

9. The fees associated with obtaining these initial security checks are the responsibility of the candidate. If the results identify information that the employer deems to affect an individual's suitability for employment, his/her employment offer will become null and void.

Fees associated with existing employees who are required to obtain a Criminal Background or Child Abuse Registry Check will be paid by the University.

10. Renewal of Criminal Record Check or Child Abuse Registry Checks specific to your position may be requested by the University. The fees associated with security check renewals will be funded by the Employer.
11. Maintaining a Criminal Record Check and/or a Child Abuse Registry Check is a bona fide occupational requirement.
12. Actions on the part of the employee which result in loss of clearance for a Criminal Record Check and/or a Child Abuse Registry Check constitute just cause for dismissal without notice or pay in lieu of notice.
13. Employees are required to advise the University immediately if their clearance is lost or if they have been charged with an offence or something has occurred that could impact their ability to maintain their security clearance.
14. An employee or Student who has a break in the period of being either an employee or student greater than six(6) months will be considered a new hire under this policy and subject to appropriate background checks.
15. If uncertain about the application of this policy to individual work circumstances please contact the Chief Human Resources Officer for direction.

Applying the Criminal Record Check and Child Abuse Registry Checks

Criminal Record Check Only

A Criminal Record Check is required for employees who enter student residences, employees in positions entrusted with processing of personal data (SIN, Credit Card Numbers, Bank Account Information), or are involved in the responsible collection, receipt, or distribution or expenditures of University money.

Examples:

- Bookstore Staff
- Food Service Workers
- Staff who work in the Residence Office, International Office

- Resident Assistants
- Academic Resident Assistants
- Financial & Registration Services Staff

Criminal Record and Child Abuse Registry Check

Criminal Record and Child Abuse Registry Checks are required by all employees who work directly with or have regular contact with minor children.

Examples:

- Employees including Student Employees who work with Mini University, Youth Camps or coach unsupervised, minor children
- Administrative Employees who work around unsupervised minor children
- Day Care Workers including the Day Care Supervisor
- Jr. Kindergarten Teacher
- Child Psychology Lab Nursery Instructor
- Building Services Workers/Cleaners
- Employees that work in Trade Occupations
- Volunteers who work more than 10 hours in a month
- Instructors who provide one-on-one instruction to minor children e.g. Music Conservatory
- Library circulation staff
- Help Desk Staff

The Hiring Process

Designated Positions Requiring Criminal Record Check and/or a Child Abuse Registry Check

- All advertised positions that require a Criminal Record Check and a Child Abuse Registry Check should state this in the advertisement.
- Brandon University may offer employment to an employee, conditional upon a satisfactory Criminal Record Check and/or Child Abuse Registry. A four (4) week deadline for the Checks will be given.
- Once the Criminal Record and/or Child Abuse Registry Checks have been received the hiring manager should review the record to determine whether a Criminal behavior or Child Abuse is on record, and if repeated, would pose a threat to Brandon University operations. If there is such behavior, then the Manager must assess the circumstances in order to determine the degree of risk. Managers must discuss the Criminal Record and Child Abuse Registry Check findings with the Chief Human Resources Officer (CHRO).
- Positions requiring a Criminal Record check only, need to be considered in light of:
 - Type of offence and relevance to the job;
 - Age of the person at the time of offence;

- Sentence imposed;
- What a person has done since the offence (other employment etc.);
- The amount of time that has elapsed since the offence and completion of any sentence related to the offence;
- Whether the person has made firm efforts at rehabilitation, although not determinative in and of itself: whether or not a pardon been secured in relation to the offence and whether or not all the conditions have been met in relation to an offence for which a conditional discharge was received;
- If a Check returns that a criminal record does exist, discuss the findings with the candidate to ensure no error has been made. When the duties of the job and the criminal conviction directly relate and conflict and a risk to Brandon University is established the Manager and CHRO will meet with the candidate to explain the situation and the offer of employment shall be withdrawn.
- If the check is satisfactory, the offer of employment is no longer conditional and the candidate is confirmed in the position, assuming the offer is accepted. If the check is not satisfactory, the conditional offer process is repeated with the next acceptable candidate.

