

### **Summary of Police Records Check Policy**

- The Faculty of Health Sciences requires incoming students to provide a Police Check, including vulnerable-sector screening and a police record check of RCMP and National Canadian Police Information Centre (CPIC) databases.
- While in the MD Program specifically, students must also provide an annual “Police Records Check Disclosure and Privacy Release Consent Form”.
- "Not clear" checks include convictions under the *Criminal Code*, *Controlled Drugs and Substances Act*, *Food and Drugs Act* as well as pardoned sexual offences, outstanding warrants etc. It also includes restraining orders under *Criminal Code* or *Family Law Act*.
- Vulnerable Sector Screening provides additional information - e.g. findings of guilt where a pardon has not been granted, probation orders etc.
- "Not clear" checks result in:
  - Student notification
  - Consideration by Advisory Panel
  - Panel findings provided to the appropriate Assistant Dean
- Potential Outcomes (including but not limited to):
  - Offer of admission is revoked
  - Offer deferred for one year to allow further investigation
  - Student admitted but any clinical facility may be informed in writing of the "Not Clear" check
  - If student already enrolled, student may be required to withdraw, be suspended, or expelled
  - An applicant who believes that a decision was based on incorrect or incomplete information may request a review by the University Registrar
  - Any other reasonable recommendation of the Panel
- Review process - request for review goes to the Advisory Panel
- Advisory Panel:
  - Appointed by the Associate Dean, Education from the Professionalism Working Committee Membership; chaired by the Faculty Lead, Professionalism.

**McMaster Policies, Procedures and Guidelines**

Complete Policy Title: Police Records Check – Faculty of Health Sciences

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***PREAMBLE***

1. The purpose of a university is to encourage and facilitate the pursuit of knowledge and scholarship. In the Faculty of Health Sciences, the attainment of this purpose requires students to interact with children and other vulnerable populations of whom the university must take reasonable measures to protect.
2. Students in the Faculty of Health Sciences work at various clinical sites run by external clinical agencies. In order to protect the public, the Faculty of Health Sciences needs to confirm with these agencies the absence of a criminal conviction or outstanding criminal charges prior to the students participating in a clinical rotation.
3. Students demonstrate the ability to work with vulnerable populations in many ways, including:
  - Acquiring clinical knowledge and competence;
  - Showing respect for others; and
  - Development and demonstration of ethical frameworks.
4. This Policy applies to candidates to whom an offer of admission has been made ("candidates"), as well as to all registered students, and students who have withdrawn from the Faculty of Health Sciences, but who apply for the purpose of gaining readmission ("students").
5. This policy represents the Faculty of Health Sciences' recognition of the importance of confidentiality, safety and well-being in a work environment to ensure that candidates and students, by virtue of their past behaviour, do not pose a threat to their patients/clients.

***RELATED POLICIES***

6. This policy governs both candidates and students. In some instances, a student's behaviour may involve both academic and non-academic issues, in which case the student may be subject to the procedures of several policies, including the McMaster Student Code of Conduct and the Faculty of Health Sciences Professional Behaviour Code of Conduct. The Student Appeal Procedures applies to any appeals of decisions related to suspension or expulsion of students. The admission review procedures of the University<sup>1</sup> apply to any request for review of decisions related to revocation or deferral of the offer of admission.

***POLICE CHECKS: AUTHORITY AND RESPONSIBILITY<sup>2</sup>***

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<sup>1</sup>As defined by the Undergraduate Student Calendar.

<sup>2</sup> Taken from the Council of Ontario Faculties of Medicine (COFM), *Police Records Check Policy Document*, June 8, 2006

7. It is not a violation of the Ontario *Human Rights Code* to deny admission to the Faculty of Health Sciences or to suspend or expel a student from the Faculty of Health Sciences as a result of a record of offence.
8. As a public institution, the Faculty of Health Sciences is required to act fairly and reasonably when making decisions that affect the rights and opportunities of others. As a result, decisions regarding denying admission, withdrawal of an offer of admission, or removal from an academic program must be made thoughtfully, respecting the need for procedural fairness.
9. The Faculty of Health Sciences shall make reasonable efforts to inform potential candidates of the requirement to have a Police Check and that a "Not Clear" Police Check may result in withdrawal of an offer of admission, suspension or expulsion from the program and/or a restriction on their ability to secure clinical placements.
10. A candidate who submits false, misleading or incomplete information as part of an application shall be subject to denial of admission or withdrawal of an offer of admission. Enrolled students who submit false, misleading or incomplete information shall be subject to suspension or expulsion with a transcript notation to that effect.

***POLICE RECORDS CHECK AND VULNERABLE-SECTOR SCREENING***

11. The Police Check includes:
    - a) a Vulnerable Sector Screening; and
    - b) a Police Records Check of the databases from both the Royal Canadian Mounted Police (RCMP) and the National Canadian Police Information Centre (CPIC).
  12. A Vulnerable Sector Screening shall provide the following information:
    - a) Criminal Records (Young Person) (Pursuant to Section 119(1)(a) of the *Youth Criminal Justice Act*);
    - b) Records of "Not Guilty: Not criminally responsible on account of Mental Disorder";
    - c) Apprehension under the *Mental Health Act*;
    - d) Convictions, pending charges, and ongoing investigations under federal and provincial statutes, where available (information maintained under the
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*Highway Traffic Act*, and the *Compulsory Automobile Insurance Act*, are not included);

- e) Relevant Occurrence Reports;
- f) Findings of guilt where a pardon has not been granted;
- g) Absolute and conditional discharges where not prohibited by legislation; and/or
- h) Probation, Prohibition and other Judicial Orders.

