

HUMAN RESOURCES

Criminal Record Check H206

POLICY

Southeast College protects the public interest in the delivery of educational services and may require a satisfactory Criminal Record Check and/or Vulnerable Sector Check (herein after referred to as “CRC” and/or “VSC”) prior to placement within the College. All new placements at Southeast College require a current (within last six months) and satisfactory CRC and/or VSC.

PURPOSE

A CRC and/or VSC is an additional step in the recruitment process that’s used to confirm the suitability of a person prior to placement within the College.

SCOPE

All external persons prior to placement within the College. (Ex. New employees, instructors, instructor aides, tutors, contractors, community interest instructors, fee for service contracts, invigilators, volunteers, etc.)

DEFINITIONS

Criminal Record Check is a basic search used to identify whether an individual has prior criminal convictions or outstanding charges. The 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.

Vulnerable Sector Check is a detailed search used to screen individuals who intend on working with vulnerable persons. This search includes a Criminal Record Check with the national RCMP repository and the local police jurisdiction as well as a search of pardoned offences of a specified nature (sexual and certain other offences against the person.)

Vulnerable Person is defined in section 6.3 of the Criminal Records Act, “a person who, because of his or her age, a disability or other circumstances, whether temporary or permanent:

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

Some examples of positions involving members of the vulnerable sector are teachers, social workers, day-care workers, sport coaches and volunteers.

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GUIDELINES

- If applicable, the position description and the recruitment advertising/posting will note which type of CRC is required for the position. Applicants must be prepared to provide a current CRC and/or VSC on request when a conditional job offer is made. The cost of the record check(s) will be borne by the external candidate.
- All new appointees to Southeast College positions require a current and satisfactory CRC and/or VSC prior to offer of, and appointment to the position. The cost of the record check(s) will be borne by the external candidate.
 - In exceptional circumstances where the need to hire is emergent and immediate, the appointee may submit, as soon as possible, a satisfactory CRC and/or VSC as a condition of employment. In these exceptional circumstances, supervisors, in consultation with Human Resources, must consider the job duties and make necessary accommodations to mitigate risks to the College, its employees and students.
- Contracts with external service providers are to include a requirement that their staff submit satisfactory CRC and/or VSC.
- Positions in which the employee may be required to instruct, supervise or observe students in practicum or work experience placements in locations, or health facilities that require a VSC, will also require a VSC.
- For existing employees, where a CRC and/or VSC is needed due to a new assignment, which requires proof of CRC and/or VSC, the College will be responsible for the cost.
- The CRC and/or VSC will be reviewed by the V.P. Human Resources to determine if the check(s) is (are) satisfactory. The presence of an offence, which has a correlation to the trust level, or responsibilities of the position may be cause for non-acceptance of the candidate.
- 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. At the sole discretion of the College, in determining whether a record is unsatisfactory, consideration must be given to the risk and relevance of a particular criminal offence to performance of position responsibilities and to the safety and security of the organization and its clients.
- Any College employee charged of a criminal offence will advise their supervisor and/or the V.P. Human Resources as soon as reasonably possible to determine if the charge shows a connection to the employment relationship.
- Information obtained from CRC's and VSC's 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 personnel file. The documents are housed within the Human Resources locked/protected file storage system in accordance with the Local Authority Freedom of Information and Protection of Privacy Act. (LAFOIP)

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