

CRIMINAL REFERENCE CHECK POLICY

Approving Authority: President and Chief Executive Officer

Administrative Responsibility: Director, Policy Research and Advocacy

Original Approval Date: January 23, 2017

Date of Most Recent Review/Revision: November 29, 2019

Related Policies, Procedures, and Documents: Criminal Reference Check Procedures

1. Purpose

- 1.1. This policy outlines the Students' Union commitment to conduct criminal reference checks as part of ensuring due diligence when placing individuals into positions of trust over vulnerable persons.

2. Definitions

- 2.1. **Criminal Reference Check:** A Police Vulnerable Sector Check (PVSC) as categorized by Waterloo Regional Police.
- 2.2. **Criminal Record:** The information returned by a Police Vulnerable Sector Check as outlined by Waterloo Regional Police, including:
 - 2.2.1. Criminal convictions from the Canadian Police Information Centre and/or local databases;
 - 2.2.2. Summary convictions, for five years, when identified;
 - 2.2.3. Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period;
 - 2.2.4. Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders;
 - 2.2.5. Absolute and conditional discharges for 1 and 3 years respectively;
 - 2.2.6. In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including, but not limited to, Withdrawn and Dismissed; Not Criminally Responsible by Reasons of Mental Disorder;
 - 2.2.7. All record suspensions as authorized for the Minister of Public Safety.
- 2.3. **Liability:** An organization's legal responsibilities in a given situation.
- 2.4. **Position of Trust (Authority):** Created when an individual's relationship with someone else involves any of the following characteristics: decision-making power, unsupervised access, closeness inherent in the relationship, or personal nature of the activity itself.
- 2.5. **Volunteer:** A person who works for, or voluntarily offers themselves for a service or undertaking without being paid.
- 2.6. **Vulnerable Person:** A person who, because of their age, a disability, or other circumstances, whether temporary or permanent, is in a position of dependence on

others; or 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.

3. Jurisdiction/Scope

3.1. This policy applies to all students volunteering with the Students' Union in any role or capacity with the Emergency Response Team, Foot Patrol, the Student Rights Advisory Committee, Orientation Week Icebreakers, Head Icebreakers, or as Orientation Week Executives.

4. Policy

4.1. A current Police Vulnerable Sector Check (PVSC) is required for all Students' Union volunteer positions with:

- 4.1.1. The Emergency Response Team;
- 4.1.2. Foot Patrol;
- 4.1.3. The Student Rights Advisory Committee;
- 4.1.4. Orientation Week Icebreakers;
- 4.1.5. Head Icebreakers;

4.2. Each PVSC will be recognized as valid by the Students' Union for a period of two (2) years following the date it is obtained, unless otherwise informed;

- 4.2.1. In the second year of volunteering the student will be required to attest to the continued accuracy of the PVSC.

4.3. Individuals are responsible for personally meeting this criminal reference check obligation prior to commencing their volunteer role.

4.4. Any individual who refuses to comply with the requirement to complete a criminal reference check is deemed to have withdrawn from the volunteer competition or opportunity.

4.5. In the event a criminal reference check discloses any prior criminal record or summary information, the President and Chief Executive Officer, or their designate(s), will determine which, if any, volunteer opportunities remain available to the applicant.