



CRIMINAL REFERENCE CHECK PROCEDURES MANUAL

Approving Authority: President and Chief Executive Officer

Administrative Responsibility: Director, Policy Research and Advocacy

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Related Students' Union Policies, Procedures, and Documents: *Criminal Reference Check Policy.*

CONTACT INFORMATION

BRANTFORD

Tony Massi - Director, Brantford Operations
519.884.0710 x5971
amassi@wlu.ca

WATERLOO

Vice-President: Finance and Administration
519.884.0710 x2083
suvpfa@wlu.ca

Jason Verhoeve - Director, Student Experience
519.884.0710 x2605
jverhoeve@wlu.ca

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1. INTRODUCTION

The Students' Union exercises due diligence when placing individuals into positions of trust over vulnerable persons. Accountable to a broad membership, the organization is required to demonstrate the level of care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances

Additionally, the Students' Union Policy Manual requires that the President not cause or allow any organizational practice, activity, decision, or circumstance which is imprudent or in violation of commonly accepted business practices and/or professional ethics (Executive Limitations – EL#1). The President is also instructed to not cause or allow conditions, procedures, or decisions which are unsafe, untimely, undignified, or unnecessarily intrusive (Treatment of Consumers – EL#2a).

2. PURPOSE

This procedural manual provides additional direction on the implementation and continuation of the *Criminal Reference Check Policy*.

3. SCOPE

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. COMPLETING A CRIMINAL REFERENCE CHECK

- 4.1. All volunteers requiring a Police Vulnerable Sector Check (PVSC) will receive a letter from the Students' Union indicating their volunteer status;
- 4.2. All volunteers must complete their PVSC using the method specified by the Vice-President: Finance and Administration, which could include:
 - 4.2.1. A physical copy obtained by either the Waterloo Regional Police Service or Brantford Police Service;
 - 4.2.2. An online process through the MyBackCheck website.
- 4.3. A discounted volunteer rate for obtaining a PVSC may be provided as directed by the President and Chief Executive Officer;
- 4.4. Once completed each PVSC should be submitted to the Vice President Finance

and Administration (Waterloo) for campus volunteers in Waterloo, and the Associate Vice-President Finance and Administration (Brantford) for campus volunteers in Brantford by the date indicated for the volunteer position;

- 4.5. An existing PVSC may be submitted as long as it was completed during the six (6) month period prior to the start of the Fall semester;
- 4.6. 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;
- 4.6.1. In the second year of volunteering the student will be required to attest to the continued accuracy of the PVSC.

5. RECORD KEEPING

- 5.1. Each PVSC will be collected by the Vice President Finance and Administration (Waterloo) for campus volunteers in Waterloo, and the Associate Vice President Finance and Administration (Brantford) for campus volunteers in Brantford.
- 5.2. Each PVSC will be filed in relation to the committee/role for which they are a volunteer.
- 5.3. Each PVSC will be stored in a locked file with the Vice President Finance and Administration (Waterloo) or the Associate Vice President Finance and Administration (Brantford) for a period of two (2) years.
- 5.4. Following the two (2) year storage period each PVSC will be destroyed by the Vice President Finance and Administration (Waterloo) or the Associate Vice President Finance and Administration (Brantford).

6. RETURN OF INFORMATION

- 6.1. In the event a PVSC returns a criminal record or occurrence, the applicant will NOT be automatically disqualified from their intended volunteer role.
 - 6.1.1. If a criminal record or occurrence is identified, the Vice President Finance and Administration (Waterloo) or the Associate Vice President Finance and Administration (Brantford), will strike an ad hoc Police Check Committee whose membership may include:
 - 6.1.1.1. President and Chief Executive Officer;
 - 6.1.1.2. Vice President Finance and Administration;
 - 6.1.1.3. Associate Vice President Finance and Administration (for Brantford cases);
 - 6.1.1.4. Executive Director and Chief Operating Officer;
 - 6.1.1.5. Director Student Experience;
 - 6.1.1.6. Director Brantford Operations (for Brantford cases);
 - 6.1.1.7. A human resources representative.
 - 6.1.2. The ad hoc Police Check Committee will consider the following factors to determine if a volunteer opportunity remains for the applicant:
 - 6.1.2.1. The nature of the offence and number of convictions;

- 6.1.2.2. Any penalty(s) received;
- 6.1.2.3. The time elapsed since the offence or occurrence;
- 6.1.2.4. Any submissions made, either verbally or in writing, by the applicant;
- 6.1.2.5. Any supplementary information, which the applicant will have the opportunity to provide to the committee prior to it meeting.
- 6.1.2.6. The specific duties and responsibilities associated with the position, and the relevance of the offence or occurrence to the desired volunteer position
- 6.1.2.7. Any other factors deemed relevant by the members of the ad hoc Police Check Committee, or the Director of Special Constable Services.
- 6.1.3. The ad hoc Police Check Committee will make a determination regarding the suitability of the applicant to volunteer with the Students' Union using a consensus model of decision-making.
- 6.1.4. A meeting will be held between the President and Chief Executive Officer, a human resources representative, and the applicant to discuss the decision of the ad hoc Police Check Committee, and communicate which, if any, volunteer positions remain available.

7. RELATED POLICIES, PROCEDURES, AND DOCUMENTS

- **Wilfrid Laurier University Students' Union**
 - [Students' Union Policy Manual](#)
 - [Criminal Reference Check Policy](#)
- **Wilfrid Laurier University**
 - [Safe Disclosure \(5.14\)](#)
 - [Risk Management Policy \(5.16\)](#)
 - [Environmental/Occupational Health and Safety \(7.1\)](#)
 - [Workplace Violence Prevention Policy \(7.18\)](#)
 - [Non-Academic Student Code of Conduct Policy \(12.3\)](#)
 - [Gendered and Sexual Violence Policy and Procedures \(12.4\)](#)

DEFINITIONS

Criminal Reference Check: A Police Vulnerable Sector Check (PVSC) as categorized by Waterloo Regional Police.

Criminal Record: The information returned by a Police Vulnerable Sector Check as outlined by Waterloo Regional Police, including:

- Criminal convictions from the Canadian Police Information Centre and/or local databases;
- Summary convictions, for five years, when identified;
- Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period;
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders;
- Absolute and conditional discharges for 1 and 3 years respectively;
- 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;
- All record suspensions as authorized for the Minister of Public Safety.

Liability: An organization's legal responsibilities in a given situation.

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.

Volunteer: A person who works for, or voluntarily offers themselves for a service or undertaking without being paid.

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.

