

Unauthorized Use of Credentials and Other BCSP Protected Materials Policy

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy

This Policy prohibits unauthorized use of designations, certifications, marks, copyrighted materials, and other intellectual property (collectively, “BCSP Protected Materials”) issued by, owned or licensed by the Board of Certified Safety Professionals (BCSP).

Scope

BCSP has the authority and the obligation to make public the names of individuals who BCSP authorizes to use the credentials it awards. BCSP publishes these names in an online directory, which is publicly available on the BCSP Website.

BCSP also has the authority and the obligation to protect its marks, copyrighted materials and other intellectual property.

This Policy covers the Policy and procedures for handling inquiries relating to the use/misuse of BCSP designations, certifications, marks, copyrighted materials and other intellectual property for the purpose of processing cases where unauthorized use of BCSP designations, certifications, marks, copyrighted materials and other intellectual property is either suspected or known.

Procedure

1. Handling Inquiries

When BCSP receives an inquiry to determine whether someone is certified and current, any BCSP staff person may search BCSP records to determine if the person is certified.

- A. Individual is Certified.** If, after a diligent search and according to BCSP records, the individual *is currently certified to hold a BCSP credential or certification*, the response can be made directly to the requestor. If the requestor asks for written confirmation, then the following statement is appropriate:

(Name of person) is currently certified as a (Certification Title) and in good standing with the Board of Certified Safety Professionals.)

Other information from the certificant’s record *is not to be provided or disclosed*, except any examination passed to achieve the Designation/Certification and/or specialty(ies) held. Personal information is not given or confirmed. If other information is requested, staff may document what information is requested and forward the request to the credential holder or refer the case to the Chief Executive Officer.

- B. Individual is not Certified.** If, after a diligent search and according to BCSP records, the individual *is not currently certified to hold a BCSP credential or certification*, the case is to be referred to the Executive Department for response or follow-up. If the initial inquiry is by phone, the caller should receive an answer that the preliminary search of BCSP records shows that the individual is not currently certified to hold a BCSP credential or certification. It is important that a search include checking for similar names or other identifications. However, the responding staff person should ask for the caller’s name, phone number, fax number, email, and postal address, so that BCSP can accurately respond to the requestor after a more thorough search of records.

If the caller requests written confirmation regarding the status of an individual, the request is to be referred to the Executive Department after obtaining the caller’s contact information.

- C. Reported False Use of BCSP Designations.** If a contact is trying to report, what appears to be an unauthorized use of a BCSP designation, the caller is to be directed to the complaint form on the BCSP Website to complete along with providing any documentation (business card, correspondence, resume, etc.) that indicates the misuse of BCSP credential(s).

Let the caller know that all reasonable efforts will be made to keep the caller's identity anonymous. However, BCSP cannot act on the report unless BCSP has the contact information of the caller and sufficient evidence of the alleged inappropriate use of the credential or mark.

D. Reported Misuse of Copyrighted Materials or Other Intellectual Property.

If a contact is trying to report what appears to be an unauthorized use or a misuse of BCSP copyrighted materials or other intellectual property, the caller is to be directed to the complaint form on the BCSP Website to complete and return to BCSP along with any documentation that supports the claim of unauthorized or misuse of the Copyrighted material or other intellectual property.

2. Responding to Unauthorized Use of BCSP Credentials or BCSP Protected Materials.

Any response to an alleged unauthorized use of a BCSP credential or mark or BCSP Protected Materials is to be referred to the Executive Department for further handling. The Executive Department will establish a case file and record the matter in accordance with BCSP policy.

- A. Request for Verification that Someone is Not Certified.** Only the Executive Department will provide responses to a request for written verification that someone is not currently certified by BCSP.
- B. Taking Action on Unauthorized Use of BCSP Credentials or BCSP Protected Materials.** The Executive Department, with assistance from BCSP legal counsel, will act on apparent unauthorized use of BCSP credentials marks or other BCSP Protected Materials.

