

FIFE ROAD CO-OPERATIVE HOMES INC

## **POLICE CHECK POLICY**

Approved by the Board of Directors January 24, 2019  
Confirmed by Members January 31, 2019

Fife Road Co-operative Homes Inc  
**Police Check Policy**

Authority: Board of Directors

**1. Policy Statement**

It is the responsibility of the Fife Road Co-operative Homes Inc (the Corporation) to ensure that proper protocols are in place to safe guard members, employees, sensitive personal information about members and employees, and property, equipment and assets belonging to the Corporation.

Fife Road Co-operative Homes Inc is a volunteer member governed community that employs staff to manage its operations. The Police Check Policy has been implemented to assist the Corporation in ensuring that individuals, staff or volunteers, do not pose a potential risk to the safety of individuals living or working in the community or to the corporate assets.

An employee, or volunteer who possesses a police record for certain crimes or crimes that would violate the Corporation's by-laws, and for which a pardon has not been granted, may pose risk, depending on the types of duties they undertake in their official role with the Corporation. The Police Check process is a precautionary measure to assist in identifying and reducing potential risk.

The result of a Police Check indicating conviction does not necessarily preclude employment or volunteer role. The nature of and circumstances surrounding the conviction will be reviewed, as related to the individual's position or role as outlined in the Co-op's By-laws and the Procedure detailed below.

## 2. Definitions

“volunteer” may refer to a member of the Board of Directors or other volunteer that has a position of trust in the community.

“employee” refers to individuals directly hired by the Corporation or an employee of a property management firm.

“conviction” refers to a criminal conviction(s) for which a pardon has not been granted.

“consequences arising from a charge” refers to any consequences that may be imposed by the Court or a police officer, including without limitation a summons to appear, an appearance notice, a promise to appear, undertakings or conditions associated with a release from custody, bail, recognizance, or detention.

“Police Criminal Record Check” (PCRC) is intended for applicants who are involved as a volunteer, employee or in any situation where a basic PCRC (Level 1) is requested (e.g., retail or immigration). This check is **NOT** for individuals seeking a position with children or the vulnerable sector.

“Police Information Check” (PIC) is a collection of offence information, including convictions, outstanding warrants, charges and judicial orders available from a local police agency's records management system and other systems/records where authorized. This check is **NOT** intended for applicants who are seeking volunteer and/or employment with vulnerable persons. PICs are suitable for positions with high risk associated with access to information. They may be suitable for certain medium risk positions as well.

“Police Vulnerable Sector Check” (PVSC) is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons in Canada only. It is a collection of offence information, including convictions, outstanding warrants, charges, judicial orders and sexual offence convictions for which the individual has received a record suspension where

authorized by the Minister of Public Safety and Emergency Preparedness. Non-conviction information shall be released only when it meets the Exceptional Disclosure Assessment. PVSC are appropriate for all medium and high-risk positions involving contact with vulnerable persons.

### **3. Application**

#### **A. Who Is Required to Submit a Police Check?**

Fife Road Co-operative Homes Inc requires that all following individuals provide a police check appropriate to their position within 30 days of commencing their duties or being elected:

- (a) Employees – require Police Vulnerable Sector Check
- (b) Directors – require Police Information
- (c) CheckSigning Officers, Key Holders & Emergency Contacts – require Police Vulnerable Sector Check
- (d) Privacy Officer – require Police Vulnerable Sector Check Other Individuals – as designated by the Board of Directors and assessed in accordance with protocol outlined in Schedule A

Applicants, prospective members, and existing members will not be required to submit police checks as part of an application for membership or as part of general membership obligations unless the individual has been identified as in position of trust and leadership in the community and only accordance with the list detailed above.

#### **B. What Happens If I Refuse to Submit a Police Check?**

Failure to consent to a Police Check as required may result in the following:

- i. Employees – termination of employment or property management contract

- ii. Directors & Signing Officers – termination of signing officer position and the Board will take steps outlined in the Corporation's by-laws to remove the director
- iii. Key Holders & Emergency Contacts – termination of duties as a key holder or emergency contact
- iv. Privacy Officer – termination of duties as Privacy Officer
- v. Other Individuals - termination of duties as had been previously assigned by the Board.

