

 <p><b>Confederation</b> COLLEGE</p> <p><b>OPERATING PRACTICE</b></p>	Number: 4-1-07	# of Pages: 5
	Originator:	Human Resources Services
	Approved By:	Senior Team
	Effective Date:	September 12, 2014
	Replaces:	NEW
<b>Criminal Background Check/Offence Declaration</b>		

## 1. PURPOSE

Confederation College is committed to providing a safe and secure environment for all employees, students and visitors. As such, this operating practice is designed to ensure that individuals hired in designated positions of trust (“Designated Positions” – see Appendix A) at the College are adequately screened prior to the start of employment.

## 2. PRINCIPLE

Criminal records checking is a precautionary measure to determine if individuals have a record of criminal convictions for which a pardon has not been granted that would make them unsuitable for certain types of employment in a community college setting.

This practice does not replace any background checks required by professional licensing or certification.

Confederation College will determine, at its sole discretion, whether the CBC information provided is acceptable.

## 3. DEFINITIONS

- 3.1. Criminal Background Check (CBC): A record search of the Canadian Police Information Centre (CPIC) and shall also include a Vulnerable Sector Search if required per Appendix A.
- 3.2. Offence Declaration: A written declaration from an employee confirming that he/she has not been convicted of any offences under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) for which a pardon under Section 4.1 of the *Criminal Records Act* (Canada) has not been granted or was granted and revoked and that they do not have any pending criminal charges in relation to potential indictable offence(s).
- 3.3. Personal Criminal History: In respect of an individual, information on criminal offences for which the individual has been convicted under the *Criminal Records Act* (Canada) and for which a pardon under Section 4.1 of the *Criminal Records Act* (Canada) has not been issued or granted to the individual.
- 3.4. Designated Positions: Jobs, determined by the senior team, to be positions of public trust or responsible for significant assets of the College. All faculty positions are Designated Positions. Designated Positions for administration and support staff will be identified in the appropriate job description.

- 3.5. Current CBC: a record on file in Human Resources that is within (12) twelve months of the date of issue.
- 3.6. Current Declaration: a record on file in Human Resources that is within (12) twelve months of the date of issue.
- 3.7. Indictable Offence: a crime that is more serious than a summary conviction offence and carries a heavier penalty.

#### **4. HUMAN RESOURCES' ROLES AND RESPONSIBILITIES**

- 4.1. It is the responsibility of the Strategic Planning and Organizational Development Department to receive and verify the receipt/lack of a criminal record within (6) six weeks of the start of employment.
- 4.2. The Senior Manager, Human Resources Services (SM-HRS) or designate will examine all CBCs.
- 4.3. Any concerns with a CBC will be reviewed with the Executive Director, Strategic Planning and Organizational Development (ED – SPOD). A meeting may be held with the prospective employee and the ED - SPOD prior to a final recommendation for employment.

#### **5. PROCESS**

- 5.1. All job advertisements for designated positions will include a statement that the successful applicant must provide a CBC that is satisfactory to the College as a condition of employment.
- 5.2. All candidates selected for an interview will be informed of the requirement to consent to a CBC as a condition of employment.

#### **6. OFFERS OF EMPLOYMENT**

- 6.1. Faculty must have a CBC prior to working at the College.
- 6.2. The length of time required to obtain a CBC may require the College to issue a conditional offer of employment to non-faculty positions.
- 6.3. All offers of employment, for designated non-faculty positions, will contain the following statement:

“This offer is conditional on a Criminal Background Check that is satisfactory to the College and is received within (6) six weeks of the start of employment”.

#### **7. RECORD KEEPING**

- 7.1. All Offence Declarations and CBC record results are strictly confidential.

- 7.2. The SM- HRS or designate will record in the Banner HRIS that she/he has received and verified the receipt of a CBC and the lack of a criminal record. The original CBC will be returned to the employee.
- 7.3. The SM- HRS or designate will verify the receipt of an Offence Declaration record in the Banner HRIS and the original will be destroyed in a secure manner.