Designated Positions Requiring a Criminal Record Check and a Provincial Child Abuse Registry Check

- All advertised positions that require a Criminal Record Check and a **Provincial Child Abuse Registry Check** should state this in the advertisement.
- Once a potential employee has been selected, this person must be advised to complete both the Criminal Record Check and the **Provincial Child Abuse Registry** if he/she has not done so within the past six (6) months.
- Once the hiring manager has selected a potential employee, the applicant must provide an original copy of the Applicant for Child Abuse Registry Self-Check complete with approving stamp. The form can be found online at: http://www.gov.mb.ca/fs/childfam/child_abuse_registry_form.html
- Brandon University will accept an original Criminal Record Check and a Provincial Child Abuse Registry Check that is less than six (6) months old or a certified copy authorized by the Employer holding the original.
- The hiring manager should proceed to offer employment to the potential employee, conditional on a successful outcome of the Criminal Record Check and a Child Abuse Registry Check. If the Criminal Record Check and/or the Child Abuse Registry Check has not been completed at the time of the employment offer, **the potential employee should be prohibited from working with or near children** until the check has been successfully completed.
- The Child Abuse Registry will indicate only if an individual's name is on the list. If the applicant has lived out of province, similar registries in those provinces should be checked. Candidates for Employment are required to disclose if they lived out of Province. If the check is satisfactory, the offer of employment is no longer conditional and the candidate is confirmed in the position, assuming the offer is accepted. If the check is not satisfactory, the conditional offer process is repeated with the next acceptable candidate.

Volunteer Positions requiring a Criminal Record and Child Abuse Registry Check

- Managers should ensure that the Criminal Record and Child Abuse Registry Checks are completed well in advance of requiring the volunteer's time where they may be near or supervising children. Volunteers should be prohibited from working with or near children until the check has been successfully completed.
- Once the hiring manager has selected a potential volunteer the volunteer must provide an original copy of both the Criminal Record Check and the Applicant for Child Abuse Registry Self-Check complete with approving stamp. The form can be found online at: http://www.gov.mb.ca/fs/childfam/child_abuse_registry_form.html
- The Provincial Child Abuse Registry will indicate only if an individual's name is on the list. If the applicant has lived out of province, similar registries in those provinces should be checked.
- Registration on the Provincial Child Abuse Registry will result in a volunteer not being accepted to assist in an event that involves them volunteering directly or indirectly with children.

Completion of Required Check(s)

Upon completion of the hiring, copies of all documentation should be returned to Human Resources and the original documents returned to the applicant. Managers must sign and date a photocopy of the original stating they have seen the true copy. It is the Managers responsibility to ensure proper handling and confidentiality of employee records at all times. Access is to be limited and proper storage of employee files is required.

The hiring manager should include notes attached to the candidate's application (whether hired or not), that:

- a) the employee appeared to have a clear record;
- b) a Criminal Record Check was reviewed and subsequently disqualified the candidate;
- c) evidence that the employee is not on the Child Abuse Registry; or
- d) evidence that the employee is listed on the Child Abuse Registry (or another Province's registry) and is subsequently disqualified.

Employment Postings

Formal written offers of employment will contain one of the applicable statements:

1. "Because this is a position of trust and security, this offer is subject to a Criminal Record Check and a Provincial Child Abuse Registry Check. If you have not already done so, please have these checks completed and returned with your signed offer. You will be responsible for any service charges incurred. Under no circumstances will employment commence prior to receipt of these document."
2. "Because this is a position of trust and security, this offer is subject to a Criminal Record Check. If you have not already done so, please have this check completed and returned with your signed offer. You will be responsible for any service charges incurred."