### **C. Ongoing Notification**

In addition, individuals are required to notify the Corporation if they have been arrested and charged with an offence under the Criminal Code. The Corporation will not discriminate against any employee or volunteer who has been charged, but not convicted. However, the Corporation must be promptly made aware of any consequences arising from a charge so that suitable steps may be taken to ensure continuation of services and to protect community members, employees and volunteers, and the individual facing the charge.

### **D. Driving Offences**

An employee or other individual who may be required to drive to conduct business on behalf of the Corporation who has been charged with a driving offence, under the Criminal Code or the Provincial Offences Act, which results, or could result, in the suspension of the driver's license, must promptly notify the Corporation. This notification is required if driving forms any part of the duties or responsibilities of employment or volunteer role, or

if an employee characteristically drives to or from work. This notification is not required if an employee or other individual does not drive on behalf of the Corporation.

The Corporation will use best efforts to accommodate an employee with a suspended driver's license; however, all employees are required to attend work on time and to make suitable alternative arrangements if necessary. As well, depending on the circumstances of each case, the Corporation may not be able to offer alternative or ongoing employment to an employee without a driver's license when driving is an essential part of employment.

#### **4. Process and Procedure**

- (a) Individuals will be informed that a Police Check is required for employment or volunteer role during the recruitment process and will be provided with the appropriate information, guidance and documentation.
- (b) A current Police Check must be obtained after an offer of employment has been provided or there is confirmation of an individual's position on the Board of Directors or other position of trust in the community. The individual must provide proof that the police check request has been started within 14 days of being elected or assuming their duties in the Corporation
- (c) The Corporation may make a conditional offer of employment or an individual commence a volunteer position during the processing time of the Police Sector Check. If the individual is unable to obtain a Police Check prior to commencing their volunteer or employment duties, the Corporation, at its sole discretion, may terminate the position should the Police Check subsequently reveal anything that, in the Corporation's determination and in accordance with its Policies, By-laws and contracts is

deemed a potential risk that makes them unsuitable for their position. Pending criminal charges may also preclude employment or a volunteer role, if deemed a potential risk to the essential duties.

- (d) Individuals will submit the completed Police Check to a person designated to receive such information as set out as follows:
  - i. All volunteers including directors will submit their police check to the Property Manager or in his/her absence the Assistant Co-ordinator/ Finance Administrator.
  - ii. The Property Manager will submit their police check to Assistant Co-ordinator/Finance Administrator or in his/her absence the Privacy Officer.
  - iii. The Assistant Co-ordinator/Finance Administrator will submit their police check to Property Manager or in his/her absence the Privacy Officer.
- (e) In the event the Police Sector Check reveals a conviction, the individual may be asked to provide information related to the offence, in writing, to the Co-op. The candidate may then have the opportunity to meet with a committee ("the Committee") consisting of any two (2) of the following: Property Manager, Assistant Co-ordinator/Finance Administrator or Privacy Officer.
- (f) A review will consider the following:
  - i. Nature of the conviction
  - ii. Sentencing received
  - iii. Length of time since the conviction
  - iv. Relevance of the conviction to the position for which the candidate is being considered

- v. Potential risk posed to members and other household occupants, staff or other individuals as a result of individual continuing in the position
- (g) If the results of the review are satisfactory, no further action will be taken. The Committee will ensure that records show the review was conducted and the matter resolved. No further reviews will be conducted when subsequent police checks are submitted with no changes or new information pertaining to new charges, convictions or other information.
- (h) If the Committee still has concerns about the individuals' risk to the Corporation after completing the review, the Committee may ask, in writing, that the individual resign from their position. At this time, the individual will have an opportunity to resign from their current position or role without any further release of information.
- (i) If the Committee request the resignation and the individual disagrees, the individual may choose to have a review conducted by the Board of Directors. This review will require that the Board be apprised on the details of the Police Check that are problematic and the information provided by the individual to the Committee during the initial review. The Board will make a decision based on the information provided to it and any new information that has been provided subsequent to the initial review.
- (j) The Board will notify the individual, in writing, if they are able to satisfy the Board that the individual does not provide a risk to the community and Corporation.
- (k) If the Board is satisfied that the individual does not pose a risk to the Corporation, its members or employees, no further action is needed. The police check and all appropriate correspondence will be kept on file in



accordance with policies established by the Corporation for the retention of records.

