

TITLE: CRIMINAL RECORD CHECK

POLICY STATEMENT:

Offers of employment are conditional upon the provision of a satisfactory Criminal Record Check or a satisfactory Police Information Check in programs or services where deemed necessary by Red Deer College (RDC). RDC requires a Vulnerable Sector Check when there is a potential that individuals employed in designated positions will work with, work in close proximity to, or have unsupervised access to vulnerable persons. Where it is deemed necessary, volunteers and students in work placements are also required to provide Criminal Record Checks, Police Information Checks, or Vulnerable Sector Checks if they will have unsupervised access to vulnerable persons. The College may request contractors to require Criminal Record Checks, Police Information Checks, or Vulnerable Sector Checks for successful applicants for employment where the individual will be assigned to provide services at Red Deer College.

PURPOSE:

RDC has a duty to practice due diligence in providing a safe working and learning environment and to protect the reputation of the College.

SCOPE:

This policy is applicable to persons employed, offered employment, or volunteering in a designated position.

PRINCIPLES:

1. Policies at RDC:
 - 1.1. Treat all persons fairly and respectfully.
 - 1.2. Are non-discriminatory and non-intrusive.
 - 1.3. Incorporate open, honest and timely communication.
 - 1.4. Are made in a timely manner.
 - 1.5. Provide appropriate confidentiality and privacy.
 - 1.6. Provide appropriate access to the College and education.
 - 1.7. Ensure that all persons have access to informed support regarding policies, procedures, rights and responsibilities.
 - 1.8. Operate with clear written expectations for conduct and handling of complaints.
 - 1.9. Meet all regulatory standards.
 - 1.10. Maintain and clearly state a high standard of instruction and administration in all areas of educational programs and services.
 - 1.11. Are communicated in alternate forms to those who require such accommodation.
2. The College is committed to respecting individuals while at the same time practicing due diligence and maintaining a safe learning and working environment.

3. Criminal record, police information and vulnerable sector information is subject to the regulations governing confidentiality and the *Freedom of Information and Protection of Privacy Act* (FOIP).

DEFINITIONS

Check: a Criminal Record Check, Police Information Check or Vulnerable Sector Check issued within a ninety (90) calendar day period immediately preceding the date of hire.

Criminal Record: a statement of all convictions registered under any federal *Act* or regulation and for which an official pardon has not been granted.

Criminal Record Check: the process of verifying whether an individual has a Criminal Record by reviewing all offences under the *Criminal Code (Canada)* and the *Controlled Drugs and Substances Act*. It provides the applicant with detailed information that can be legally disclosed.

Designated Position: a position that has been deemed by RDC to require a Criminal Record Check, Police Information Check or a Vulnerable Sector Check.

Police Information Check: a detailed criminal and local police history that includes information on Alberta Provincial Court records.

Position: Refers to paid employment (full-time or part-time) or volunteer assignment.

Vulnerable Persons: a person who, because of their age, disability or other circumstances, whether temporary or permanent, are:

1. in a position of dependence on others, or
2. otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them, as defined by the *Criminal Records Act*.

Vulnerable Sector Check: an enhanced Criminal Record Check. This type of record check was created in 2000 to protect vulnerable persons and is governed by section 6.3(3) of the *Criminal Records Act*.

GUIDELINES:

1. A Criminal Record Check, Police Information Check or Vulnerable Sector Check (“a Check”) issued ninety (90) days or more prior to the date of hire will not be accepted.
2. The cost of obtaining a Check is the responsibility of the employment candidate, employee, student or volunteer.
3. The information obtained is treated as confidential and access is restricted as required and in accordance with the FOIP Policy.
4. Employment in the College’s children’s programs is also conditional upon receipt of a Child Intervention Check from Child and Family Services.
5. If programs are conducted in partnership with other organizations, the College ensures that one or the other organization obtains the required Check.

