

## CRIMINAL CONVICTIONS AND ACTIONS AGAINST PROFESSIONAL LICENSE AND CREDENTIALS POLICY

Please refer to the latest version posted on BCSP Website.

### ARTICLE I GENERAL POLICY

BCSP established this policy to assist in evaluating the conduct of applicants, candidates, credential holders, or others holding status with BCSP (hereafter will be referred to as STATUS HOLDERS), in addition to evaluating the education, professional safety experience qualifications, and knowledge of the professional safety practice through examinations.

### ARTICLE II PURPOSE AND APPLICATION

This policy and procedures will apply to all status holders with BCSP. The purpose of this policy and procedures will detail how BCSP will evaluate criminal convictions and other conduct in regard to applying for, pursuing, or holding a credential by BCSP or maintaining any official status with BCSP. BCSP furthermore recognizes the need to certify, retain a credential, or authorize other statuses to only those whose character exemplifies that of a Safety Health and Environmental (SH&E) practitioner.

### ARTICLE III DEFINITIONS

The following definitions shall apply to this policy:

- A. Applicants. Individuals who submit a formal application and supporting information seeking to pursue BCSP credentials and whose qualifications are being evaluated to establish whether they are eligible to sit for examinations that may lead to a credential. This may include individuals who have not presented sufficient experience to be eligible for examinations.
- B. 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 a credential.
- C. Credential Holders. Individuals to whom BCSP has awarded an interim, final, or specialty credential and are in good standing or individuals who have previously held a credential from BCSP and have some rights granted by BCSP to regain a credential.
- D. Other Status with BCSP. Individuals who once held a BCSP credential and have chosen some other status under BCSP policy and procedures (i.e., Leave of Absence or Retired Status).
- E. CEO. When referenced in this policy, the CEO shall mean the Chief Executive Officer of BCSP or the CEO's designated staff.

## ARTICLE IV REPORTING REQUIREMENTS

A. All status holders with BCSP are required to report the following on the appropriate application form:

1. Any felony convictions
2. Any misdemeanor convictions which occurred within five (5) years of the application date
3. In jurisdictions that do not classify offenses as felonies or misdemeanors, one must report any conviction of offenses in which the possible sentence could impose a period of one or more years of incarceration (even if such sentence was not actually imposed)
4. Any suspended, revoked, or denied professional license or credential for a cause other than lack of qualification.
5. Any Driving under the Influence or similar offense convictions. Those who have been convicted of minor traffic and petty offenses do not have to report these events.
6. Any status holder who is charged with committing a crime, that if convicted, would be required to report the conviction to BCSP under this policy must report said matter within 90 days of being charged. BCSP will make no inquiry into **prior arrest** records of BCSP status holders that occurred **prior to holding** status with BCSP.

B. In all cases, it is the responsibility of the status holder to provide sufficient detailed information in order for BCSP to make a determination. Decisions will be based on factors available at the time of review. Failure to provide sufficient information may result in a denial of an application or an invalidated credential through recertification.

C. If convictions or actions taken against professional licenses are reported other than those required under this policy, the information will be considered in making a determination under this policy.

**D. FAILURE TO REPORT CONVICTIONS AND CONDUCT AS DELINEATED ABOVE IS A MATERIAL OMISSION OF SIGNIFICANT INFORMATION AND MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS UNDER THE BCSP DISCIPLINARY ACTION POLICY, WHICH COULD RESULT IN A DENIAL, SUSPENSION, OR REVOCATION OF A CREDENTIAL OR OTHER STATUS WITH BCSP.**

## **ARTICLE V EVALUATION GUIDELINES**

Among the factors BCSP may take into consideration when evaluating criminal convictions or conduct resulting in a suspension or revocation of a professional license or credential:

- 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 they 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 the court or other disciplinary 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.

A person is not eligible to apply for or seek renewal of a BCSP credential if incarcerated as a result of a criminal conviction.

## **ARTICLE VI PROCEDURES**

Upon receipt of the information required as outlined in Article IV, the following procedure shall occur:

- A. The CEO will notify the status holder that the criminal convictions and/or matters relating to a professional license or credential are being processed separately using the policies and procedures established by BCSP (a copy of this policy is made public on the BCSP website). All other aspects of the application for a credential and/or recertification will be handled through normal processes used by the BCSP.
- B. The BCSP legal counsel will review all matters submitted pursuant to this policy. BCSP legal counsel will inform the CEO of the denial of an application or a decision to defer the ability of the applicant to pursue a credential. For denial or deferral of an application, the BCSP legal counsel may suggest conditions (including a delay in time) that must be met before an application from the individual will be considered.
- C. BCSP status holders who must report arrests pursuant to Article IV (A. 6) may be subject to a temporary suspension of eligibility or a credential pending an investigation by BCSP legal counsel. If a credential is suspended, the person is to refrain from using the credential while under suspension. After a complete review of the facts in the case, the CEO, in consultation with BCSP legal counsel, must issue a written decision regarding how BCSP will handle the individual's pending criminal case prior to final resolution. If BCSP suspends the individual's eligibility or a credential, and the individual is cleared of any wrongdoing, BCSP will reinstate the eligibility or a credential and the individual's BCSP records will be cleared of the incident. If a credential is suspended, the individual will be instructed to refrain

from using the credential while under suspension. If the individual is found guilty and/or subsequently incarcerated, the individual will be deemed to have voluntarily renounced eligibility or the credential issued by BCSP.

## **ARTICLE VII APPEAL**

Any status holder will have the right to appeal the decision pursuant to Article IV, regarding an application or recertification, within 60 days of the issuance of a written decision to the individual (in accordance with the BCSP Appeals Policy). The appeal must be submitted to the CEO in writing. The Judicial Commission will consider the appeal based on written documents reviewed by legal counsel and/or any additional documentation the individual present.

The Judicial Commission will hear all appeals by conference call. 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 is final.

The Judicial Commission shall concur with, reject, or modify the recommendation under appeal by a majority vote of the commissioners assigned to the appeal. The CEO will provide the applicant with a written statement regarding the decision of the Judicial Commission within 30 days of the decision.

## **ARTICLE VII RECORD RETENTION AND MANAGEMENT FOR CRIMINAL CONVICTION RECORDS**

BCSP will retain information on criminal convictions of status holders with BCSP. Once the status holder's case has reached a final determination, either to move forward through the process, or the individual's case has been denied, revoked or suspended, all information pertaining to the criminal conviction or license or credential matter will be retained in a special file under the Executive Department accessible by authorized staff only. Cases in which no action has been taken detrimental to the individual's ability to proceed with an application or retain credentials shall be retained for at least two (2) years. Cases in which an individual's application has been denied or their status with BCSP has been negatively affected shall be retained for such period as the BCSP legal counsel may advise. In the absence of such advice for five (5) years from the date the status holder completes any suspension, revocation or other requirements imposed under this policy.

Case files that have met the retention time limit will be deleted from BCSP's filing system.

### **History**

Approved October 21, 2003

Revised April 23, 2007

Revised September 6, 2011; BoD Approved October 2011; Effective date: January 1, 2012

Revised September 19, 2013; BoD Approved November 8, 2013; Effective Date: January 1, 2014

Revised August 5, 2014; BoD Approved August 12, 2014; Effective Date: 12, 2014

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

Revised October 16, 2018; BoD Approved November 2018; Effective Date: December 1, 2018

Revised October 10, 2019; BoD Approved November 2019; Effective Date: December 1, 2019

Revised August 2, 2022; BoD Approved November 2022; Effective Date: November 2022

Revised April 7, 2023; BoD Approved April 2023; Effective Date: May 2023