

Police Record Check Policy

Category: Human Resources

Approval: PVP

Responsibility: Vice President, Human Resources

Date: December 9, 2024

Definitions:

Position: An individual's role within the University whether that be paid (Full-time/Part-time) or a volunteer/student placement.

Vulnerable Persons: Is a person who, because of their age, a disability, or other circumstances, whether temporary or permanent, is in a position of dependency on others, or is otherwise at a greater risk than the general population of being harmed by a person in position of trust or authority towards them.

Criminal Record Check (CRC): A basic Police Record Check that discloses all criminal convictions for which a pardon has not been issued or granted, summary convictions within the past 5 years, and all findings of guilt under the *Youth Criminal Justice Act* (Canada) in respect of the individual during the applicable period of access under that Act.

Police Record Check (PRC): An encompassing term for a search conducted of the Canadian Police Information Centre databases, or another police database maintained by a police service in Canada, to determine whether the databases contain entries relating to an individual in order to screen the individual, including without limitation,

(a) for the purposes of determining their suitability for employment, volunteer work, a license, an office, membership in any body or to provide or receive goods or services; or

(b) for the purposes of assessing their application to an educational institution or program

Vulnerable Sector Check (VSC): A more thorough police check that is restricted to individuals who are seeking employment and/or volunteering in a position of trust or authority over vulnerable persons, which can only be completed by the police centre which has jurisdiction over the area in which the applicant resides. This check includes the information disclosed in a Criminal Record Check, as well as the following:

- Outstanding charges or warrants
- Absolute and conditional discharges for 1 and 3 years, respectively
- Every court order made against the individual (except orders made under the *Mental Health Act* or under Part XX.1 of the *Criminal Code* (Canada), orders made in relation to a charge that

has been withdrawn, or restraining orders made against the individual under the *Family Law Act*, the *Children's Law Reform Act* or the *Child, Youth and Family Services Act, 2017*)

- Every criminal offence with which the individual has been charged that resulted in a finding of not criminally responsible on account of mental disorder, but not if the request is made more than five years after the date of the finding or if the individual received an absolute discharge
- Non-convictions where it meets the Exceptional Disclosure Assessment
- Record Suspensions as authorized for release by the Minister of Public Safety
- Every criminal offence of which the individual has been found guilty and received a conditional discharge on conditions set out in a probation order but not if the request is made more than three years after the date of the conditional discharge

Purpose/Reason for Policy:

This policy is in place to ensure the University does its due diligence when placing volunteers, employees, contractors, or other individuals into roles where they may have advanced access to University facilities equipment (eg. Master key access); responsibilities involving financial oversight, security, or sensitive information; or exercise trust or authority over vulnerable persons. This policy lays out the procedure and requirements for when an individual is deemed by the University to require a Police Record Check due to their position.

The purpose of this Police Record Check Policy is to establish guidelines and procedures for conducting Police Record Checks on prospective and current employees of Trent University in compliance with the laws and regulations of Ontario, Canada.

Scope of this Policy:

This policy applies to any individual including but not limited to, volunteers, employees, contractors, coaches, and applicants for employment whom by the nature of their position or potential position are deemed to require a Police Record Check by the University. In the event of a conflict between the terms of this policy and a third party agency, the agencies policy shall prevail.

Policy Statement:

The University is committed to conducting Police Record Checks in accordance with applicable legislation, including the Ontario *Human Rights Code*, the Ontario *Police Record Checks Reform Act, 2015*, the *Criminal Records Act* (Canada), and any other relevant legislation governing the collection, use, and disclosure of criminal record information.

