

<b>PARKLAND COLLEGE</b>	<b>CATEGORY D</b>	<b>PERSONNEL AND EMPLOYEE RELATIONS</b>
<b>CRIMINAL RECORD CHECKS</b>	<b>OPR D-32</b>	<b>APPROVED: OCTOBER 1, 2014</b> <b>REVIEWED: APRIL 27, 2016</b>

## **PURPOSE**

A Criminal Record Check (CRC) is an additional step in the staffing process. It is a practical and consistent approach to the employment process which helps;

- Maintain public confidence in the public service;
- Ensure the safety of our employees, clients and stakeholders; and
- Ensure that public funds are securely administered.

## **POLICY**

All applicants must provide a satisfactory CRC prior to initial employment. Applicants will be responsible for the cost.

Current employees will not be required to provide a CRC while s/he remains in their current position. If s/he applies to a different position, the College will be responsible for the cost.

## **POLICY GUIDELINES**

1. This policy is effective November 1, 2014.
2. A satisfactory CRC will be required for all new employees prior to a formal offer of and appointment to the position.
3. Current employees will not be required to provide a CRC while s/he remains in their current position. If s/he applies to a different position, the College will be responsible for the cost.
4. In addition to the basic CRC and as determined by the position, a Vulnerable Sector Check (VSC) is required prior to offer of, and appointment to the position.

## **TYPES OF POSITIONS REQUIRING CRIMINAL RECORD CHECK**

The following types of positions, appointments and roles require a CRC:

- Permanent full time and part time;
- Temporary and Term full time and part time;
- Casual;
- Volunteers; and
- Students (including paid or unpaid practicum students)

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### **TYPES OF POSITIONS REQUIRING VULNERABLE SECTOR CHECK (VSC)**

The following types of positions, appointments and roles require a VSC as they are entrusted with the care of and / or intervention with vulnerable clients;

- Instructor;
- Instructor Aide;
- Invigilator;
- Facilitator;
- Counsellor;
- All Out of Scope / Executive; and
- As identified in the job description.

Executive, in consultation with Human Resources, shall determine which positions have a requirement for a Vulnerable Sector Check. Positions, in which the incumbent may be required to instruct, supervise or observe students in practicum or work experience placements within community institutions, public and private agencies or health facilities, may require a vulnerable sector check.

The job description will identify which type of check is required for the position.

### **PROCESS**

1. As required by position, applicants must submit a satisfactory CRC before offer of and appointment to a position. If the CRC is unavailable in a timely manner, the appointment and or offer may be conditional on the submission of a satisfactory CRC and/or Vulnerable Sector Check.
2. If the CRC indicates that a criminal record “may or may not exist”, applicants shall be required to provide a Declaration of Criminal Record from the police
3. If the Police indicate a criminal record / charge does exist, this will be assessed by the Director, Human Resources, in regards to relevance to the position and to determine if the check is satisfactory.

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### ASSESSMENT

1. The presence of a criminal offence conviction, non-conviction or sexual offence conviction where the person has received a pardon will not automatically disqualify an applicant.
2. Determining whether a record is unsatisfactory is the sole discretion of the College and consideration include but are not limited to the following;
  - The nature and particulars of the criminal conviction;
  - The date the events in question occurred;
  - Any extenuating circumstances as provided by the applicant;
  - The time that has elapsed between the conviction and the employment application and the activities of the individual during that interim period;
  - The rehabilitative measures undertaken by the individual since the conviction and the commitment the individual has to rehabilitation and to refraining from criminal activities;
  - The relationship of the conviction to the position for which the person is applying;
  - Whether the check is original and current (within one year);
  - Risk and relevance of a particular criminal offence to performance of position and employment relationship; and
  - Responsibility to the safety and security of the organization and our clients.
3. Applicants may attach a statement of explanation to the criminal record check submitted outlining relevant circumstances.
4. Failure to submit a criminal record check, cooperate in providing a criminal record check, or submission of an inaccurate, false, misleading, or incomplete criminal record check, may constitute grounds for progressive discipline up to and including termination of employment, refusal to offer employment, withdrawal of any offer of employment, and or student or volunteer position.
5. Information obtained from criminal record and vulnerable sector checks will be handled with strict confidence and all information collected shall be used for its intended purpose. Documents pertaining to the Criminal Record Check process will be maintained in a secure location separate from the employees' personnel file.

### EXCEPTIONS

In exceptional circumstances, making it unreasonable and impractical to request a CRC, the Director Human Resources may determine that the employee is exempt from the requirement to submit a CRC.

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## REPORTING

1. During the course of employment, employees in any positions requiring the Criminal Record Check, are required to report any criminal charges or convictions.
2. Reports should be made in writing and within twenty four (24) hours or as reasonably possible to the Director, Human Resources.
3. Upon receipt of the information, the Director is to investigate the circumstances.
4. Failure to disclose charges or cooperate or provide inaccurate, false, misleading, or incomplete information, constitutes grounds for progressive discipline.

## DEFINITIONS

**Criminal Record Check** (also referred to as Police Information Check) – This is a search performed by the Royal Canadian Mounted Police (RCMP) by checking information such as an individual's name, date of birth, and gender against the national repository of criminal records maintained by the RCMP.

**Vulnerable Sector Check (VSC)** - includes a Police Information Check PLUS search of pardoned offences of a specified nature (sexual and certain other offences against the person).

**Vulnerable Person** - is defined in the Criminal Records Act, as a person who, because of age, a disability, or other circumstances, whether temporary or permanent are;

- a) In a position of dependence on others; or
- b) Are otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.

**Satisfactory** – Is either; an indication from the Police that no criminal record / charges exist or; an indication from Police that criminal record / charge does exist and has been assessed and determined by the Director, Human Resources, as not being relevant to the position.