

# THE UNIVERSITY OF WINNIPEG

**POLICY TITLE:** Criminal Records Check and Child Abuse Registry Policy

**EFFECTIVE DATE:** November 8, 2016

**APPROVAL BODY:** University Administration

## **POLICY PURPOSE**

The purpose of this Policy is to establish the parameters wherein the University requires a criminal record, child abuse registry or vulnerable sector check for persons who will be working or volunteering with youth or students under the age of 18 or vulnerable persons in a University of Winnipeg program, activity or course.

## **LEGAL AUTHORITY**

Not Applicable

## **APPLICABILITY**

This Policy applies to all employees, students, practicum placements in University programs, and volunteers of the University of Winnipeg who work with youth or students under the age of 18 or vulnerable persons.

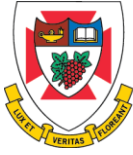
## **RESPONSIBILITY**

The Vice-President Human Resources, Audit and Sustainability, on behalf of The Administration of the University, is responsible for the development, administration and review of this Policy.

## **KEY DEFINITIONS**

The following definitions apply to terms as they are used in this Policy:

- **Youth** - children who are under the legal age of 18 years.
- **Vulnerable Person** - A vulnerable person is defined as a person under the age of 18 years **or** 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 greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.
- **Criminal Records Check** - a search completed by third parties to determine whether an individual has a criminal record. The results of the Criminal Record Check (known as Criminal Record Search Certificate) are to be provided to Human Resources.



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- **Vulnerable Sector (VS) Check** - a search completed by third parties to determine the existence of a criminal record and/or a pardoned sexual offence conviction. The results of the check are to be provided to Human Resources.
- **Child Abuse Registry Check** - a process that determines whether persons who will be responsible for the care of children or have unsupervised access to children are listed on the Child Abuse Registry. Child Abuse Registry checks will be carried out pursuant to the Child and Family Services Act and regulations.

## POLICY ELEMENTS

The University has a responsibility to have procedures in place to verify that employees, volunteers and students in positions of authority or control in University programs, activities or courses who interact with Youth or Vulnerable Persons are not registered in any Adult Criminal Record, Vulnerable Persons or Child Abuse Registry.

The University of Winnipeg requires that all potential employees, volunteers and students who are working with Youth or Vulnerable Persons submit a current Criminal Record Search Certificate and Vulnerable Sector and Child Abuse Registry Checks (hereinafter referred to collectively as "Certificate and Checks") in advance of commencing employment, volunteering or a practicum placement. If individuals have obtained a Certificate or Check as part of an external requirement (e.g. as part of the Manitoba teacher certification process) they are required to submit a copy of the check or equivalent documentation.

Certificate and Checks must be dated not more than three months prior to the date of submission to be considered current within the context of this Policy. Under this Policy, clearance is not required for anyone instructing students for academic credit under the age of majority if these students will reach the age of majority during their academic year.

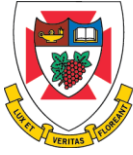
Documentation becomes the property of the University of Winnipeg, stored confidentially in Human Resources and will not be returned at any time following submission.

The fee for each of these documents is the responsibility of the applicant. Renewal of Certificate and Checks related to specific positions may be requested by the University. The fees associated with renewal checks will be funded by the Employer.

Pending receipt of the required documentation, the employee, student, or volunteer will not be involved in any one-on-one situations with a Youth or Vulnerable Person.

Any person not submitting a Certificate or Checks may be denied employment or volunteer work at the University.

In the process of requesting a Criminal Record Search Certificate, some applicants may be informed that they require a Fingerprint Search. Human Resources must be notified of this immediately. A fingerprint search can take a few months and the applicant must get special authorization from Human Resources to be employed or to volunteer at the University, pending the results.



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Applicants are not required to disclose records under *The Youth Criminal Justice Act*. However, if the university becomes aware of a youth record which raises questions relating to the safety and well-being of Youth and Vulnerable Persons this may be taken into account in determining eligibility for continued or future employment or volunteering.

International applicants will be required to obtain such Certificate and Checks or their equivalent from the RCMP and coordinate authorities or registries in their country of origin.

Once submitted to Human Resources, the Certificate and Checks are valid for the duration of employment or volunteering at the university as long as there is no change in conviction status. In the event of a change of status, it is the responsibility of the employee or volunteer to notify the University. Non-disclosure for employees may result in discipline up to and including dismissal. Volunteers who fail to disclose a change in status to the University will be immediately removed from their volunteer responsibilities.

In the case of a Certificate or Check received by the University that is not clear i.e. the Certificate or Check shows that person as having a criminal conviction, being identified in a Vulnerable Persons check, or registered in a Child Abuse Registry, then the following shall apply:

- a) Where the person is identified in a Vulnerable Persons Check or registered in a Child Abuse Registry, they are not eligible for employment or volunteering or otherwise being in contact with Youth or Vulnerable Persons at the University or in any of its programs, activities or courses;
- b) Where the person has a criminal conviction, their eligibility for employment, volunteering or otherwise being in contact with Vulnerable Persons at the University or in any of its programs activities or courses will be reviewed by the Administration who shall consider the following:
  - i) The nature of the crime/criminal record;
  - ii) The timeframe of the record;
  - iii) The extent of the record and the number of convictions; and
  - iv) The person's record since the crime occurred.

All records submitted are the property of the University, shall be retained within Human Resources, and may be accessed for all employment, volunteering, and related purposes where the person may be in contact with Youth or Vulnerable Persons at the University or in respect of any of its programs, courses or activities.

All University of Winnipeg position postings will include the requirement for the Criminal Records, Child Abuse Registry and Vulnerable Sector Check, where applicable.

Note: Programs or Departments that work with Youth or vulnerable persons shall ensure that the requirements of this Policy are met, and can be demonstrated by the organization that places their student(s) in our programs.



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## ASSOCIATED PROCEDURES

- Not Applicable

## RELATED POLICIES

- Respectful Workplace and Learning Environment Policy and Procedures

## RELEVANT DATES

*Effective:*      **November 8, 2016** \_\_\_\_\_

*Scheduled Review:*      **November 8, 2021** \_\_\_\_\_