In general, the procedure will move through the following sequence:

- Executive Department will prepare and mail or email a letter to the individual who is alleged to have violated this Policy, detailing the allegations against that individual and requesting a response to those allegations.
- If BCSP receives a response, the Chief Executive Officer will acknowledge receipt of the response and will take appropriate action in accordance with this Policy or other BCSP Policy as may be applicable. The action will depend on the contents of the response and other factors in the case. At a minimum, the response will acknowledge receipt of the response.
- If a response is not received within the time period stated in the letter or the response does not resolve the case, the Executive Department will refer the case to BCSP legal counsel for further action.
- The BCSP legal counsel will take action on the case in an appropriate manner and in coordination with the Chief Executive Officer.
- In the event it is determined that action should be taken as described in Section 3 below, the individual will be informed in writing of the determination and may appeal any such action to the Judicial Commission of the Board of Certified Safety Professionals in accordance with BCSP policies.

3. Actions Taken in Response to Verified Cases of Unauthorized Use of BCSP Credentials or BCSP Protected Materials.

BCSP may take any of a variety of actions as a result of verified cases of unauthorized use of BCSP credentials or BCSP Protected Materials. Such actions may include but are not limited to:

- A. Publish Name on BCSP Website.** If it is determined that an individual has violated this Policy, in most cases, any penalty will include publishing the individual's name in a special area of the BCSP Website listing individuals penalized and the period for which the penalty is in place.
- B. Suspend the Authority to Pursue or Regain the BCSP Designations and Certifications.** If a person violates this Policy, in most cases, the individual will not be allowed to apply for, pursue, or regain the credential or mark for a period of 5 years, or such other period as BCSP determines is appropriate.

These actions may be taken after a person acknowledges to BCSP or its legal counsel that they did not have the authority to use the credential, mark or other BCSP Protected Materials or if the person refuses to respond to inquiries and BCSP has concluded that the penalty is justified. These action will be taken only after the individual has either availed themselves of any appeal rights they may have or any period of time allowed for an appeal of a determination of unauthorized use has expired.

The suspension period may be extended for any length of time by action of the Judicial Commission.

Anyone applying for any credential or recertification at the time a violation of this Policy has occurred will be terminated from the certification process and would be required to reapply as a new candidate after any period of suspension and all terms of any penalty imposed have been satisfied.

- C. Issue a Cease and Desist Agreement.** If a person violates this Policy, BCSP may consider an alternative resolution of allowing the individual to enter into a cease and desist agreement with BCSP pursuant to such terms, as BCSP deems appropriate under the circumstances. If BCSP subsequently determines that the said person fails to comply with the agreement, the person will be subject to all penalties pursuant to this Policy and may also include civil penalties in the event BCSP is required to enforce the cease and desist agreement or take other action to protect its registered marks by filing a lawsuit against the person.
- D. Notify Employer or Client.** In order to ensure the safety of the public, workers, and others are protected, if the names of the employer and/or clients are known, BCSP may, for a period of one year following the determination that an individual has violated this Policy, notify the employer and/or clients of a person who has misused BCSP credentials or Protected Materials.
- E. Legal and Monetary Remedies.** In addition to any penalties provided for in this Policy, BCSP, through its attorneys, may seek legal and monetary remedies from individuals who violate this Policy.

4. Records

The Executive Department will maintain a record of each case reported under this Policy and the outcome of each case.

5. BCSP Criminal Convictions and Unethical Behavior Policy and Disciplinary Action Policy

In certain cases, the BCSP Criminal Conviction and Unethical Behavior Policy and Disciplinary Action Policy may also apply to individuals who violate this Policy.

6. BCSP Communication with Other Certification and Licensing Boards or Membership Organizations

In some cases, the unauthorized use of BCSP credentials or status may also involve the use of certifications, licenses, or statuses of other organizations. BCSP may elect to notify such other organizations of known unauthorized use of BCSP certifications or status or of the unauthorized use of other certifications, licenses or status.

Related Documents

BCSP website publishes current policies that are available to the public

References

Criminal Conviction and Unethical Behavior Policy
Disciplinary Action Policy
Cease and Desist Agreement