- (l) If the Board is not satisfied that the individual does not pose a risk to the Corporation, its members or employees, further action will be necessary in accordance to the Corporations By-laws in order to reduce or remove the potential risk. The police check and all appropriate correspondence will be kept on file in accordance with policies established by the Corporation for the retention of records.

## **5. Privacy and Confidentiality**

Police checks contain highly confidential and sensitive information about the individuals. As a result, the Corporation will endeavor to maintain stringent controls for the storage and disposal of this information by doing the following:

- (a) Files with police check information must be stored in a locked cabinet.
- (b) All Board discussions related to police checks, and its reviews must be kept in the confidential minutes.

In the event that that the individual has elected to make an appeal to the membership as part of their rights under the Corporations' By-laws, the Corporation may release information pertaining to the Police Checks and its' reviews to the membership as part of the appeals process in order to ensure that the membership is fully informed before making a decision on a member appeal.

The police check and all appropriate correspondence will be kept on file in accordance with policies established by the Corporation for the retention of records

## Schedule A

### Assessment for Police Checks

#### 1. Types of Police Checks

##### A. Police Criminal Record Check (PCRC)

What is it?

This check is intended for applicants who are involved as a volunteer, employee or in any situation where a basic PCRC (Level 1) is requested (e.g., retail or immigration).

You must be a current resident within the city limits of Guelph and have proof of that address.

This check is *NOT* for individuals seeking a position with children or the vulnerable sector.

A PCRC (Level 1) will include:

- Criminal convictions.
- Summary convictions.
- Findings of Guilt under the Youth Criminal Justice Act within disclosure period.

A PCRC (Level 1) will not include:

- Outstanding entries, such as charges and warrants.
- Absolute and conditional discharges.
- Current judicial orders, including Peace Bonds, Probation and Prohibition orders under the Criminal Code of Canada.
- Convictions where a pardon/record suspension has been granted.
- Convictions under provincial statutes.

- Local police contacts.
- Ministry of Transportation information.
- Family Court Restraining Orders.
- Foreign information.
- A Vulnerable Sector query.
- Diversions.
- Any reference to incidents involving mental health contact.
- Youth Criminal Justice Act information beyond disclosure date.
- Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

## **B. Police Information Check (PIC)**

What is it?

It is a collection of offence information, including convictions, outstanding warrants, charges and judicial orders available from a local police agency's records management system and other systems/records where authorized.

This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

You must be a current resident within the city limits of Guelph and have proof of that address to request this record check.

A PIC (Level 2) will include:

- Criminal convictions from CPIC and/or local databases.
- Outstanding entries, such as charges and warrants, judicial orders, peace bonds, probation and prohibition orders.

- Absolute and conditional discharges within the applicable disclosure period.
- Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.

A PIC (Level 2) will not include:

- Convictions where a pardon/record suspension has been granted.
- Convictions under provincial statutes.
- Local Police Contact.
- Family Court restraining orders
- Dispositions including, but not limited to, withdrawn, dismissed, and cases of not criminally responsible by reason of mental disorder.
- Ministry of Transportation information.
- Suspect information that would hinder an ongoing investigation or where the suspect has not been contacted.
- Youth Criminal Justice Act (YCJA) charges or information beyond applicable disclosure period.
- Diversions.
- Any reference to incidents involving mental health contact.

### **C. Police Vulnerable Sector Check (PVSC)**

What is it?

This check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons in Canada only. It is a collection of offence information, including convictions, outstanding warrants, charges, judicial orders and sexual offence convictions for which the individual has received a record suspension where authorized by

the Minister of Public Safety and Emergency Preparedness. Non-conviction information shall be released only when it meets the Exceptional Disclosure Assessment.

You must be a current resident within the city limits of Guelph and have proof of that address to request this record check.

A PVSC (Level 3) will include:

- Criminal convictions from CPIC and/or local databases.
- Summary convictions from CPIC and/or local databases.
- Outstanding entries, such as charges and warrants, judicial orders, peace bonds, probation and prohibition orders.
- Findings of Guilt under the Youth Criminal Justice Act within applicable disclosure period.
- Absolute and conditional discharges from local police held databases.
- In exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including, but not limited to, Withdrawn and Dismissed.
- All record suspensions as authorized for release by the Minister of Public Safety.
- Not Criminally Responsible by Reason of Mental Disorder.