The University will identify positions that, due to the nature of the work involved, require a Police Record Check. This may include either a Criminal Record Check or Vulnerable Sector Check, depending on the degree to which the position exercises trust or authority over vulnerable persons. If a Police Record Check is required for the position, consent of the individual will be requested before the Police Record Check is conducted. Consent forms will outline the purpose of the check, the types of information to be obtained, and the procedures for obtaining and handling the information. Individuals who do not consent to a Police Record Check will be considered unqualified for the position and thus ineligible to commence the role. Employment and volunteer positions that require a Police Record Check will indicate such requirement in the position description, and applicants chosen to proceed in the selection process will be advised of this requirement prior to completing any interview or evaluation. An applicant may commence an identified position prior to providing the results of a Police Record Check so long as they provide a declaration indicating they have no police

record, and they submit the required Police Record Check within the specified time frame as determined by the University. Employees are prohibited from working unsupervised with vulnerable groups until the required Police Record Check has been received and cleared. If an individual discloses that they have a police record, they must complete and submit a Police Record Check prior to their start date. Employment will be contingent upon the successful completion of this check, and assessment by the University. Offers for identified positions will clearly stipulate that the offer is conditional on providing a satisfactory Police Record Check that has been issued within the past six (6) months. Human Resources must review the original copy of the Police Record Check any photocopies, or other alterations, will not be accepted, unless accepted by a third party agency. In the event an individual does not provide the Police Record Check within 45 days or the timeline requirement of the third party agency, of receiving the conditional offer, the University reserves the right to rescind the offer.

Police Record Checks are a one-time requirement at the time of hire, and a signed declaration for every five-year period thereafter; or in accordance with external regulatory body, or agency requirements. Individuals holding positions which require a Police Record Check will be required to immediately notify the University should they be charged and/or convicted of a criminal offence.

The results of all Police Record Checks will be assessed by the Director, Human Resources, University designate, or agency designate. An individual with a Police Record will not be automatically disqualified from a job competition or position. Each case will be individually assessed by the Director, Human Resources, University designate, or agency designate based on the extent to which the individual would pose a risk to the University or vulnerable persons. The following factors will be taken into consideration:

1. Number of convictions and their nature;
2. Type of sentence(s) received;
3. Period of time since last conviction;
4. Corrective and rehabilitative measures taken by the individual;
5. Any submissions made by the individual;
6. The relevance of the individual's convictions to the specific role and responsibilities of the position;
7. All other factors deemed to be relevant by the Director, Human Resources or designate.

The University will compile and maintain an up-to-date list of positions for which Police Record Checks are required.

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Cost:

The cost of the Police Record Check will be the responsibility of the employee or applicant.

Confidentiality of Information:

Personal information cannot be collected, used or disclosed without the consent and knowledge of the individual in question. Police Record Checks conducted by a police centre will only be released by

the police centre to the specific individual. Police Record Checks conducted through any third-party service, which the University has an agreement with, will be released to the individual and the University simultaneously.

Information collected with respect to Police Record Checks will be maintained in accordance with the applicable legislation. The Human Resources department will securely maintain the results of the Police Record Check for the duration of the individual's employment with the University. Upon the termination of the employee's position all Police Record Checks on file with the University will be destroyed. Police Record Checks will not be altered by the University for any reason. Information collected by third party agencies may be uploaded to Verified, a software platform by Synergy Gateway and will be stored and destroyed in accordance with the third party confidentiality policies.

Any related information regarding offences which fall within the *Youth Criminal Justice Act (Canada)* will not be held by the Human Resources department. A note will be made in the individual's file indicating there was information disclosed as result of the Police Record Check, but that specific details of the offence are protected under the *Youth Criminal Justice Act (Canada)*.

Positions Requiring a Police Record Check:

All employees or individuals who are in positions relating to, and interacting directly with vulnerable populations in:

1. School of Education
2. School of Nursing
3. Student Services
4. Discrimination and Harassment Prevention Services
5. Department of Athletics & Recreation
6. Department of Social Work
7. Student Housing
8. Community-based research
9. Facilities Management
10. Any and all other positions that may have advanced access to University facilities; responsibilities involving financial oversight, security, or sensitive information; or exercise trust or authority over vulnerable persons as determined by the University.

Contact Officer:

Director, Human Resources

Date for Next Review:

December 2027

Related Policies, Procedures & Guidelines

- a) Safe Disclosure of Theft, Fraud or Misappropriation
- b) Access Control Policy
- c) Non-Academic Requirement Policy – TFSON

Policies Superseded by This Policy:

- a) NA