## **8. CRIMINAL BACKGROUND CHECKS**

- 8.1. All new employees in a Designated Position shall submit a current (less than 12 months) CBC as a condition of employment for Designated Position.
- 8.2. All new employees in a Designated Position shall submit their CBC prior to commencement of employment. In the event this is not practicable due to waiting times to obtain a CBC, a conditional offer may be extended. In any event, the CBC must be produced within the first six weeks of employment or such further period of time as determined by the College at its discretion.
- 8.3. Prospective employees shall provide the results of the CBC to Human Resources to be confidentially reviewed and recorded prior to their anticipated start date.
- 8.4. Failure to provide a CBC will result in a candidate's offer of employment being withdrawn.
- 8.5. Any unfavourable CBC results shall be confidentially reviewed by the SM-HRS and the hiring manager. Information pertaining to specific situations will be reviewed on a case-by-case basis. Decisions will comply with the Employment Standards Act, and the Ontario Human Rights Code and will be based on a variety of factors, including but not limited to, the nature of a conviction, the relationship between the conduct underlying the conviction and risks that such conduct presents to the College, its students and employees, the length of time that has elapsed since the conviction, etc.
- 8.6. If an applicant has charges pending or a criminal conviction, the following factors will be considered prior to reaching a final decision on his/her employment or continued employment:
  - 8.6.1. nature and number of convictions,
  - 8.6.2. length of time since the conviction(s),
  - 8.6.3. rehabilitation and other efforts made by the candidate,
  - 8.6.4. candidate's employment record, qualifications and references,
  - 8.6.5. specific duties and responsibilities of the position applied for, and
  - 8.6.6. relevance of the particular criminal conviction to the position.
- 8.7. As a general condition, Confederation College will not hire applicants with:
  - 8.7.1. Convictions related to serious crimes against people including, but not limited to, sex offenses, assault causing bodily harm, or assault with a weapon,
  - 8.7.2. Convictions related to drugs,
  - 8.7.3. Convictions related to perjury, fraud or theft, and
  - 8.7.4. Criminal convictions within the past five years.

8.8. The applicant will incur the cost for a CBC.

8.9. In any case where a criminal conviction has been confirmed but a decision has been made to proceed with a hire, the CBC shall be kept in a sealed envelope in the employee's personnel file.

## 9. OFFENCE DECLARATION

9.1. All employees being rehired in a Designated Position, within (12) twelve months of providing a satisfactory CBC shall complete an Offense Declaration prior to beginning work.

9.2. All employees being rehired in a Designated Position, with more than a twelve month break in employment with the College shall provide a CBC as per Section 8 above.

9.3. Effective October 31, 2014, and annually thereafter all full time employees in designated positions hired prior to this policy coming into effect will be asked to voluntarily complete an Offence Declaration (see Appendix "B").

9.4. In the event the Offence Declaration or disclosure of a criminal charge reveals information that pertains to a criminal offence, the hiring supervisor, together with the SM - HRS or the ED - SPOD may determine alternative work arrangements (e.g., suspension with pay, home assignment) pending further investigation.

## APPENDIX "A"

### Designated Positions

All positions interacting with students as part of their job description\*

All positions handling cash

Cleaning and Security Contractors

Controller

Counsellors\*

Director of Budgets and Financial Planning

Director, Infrastructure

Early Childhood Educators\*

Security positions\*

Senior Team

Senior Manager, Public Safety

Teachers\*

\* These positions require a CBC that includes a "vulnerable sector" check.

**APPENDIX "B"****OFFENCE DECLARATION**

I declare that I have no convictions for offence under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada), for which a pardon under section 4.1 of the Criminal Records Act (Canada) has not been granted or was granted and revoked. I further declare that I have no charges in relation to potential indictable offence(s) currently before the Court. I further agree to advise the Executive Director Strategic Planning and Organizational Development immediately in writing in the event that I am charged with any criminal offence in relation to indictable offence(s) after the declaration has been provided.

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Name

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Signature

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Date