PROCEDURE:

1. Human Resources will maintain a list of positions designated as requiring a Criminal Record Check, Police Information Check or a Vulnerable Sector Check. Positions within programs may be designated as requiring a Criminal Record Check, Police Information Check or a Vulnerable Sector Check dependent upon workload assignment.
2. For employees working in Schools/Divisions where a partnership agreement exists, the procedures as outlined in the partnership agreement are followed.
3. In consultation with their Dean/Director, a direct supervisor, upon review of a job description and/or the work environment, may determine that a Check is required as a condition of employment and/or work assignment. The Dean/Director requests Human Resources add the position to the list of designated positions which require a Check. Human Resources may ask for clarification to support the request.
4. All persons applying for employment or a volunteer opportunity in a designated position are advised in the job posting and when contacted for an interview, that their employment is conditional upon receipt and evaluation of their Check. A Check is to be completed as a final step in the recruitment/volunteer process, prior to an offer being made to the preferred individual. An offer of employment may be made conditional upon receipt of a satisfactory Check should the School/Division need to proceed with an offer prior to receipt of the Check. The College reserves the right not to hire a candidate or arrange a volunteer opportunity based on the results of their Check. If the preferred candidate/volunteer refuses to complete the Check, the offer of employment is rescinded.
5. Checks are normally obtained by the employment candidate/employee/volunteer, from the police department having jurisdiction where the employment candidate/employee/volunteer resides.
6. The employment candidate/employee/volunteer provides the Check to Human Resources for review. If the employment candidate/employee/volunteer has a criminal record as disclosed by the Check, the Director of Human Resources, the Manager of Security and Emergency Response, and the Dean/Director meet to review the information. In assessing the relevancy of the criminal charges/convictions, the Director of Human Resources, Dean/Director, and the Manager of Security and Emergency Response consider the individual's criminal record including issues such as the nature of the offense, when the offense took place, etc. in relation to the job requirements or the nature of the volunteer opportunity.
7. After assessing the impact of the criminal charges/convictions on the scope of the position/role's responsibilities, the Director of Human Resources may authorize the hiring of the employment candidate/employee/volunteer, if appropriate.
8. All employees and volunteers in positions where it is deemed necessary to provide a Check will submit an updated Check to Human Resources every five (5) years if there is no change to their criminal record during that period, unless licensing requirements dictate otherwise. If there is a change, the employee or volunteer is expected to disclose that there has been a change to their criminal record to their Dean/Director within forty-eight (48) hours of the change to the criminal record. The Dean/Director, the Director of Human Resources, and the Manager of Security and Emergency Response, will meet to review the information in relation to job requirements and decide the appropriate manner in which to address the change in criminal record. This may include removal of some job

duties, a reassignment of job duties, or consideration of whether the employment relationship can continue.

9. The original Check is returned in a secure manner by Human Resources to the employment candidate/employee/volunteer. It does not form part of the individual's personnel file. Confirmation of receipt of the Check will be entered into the Human Resources Information System which allows Human Resources to track those employment candidates/employees/volunteers who provided Checks, and who will need them again in five (5) years. Access to the information is limited to the Director of Human Resources and other Human Resources staff, where appropriate. The Dean/Director and the Manager of Security and Emergency Response are only provided access to the information when participating in a review of the impact of the criminal record on the hiring decision or if there is a change to the criminal record.

OFFICER RESPONSIBLE: Vice President Corporate

POLICY CATEGORY: Non-Academic

RECOMMENDING AUTHORITY: Service Council

CONSULTATION FOR REVIEW: President's Executive Committee, Service Council, Deans' Council, Constituency Groups

POLICY REVIEW DATE: February 2022

EFFECTIVE DATE: July 1, 2017

REVISION HISTORY: New Policy

RELATED POLICIES:

- [Health and Safety](#)
- [Freedom of Information and Protection of Privacy](#)
- [Partnerships with External Organizations](#)

CONNECTION TO BOARD POLICIES:

All RDC policies support relevant Board of Governors policies.