

**POLICY RELATING TO
CRIMINAL CONVICTIONS AND UNETHICAL BEHAVIOR
Council on Certification of Health, Environmental and Safety Technologists
CCHEST**

Adopted: 11/20/2003
Modified: 3/13/2004

A. Background

CHEST has established that it has a responsibility to evaluate the character of applicants, candidates, certificants and others holding status with CHEST in addition to evaluating the education, training, safety and health experience and knowledge of safety and health practice through examinations. In keeping with this responsibility, CHEST 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 CHEST Board will take into account the criminal conviction history and known unethical behaviors of each applicant, candidate, certificant or other person holding status with CHEST.

It is important that CHEST have flexibility in making such decisions. It is also important that such decisions are made consistently among CHEST applicants, candidates, certificate holders or status holders.

B. Purpose

The purpose of this policy and associated procedures is to insure that people who rely on the CHEST certifications and status of individuals can do so unencumbered by the presence of criminal and unethical conduct.

C. Applicability

The policy establishes the standards and procedures by which CHEST handles criminal convictions and unethical behavior related to the Occupational Health and Safety Technologist (OHST) and Construction Health and Safety Technician (CHST) certifications with regard to applying for, pursuing, holding certification by CHEST or with regard to retaining any official status with CHEST.

At some point in time, CHEST may decide whether this policy should also be applied to any other certification it awards.

D. Implementation Date

This policy is in effect upon approval of the CHEST Board.

E. Definitions

Applicants. Individuals who submit a formal application and supporting information with CHEST seeking to pursue certifications of CHEST and whose qualifications are being evaluated to establish whether they are eligible to sit for examinations that may lead to certification.

Candidates. Individuals who CHEST has notified that they have met CHEST educational or training, experience or other qualifications and are eligible to sit for an examination that may lead to certification or have passed an examination and are awaiting completion of additional experience to meet requirements for certification.

Certificants. Individuals to whom CHEST has awarded certification and are in good standing.

Other Status with CHEST. Individuals who once held certification from CHEST and have some rights to regain it or have chosen some other status (such as OHST-Retired or CHST-Retired) and have some rights to regain certification.

Criminal Conviction. Convicted of a crime by a local, state or federal court. This does not include individuals who are arrested and accused of a crime.

Unethical Behavior. This is a behavior that violates the CHEST Code of Ethics or a code of conduct of another certification or licensing organization and for which the individual has been found guilty by the organization.

F. 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 CCHES^T.

2. Individuals accepted as candidates for certification or holding certification from or status with CCHES^T will be treated in the same manner as applicants with regard to criminal conviction records.

3. Persons currently incarcerated as a result of a criminal conviction or who become convicted of a violent crime are not eligible for certification or status with CCHES^T.

4. CCHES^T will use conviction information to determine whether the convictions have anything to do with the practice for which CCHES^T would certify someone.

5. CCHES^T will make no inquiry into the arrest record of applicants, candidates, certificants or others holding status with CCHES^T, as arrests are merely accusations and not convictions by due process of law.

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

7. 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 or unethical behavior for purposes of a review and determination of the suitability of an applicant, candidate, certificant or others holding status with CCHES^T shall be privy to such information.

8. CCHES^T 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 CCHES^T.

9. Information on criminal convictions of applicants, candidates, certificants and others holding status with CCHES^T shall be retained in strict confidence by CCHES^T and shall be kept only for so long as it takes for the Executive Director and/or 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 CCHES^T. 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 folders.

10. CCHES^T may act to deny, revoke or suspend certification or status with CCHES^T for applicants, candidates, certificants and others holding status with CCHES^T who are found to have falsified or used without authority any CCHES^T or other license, certification or designation without authority. (Refer also to the CCHES^T policy on unauthorized use of CCHES^T designations.)

11. 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 CCHES^T legal counsel.

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

G. Guidelines for Evaluating Criminal Records

CCHES^T will consider the following factors when evaluating criminal convictions other than violent crimes:

1. Nature and seriousness of the offense,
2. Circumstances under which an offense occurred,
3. How long ago the offense occurred,
4. Age of the person when he or she committed the offense,
5. Whether the offense was an isolated or repeated violation,
6. Whether there are patterns of offenses,
7. Social conditions which may have contributed to the offense,
8. Any evidence of rehabilitation demonstrated by good conduct in prison or in the community or both.

