

## CRIMINAL RECORD CHECK POLICY FOR EMPLOYEES, STUDENTS AND VOLUNTEERS

### Introduction

This policy sets out the requirements and procedures that apply when an individual will, as a result of their employment, potential employment, program, position or potential position of trust, be required by the University to produce a current criminal record check.

### Application and Scope

This policy applies to employees, students, volunteers and candidates for employment whom the University deems, as a result of their employment or potential employment to a position of trust, to require a criminal record check. This includes all employees or individuals who are associated with any position which might be expected to come into contact with vulnerable persons (as defined in "Definitions") or who have access to secure areas and/or individual offices or financial resources. Departments include (but are not limited to):

- Residence and Conference Services (all individuals working with students and/or with access to living areas of students or financial resources);
- Facility Services and Capital Projects (all individuals with access to secure areas); and
- Athletics (including all coaches).
- Counselling Services
- Student Recruitment
- Any other position which might be expected to come into contact with vulnerable individuals as defined in "Definitions" or has access to financial resources.

**Definitions:** For the purposes of this policy, the following definitions apply:

**Employment:** Refers to paid employment (full or part-time).

**Position:** Refers to paid employment (full or part-time) or volunteer or student employment in the workplace or on behalf of the University.

**Children:** Persons who are less than 18 years of age.

**Vulnerable Persons:** Normally refers to persons who, because of their age, disability or other circumstances, whether temporary or permanent, are in a position of dependence on others or are deemed by the University to be at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

**Direct Care:** Direct care normally refers to positions that provide support and supervision of individuals in a variety of areas of their lives including vocational, educational, medical, social and/or recreational.

**Offence Declaration:** An Offence Declaration is a form completed by the individual that lists any Criminal Code convictions for which a pardon has not been granted since the last criminal background check collected by the employer.

**Criminal Record Check:** Consists of a check performed by the North Bay Police Service, the Ontario Provincial Police or the police service that has jurisdiction over the area where the individual resides. The check includes disclosure of:

- criminal record: pending charges and previous or ongoing investigations under federal and provincial statutes.
- convictions for provincial offences.
- probation orders; and
- prohibition and other judicial orders which are in effect.

Criminal Code convictions will not be reported as part of the criminal record check if a pardon has been granted. Summary information included in the record checks detail any type of police contact for which the individual has not been charged or convicted.

## **POLICY**

A current criminal record check is required for identified positions before an individual can be confirmed in that position. If a candidate for employment refuses to consent to, or cooperate with, the criminal record check process, they will no longer be eligible for the position.

The results of criminal record checks will be reviewed by the AVPHuman Resources & Equity, Diversity & Inclusion, or designate. The presence of a criminal record does not automatically disqualify an individual from a placement or employment. The AVP , Human Resources & Equity, Diversity & Inclusion, or designate, in consultation with the Department Head, will assess those that have a criminal record to determine if the individual poses a risk to children, vulnerable persons or the institution. Factors that will be taken into consideration include the nature of the offence, number of convictions, length of time since last conviction and the relevance of the conviction to the specific duties and responsibilities associated with the placement or position.

Volunteers who will be affected by this policy will be informed of the requirement for a criminal record check and must provide their criminal record check to Human Resources before they begin their volunteer activities.

## **Cost**

Full-time employees will be reimbursed the cost of obtaining their criminal record check by submitting an expense form, with the original proof of payment attached, to the Human Resources department.

The cost of criminal record checks will be the responsibility of the student, volunteer and/or contract employee.

## **Confidentiality of Information**

Personal information cannot be collected, used or disclosed without the prior written consent of the individual in question. The North Bay Police Service, Ontario Provincial Police or other police service will release to the individual information regarding his/her own criminal record and/or summary information. It is the responsibility of the individual to provide the University with this information.

Human Resources will maintain the information gathered by criminal record checks in a secure manner for the duration of the individual's employment or assignment. Once an individual's employment/assignment is terminated, all information obtained through the criminal record check will be destroyed. The information is confidential and will be maintained in a file separate from the individual's official personnel file (if applicable). The information will be used solely for the purpose that the release of the information was required. Information provided by the Police Service will not be altered in any manner.

## **PROCEDURE**

These procedures conform to the requirements of the North Bay Police Service and the Ontario Provincial Police. Where the procedures of the police centre that has jurisdiction over the area in which an individual resides conflict with the procedures of the North Bay Police Service and the Ontario Provincial Police, the procedures of the relevant police centre shall apply.

1. The Human Resources representative and of Supervisor responsible for engaging a candidate in a position that is subject to the criminal record check will:
  - a. Inform the candidate of the requirement of the submission of a criminal record check and provide the individual with information on how to obtain their criminal record check and any required forms required to complete the process (i.e. Request for Vulnerable Sector Screening Check);
  - b. Inform the individual of the criminal record check process, including the type of information that will be disclosed (see definition); and
  - c. Inform the individual that the presence of a criminal record does not automatically disqualify him/her from the position.
2. Individuals requiring a criminal record check are responsible for personally meeting this obligation prior to commencing employment, placement or volunteering. If the individual is not a resident of North Bay, they will be informed that they will have to follow the procedures established by the police service that has jurisdiction in their area.

Individuals requesting criminal record checks should be mindful of the possibility that fingerprint checks may also be required. If individuals are contacted by their local police service and asked to submit fingerprints to the RCMP verification centre, this may cause a significant delay in obtaining the results of the criminal record check.

3. Any individual being considered for a position or placement for which there is a criminal record check requirement and who refuses to comply with the requirement will be deemed to have withdrawn from the volunteer/placement/employment process and is no longer eligible for the position.
4. If the criminal record check does not disclose any prior criminal record or summary information, the University may confirm the individual in the position or placement.
5. If the criminal record check reveals a record of offense or summary information, the police service will provide this information to the individual advising them of the information that has been gathered through the criminal record check procedure. It is the responsibility of the individual to provide this information to the University.

6. Upon receipt of this information, the AVP, Human Resources & Equity, Diversity & Inclusion, or designate, will contact the individual for further discussion.
7. The AVP, Human Resources & Equity, Diversity & Inclusion, or designate, will review the information obtained from the individual and, in consultation with the Department Head, will determine the relevance of the information to the position requirements. A decision on the employment/assignment will be made, and the individual will be notified within a two (2) week period.

### **Renewal**

Employees, students, volunteers who are subject to this policy will be required to obtain a Criminal Record Check from their local Police Service every three (3) years. Additionally, as Criminal Record Checks are only valid for a period of one year from the date of issue, students and/or volunteers will be required to complete an Offence Declaration annually.

Students and volunteers will be notified of this requirement and the respective deadlines each year by the appropriate department head.

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