

Policy Name	CRIMINAL RECORD CHECK		
Policy #	709	Category	700: HUMAN RESOURCES
Steward	Director, Human Resources	Date Approved	December 13, 2023
Next Review Date		Date Reviewed or Revised	

POLICY

Suncrest College is committed to protecting staff, students, and property from potential harm by requiring all external applicants being offered positions within the College, from the date this policy is passed, to obtain a satisfactory Criminal Record Check (CRC). A CRC is an additional step in the staffing process that is used to confirm the suitability of a candidate prior to their appointment to a position at the College which helps maintain public confidence in public service, ensures the safety of our employees, clients, and stakeholders, and ensures that public funds are securely administered.

The purpose of this policy is to outline the requirements and processes of CRC and VRC for new and existing employees.

PRINCIPLES

1. All applicants must provide a satisfactory CRC prior to initial employment. Applicants will be responsible for the cost.
2. The following positions require a CRC:
 - a. Permanent full time and part time;
 - b. Temporary and term full time and part time;
 - c. Casual;
 - d. Volunteers; and
 - e. Student Placements (including paid and unpaid practicum students)
3. The following types of positions require a vulnerable sector check (VSC) as they are entrusted with the care of and / or intervention with vulnerable clients;
 - a. Instructor;
 - b. Instructor Aide;
 - c. Invigilator;
 - d. Facilitator;
 - e. Counsellor and Advisor; and
 - f. As identified in the job description.

4. A check issued six (6) months or more prior to the date of employment will not be accepted.
5. Executive, in consultation with Human Resources, shall determine which positions have a requirement for a VSC.
6. Suncrest College respects the privacy of all individuals and will ensure confidentiality for all applicants and employees that provide CRC for employment purposes.

SCOPE

This policy applies to all Suncrest College employees, volunteers, and practicum students.

DEFINITIONS

Criminal Record Check – is a search, for employment purposes, that employers use to determine whether an individual has prior criminal convictions or outstanding charges. This search is performed 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.

Police Information Check (PIC) – is a comprehensive check of local police agency’s records management system as well as the national repository of criminal records maintained by the RCMP.

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

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;
- 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.

PROCEDURES

Process

1. As required by position, candidates who are successful in the interview process must submit a satisfactory CRC / VSC prior to the commencement of their employment. If the CRC / VSC is unavailable in a timely manner, the appointment and or offer may be conditional on the submission of a satisfactory 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, regarding relevance to the position and to determine if the check is satisfactory.

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:
 - a. The nature and particulars of the criminal conviction;
 - b. The date the events in question occurred;
 - c. Any extenuating circumstances as provided by the applicant;
 - d. The time that has elapsed between the conviction and the employment application and the activities of the individual during the interim period;
 - e. The rehabilitative measures undertaken by the individual since the conviction and the commitment the individual has to rehabilitation and to refraining from criminal activities;
 - f. The relationship of the conviction to the position for which the person is applying;
 - g. Risk and relevance of a particular criminal offence to performance of position and employment relationship; and
 - h. Responsibility of the safety and security of the organization and our clients.
3. Applicants may attach a statement of explanation to the CRC submitted outlining relevant circumstances.
4. Failure to submit a CRC, cooperate in providing a CRC, or submission of an inaccurate, false, misleading, or incomplete CRC, may constitute grounds for progressive discipline up to and including termination of employment, refusal to offer employment, withdrawal of any offer of employment, and student or volunteer position.
5. Information obtained from CRC and VRC will be handled with strict confidence and all information collected shall be used for its intended purpose. Documents pertaining to the CRC process are stored in a secure manner, and do not form part of the employee’s official file.

Exemptions

1. 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.

Reporting

1. During the course of employment, employees in any position 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.

LEGISLATIVE AND COLLECTIVE AGREEMENT REFERENCES

N/A

LINKS TO OTHER RELATED POLICIES, DOCUMENTS, AND WEBSITES

N/A