H. Guidelines for Evaluating Conduct

The CCHES^T Code of Ethics provides general guidelines for evaluation of behavior of applicants, candidates, certificants, and others holding status with CCHES^T.

Unethical conduct, as it pertains to this policy, also includes whether CCHES^T or another certifying or licensing organization has determined that an applicant, candidate, certificant or person holding status with CCHES^T 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.

I. Procedures for Applicants

1. The application form for certification from CCHESB 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 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 CCHESB or other certification or licensing organizations against the applicant and prepare a recommendation for the CCHESB Executive Committee for cases involving convictions for other than minor traffic and petty offenses. The recommendation will be to a) allow the application to proceed or b) to reject the application and terminate or suspend the ability of the applicant to pursue certification. For rejection of an application, the Executive Director may also recommend conditions, such as a delay in time or other condition, 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 CCHESB.
4. The Executive Director will notify the applicant that the criminal conviction(s) and/or unethical behavior are being processed separately from the rest of the application using the policies and procedures established by CCHESB. 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 CCHESB 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

CCHESB Board to present the appeal. The decision of the CCHESB Board will be final. The Executive Director will issue a written report to the applicant regarding the decision by the CCHESB Board.

7. The applicant will have the right to appeal the decision of the Executive Committee to the CCHESB Board. The appeal must be submitted to the Executive Director in writing within 30 days of issuing of the notice reporting the decision of the Executive Committee. CCHESB will consider the appeal at the next regularly scheduled meeting of the CCHESB Board following the receipt of the appeal. The individual, alone and/or with a representative, will have the right to appear before the CCHESB Board to present the appeal. The decision of the CCHESB Board will be final. The Executive Director will issue a written report to the applicant regarding the decision by the Board with respect to the appeal.

J. Procedures for Candidates and Certificants

1. Should CCHESB learn of criminal convictions or unethical behavior of individuals who are candidates for certification by or who hold certification with CCHESB, the information will be considered using this policy and the case will proceed following the disciplinary procedures included in Article XIII of the CCHESB General Operating Procedures.
2. Someone who is a candidate for certification or holds certification from CCHESB who is convicted of a criminal offense, other than minor traffic offenses should make every attempt to contact the Executive Director of CCHESB to inform him of the charges. Such candidates and certificants maybe 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 CCHESB will handle the individual's case during litigation and/or incarceration.
4. If CCHESB suspends the individual's eligibility or certification, and the individual is cleared of any wrongdoing, CCHESB will reinstate the eligibility or certification and the individual's CCHESB 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 CCHESB.

5. If the Executive Director and/or the Executive Committee determines that a candidate or certificiant engaged in activity that compromises the candidate's or certificiant's character or that of CCHEST, the candidate or certificiant may be subject to revocation of eligibility or certification, even if not convicted.

K. Procedures for Others Holding Status with CCHEST

1. Should CCHEST learn of criminal convictions or unethical behavior of individuals who hold status with CCHEST other than as an applicant, candidate or certificiant, the Executive Director shall review the information and prepare a recommendation for the CCHEST Executive Committee for cases involving other than minor traffic and petty offenses. The recommendation will be to a) allow the individual to retain the status held with CCHEST or b) to terminate or suspend the status until any conditions (including a delay in time or other conditions) are met before the status or any rights and privileges associated with the status can be restored.

2. 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.

3. 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 CCHEST 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 CCHEST Board to present the appeal. The decision of the CCHEST Board will be final. The Executive Director will issue a written report to the applicant regarding the decision by the CCHEST Board.

4. The individual will have the right to appeal the decision of the Executive Committee to the CCHEST Board. The appeal must be submitted to the Executive Director in writing within 30 days of the issuing of the notice regarding the decision of the Executive Committee. CCHEST will consider the appeal at the next regularly scheduled meeting of the CCHEST Board following the receipt of the appeal. The individual, alone and/or with a representative, will have the right to appear before the CCHEST Board to

present the appeal. The decision of the CCHEST Board will be final. The Executive Director will issue a written report to the applicant regarding the Board's decision on the appeal.

L. Implementation

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

2. At the time this policy is implemented, any current candidate, certificate holder, or status holder, who informs the CCHEST Board of a criminal 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 the appeal procedures in Article XIII of the CCHEST General Operating Procedures.