executive Committee.

3. After a complete review of the facts in the case, the CEO 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 CEO and/or the Executive Committee determine 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 CEO 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 CEO will notify the individual that the criminal convictions and/or unethical behavior are being processed in accordance with BCSP policies and procedures. The CEO 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 CEO by majority vote. The CEO will notify the individual of the decision of the Executive Committee.

4. Should the Executive Committee not be able to reach a decision, then the Executive Committee may request from the CEO to obtain additional information that may aid in reaching a decision. In the event the Executive Committee is still unable to reach a decision after review of the additional information, then the recommendation of the CEO 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 CEO in writing. The Judicial Commission will consider the appeal through a conference call, 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 CEO will issue a written report to the individual regarding the Judicial Commission decision on the appeal.

Appendix A – Guidelines for Appeals of Decisions Related to Criminal Convictions (Not Attached)

Appendix B – Record Retention for Criminal Records (Not Attached)

History
Approved October 21, 2003
Revised April 23, 2007
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Revised October 7, 2014; BoD Approved November 2014; Effective Date: December 1, 2014
Revised September 19, 2016; BoD Approved November 2016; Effective Date: December 1, 2016

Related Documents
Bylaws
ANSI Standard 4.1.2
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 BCSP’s attorney. If requested, he will provide procedural guidance to the person filing an appeal. He will advise the Judicial Commission 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 at the discretion of the Judicial Commission.

Information Considered in an Appeal

When processing an appeal under this policy, the Judicial Commission 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, the Judicial Commission shall consider any of the following factors:

- Nature and seriousness of the offense,
- Circumstances under which the offense occurred,
- How long ago the offense occurred,
- Age of the person when he or she committed the offense,
- Whether the offense was an isolated or repeated violation,
- Whether there are patterns of offenses,
- Social conditions which might have contributed to the offense,
- Any evidence of rehabilitation demonstrated by good conduct while incarcerated or in the community or both,
- Completed all conditions of court terms (i.e. parole, probation, restitution, treatment, any criminal registry (i.e. Sex offender) listing.
- Demonstration of remorse,
- Relationship or potential relationship of the offense to professional safety practice
- Such other factors as the Judicial Commission may deem relevant.
Objective

The purpose of this document is to explain how the Executive Department will maintain and destroy criminal conviction records once the case has been resolved.

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 and/or the Executive Committee and/or 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.

Retention

Once the applicant, candidate or certificant case has reach a final determination either to move forward through the candidate process or the individuals case has been denied, revoked or suspended all information pertaining regarding the criminal conviction will be retained in a special file under the Executive Department for no longer than 18 months.

<table>
<thead>
<tr>
<th>Case Files</th>
<th>Retention Time</th>
</tr>
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<tbody>
<tr>
<td>“Resolved” - case files that have been approved to move forward in the CSP process</td>
<td>6 months</td>
</tr>
<tr>
<td>“Denied” - case files that have been denied, revoked or suspended through the appeal process</td>
<td>18 months after process has been completed.</td>
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Tasks to be Completed

Case files that have met the retention time limit will be shredded either by the Executive Department or by bonded off-site facilities.