Due to changes in RCMP query procedures, the Vulnerable Sector portion of a police check may require having your fingerprints taken. If this is the case, you will receive a letter from us in the mail. The VS query uses your date of birth and your gender only, no name. If this is required, you will need to call us and book an appointment for fingerprints. For further information regarding Vulnerable Sector checks, please check the RCMP website.

A PVSC (Level 3) will not include:

- Convictions under provincial statutes.
- Local police contact
- Family court Restraining Orders
- Ministry of Transportation information.
- Suspect information that would hinder an ongoing investigation or where the suspect has not been contacted.
- Youth Criminal Justice Act (YCJA) charges or information beyond applicable disclosure period.
- Foreign information.
- Any reference regarding mental health.
- Any reference to contagious diseases

## 2. Assessment of Risk

	No Risk	Low Risk	Medium Risk	High Risk
Staff, Applicants, Members and other unit occupants	In a role that does not involve interaction with staff, members or other unit occupants	Staff, Members, Applicants who are adult	Vulnerable adults, adolescents and seniors	Babies and children, persons with disabilities, infirm seniors
Setting	Works in isolation with no interaction with applicants /members or other unit occupants	Public space with high visibility and supervision  <i>Example: garbage cleanup</i>	Space with limited visibility and supervision  <i>Example: attending committee and/or board meetings, meeting vulnerable members at Board meetings</i>	Space with no visibility or supervision  <i>Example: Driving other members in car to go to co-op training, responding to emergency calls in private units of members, meeting with members in the office</i>
Supervision	Directors or staff present at all times	Directors or staff present most times while undertaking duties	Directors or staff are not usually present	Little to no supervision
Nature of relationship with individual	No contact with members in role with the Co-op	Short term, non-intimate  <i>Example: volunteer/organize community functions</i>	Personal relationship that extends over time  <i>Example: relationship between directors</i>	One-on-one relationship, position of trust  <i>Example: relationship between staff and directors</i>

	No Risk	Low Risk	Medium Risk	High Risk
<b>Degree of Physical Contact</b>	No physical contact with staff, members or children	Infrequent physical contact	Regular physical contact <i>Example: Providing child care, hugging and lifting children</i>	Consistent intimate physical <i>Example: Changing, bathing, toileting</i>
<b>Access to Information</b>	No access to money or confidential information	Infrequent access to money and confidential information	Access to confidential information, may handle money Page 4	Manages organization's funds, has access to master keys and passwords, has access to confidential and sensitive information

Check off the risk associated with for each category:

<b>Director at Large – no signing authority, not an emergency contact</b>	No Risk	Low Risk	Medium Risk	High Risk
Members(Participants)			<b>X</b>	
Setting			<b>X</b>	
Supervision		<b>X</b>		
Nature of Relationship			<b>X</b>	
Degree of Physical Contact		<b>X</b>		
Access to Information			<b>X</b>	
Based on answers above, provide overall Risk Assessment			<b>X</b>	



<b>Director – Signing Officer Privacy Officer</b>	<b>No Risk</b>	<b>Low Risk</b>	<b>Medium Risk</b>	<b>High Risk</b>
Members			<b>X</b>	
Setting			<b>X</b>	
Supervision		<b>X</b>		
Nature of Relationship				<b>X</b>
Degree of Physical Contact		<b>X</b>		
Access to Information				<b>X</b>
Based on answers above, provide overall Risk Assessment			<b>X</b>	

<b>Staff, Key Holder or Emergency Contact</b>	<b>No Risk</b>	<b>Low Risk</b>	<b>Medium Risk</b>	<b>High Risk</b>
Members				<b>X</b>
Setting				<b>X</b>
Supervision				<b>X</b>
Nature of Relationship				<b>X</b>
Degree of Physical Contact		<b>X</b>		
Access to Information				<b>X</b>
Based on answers above, provide overall Risk Assessment				<b>X</b>

Other	No Risk	Low Risk	Medium Risk	High Risk
Members(Participants)				
Setting				
Supervision				
Nature of Relationship				
Degree of Physical Contact				
Access to Information				
Based on answers above, provide overall Risk Assessment				