13. A Police Records Check of the RCMP and CPIC databases shall provide the following information:

- a) Convictions under any of the following:
  - i) the *Criminal Code of Canada*;
  - ii) the *Controlled Drugs and Substances Act*;
  - iii) the *Food and Drugs Act*; and/or
  - iv) the *Youth Criminal Justice Act*.
- b) The existence of any of the following:
  - v) Pardoned sexual offences;
  - vi) Undertakings to enter into a Surety to Keep the Peace;
  - vii) Outstanding warrants and charges; and/or
  - viii) Restraining orders under the *Criminal Code of Canada* or the *Family Law Act*.

but may not include:

- a) Expired judicial orders;
- b) Convictions under provincial statutes;
- c) Pardoned records other than pardoned sexual offences;
- d) Local records of other police services in Canada; and/or
- e) Cases where the applicant has been found not guilty by reason of mental disorder.

14. A Police Check that discloses the existence of any of the occurrences listed in paragraphs 11, 12, and 13 shall be deemed a “Not Clear” Police Check.

***IMPLICATIONS OF A “NOT CLEAR” POLICE RECORD CHECK***

15. Convictions prosecuted by way of indictment under the *Criminal Code of Canada* for which a pardon has not been granted shall result in withdrawal of an offer of admission, or expulsion:
16. Convictions under the following legislation may result in withdrawal of an offer of admission, suspension or expulsion:
- a) The *Controlled Drugs and Substances Act*;
  - b) The *Food and Drugs Act*; and/or
  - c) Criminal Records (Young Person) (Pursuant to Section 119(1)(a) of the *Youth Criminal Justice Act*).
  - d) Summary convictions under The *Criminal Code of Canada* for which a pardon has not been granted
17. The following information may result in withdrawal of an offer of admission, suspension or expulsion
- a) pardoned sexual offences;
  - b) undertakings to enter into a Surety to Keep the Peace;
  - c) restraining orders under the *Criminal Code of Canada* or the *Family Law Act*;
  - d) Records of "Not Guilty: Not criminally responsible on account of Mental Disorder";
  - e) Convictions under other Federal and Provincial statutes;
  - f) Absolute and conditional discharges where not prohibited by legislation; and/or
  - g) Probation, Prohibition and other Judicial Orders.
18. Information pertaining to the following matters may result in deferral of admission or registration or suspension for up to one year on the condition that the issue raised in the Police Check is resolved.
- a) outstanding warrants and charges; and/or

- b) pending charges, and ongoing investigations under federal and provincial statutes.

### ***OBTAINING A POLICE RECORDS CHECK***

19. Students must contact their local police agency to obtain a Police Check. It is the student's onus and sole responsibility to be informed of the proper process for submitting an application, including but not limited to ensuring that their application and the specific required fees are submitted according to the timelines indicated by their respective issuing bodies.
20. The procedure involves a request to the local police to do searches for criminal record information and the existence of a record in the Canadian Police Information Centre (CPIC) databases.
21. It is recommended that students request two original copies - one for submission to the Faculty of Health Sciences and one to keep for their own records.
22. The cost of the Police Records Check shall be at the sole expense of the student.
23. The process of obtaining documentation may take may take twelve to sixteen weeks or more depending on the timelines indicated by the respective local police agency. Additional information about a Canadian Police Information Centre can be found at [www.rcmp-grc.gc.ca](http://www.rcmp-grc.gc.ca).
  - a) Documents received from an originating Canadian government source in the French language shall be translated by a recognized official translator, at the reasonable expense and arrangement of the University

### ***SPECIFIC RESPONSIBILITIES***

#### ***G.1 All Members of the Faculty of Health Sciences***

24. All members of the Faculty of Health Sciences (students, faculty, instructors, staff and invigilators) are responsible for the maintenance of a safe atmosphere in all phases of academic life, including research, teaching, learning and administration.
25. All members of the Faculty of Health Sciences have a responsibility to:
  - a) provide assistance and co-operation in the protection of others; and
  - b) report known incidents of criminal behaviour.

#### ***G.2 The respective Faculty of Health Sciences Admissions Offices may***

26. The respective Admissions Offices within the Faculty of Health Sciences are responsible for assisting the Faculty of Health Sciences with issues related to the Police Records Checks, in consultation with the Office of the Advisor, Professionalism. Responsibilities may include:



- a) assisting with the development and implementation of this policy;
- b) providing advice regarding the Advisory Panel's procedures;
- c) acting as a resource for the Advisory Panel;
- d) storing all documentation regarding Police Records Check decisions; and
- e) tracking complaints and inquiries with respect to this policy.

### ***G.3 Administration***

27. The Administration of the Faculty of Health Science's academic programs include: Department Chairs, Deans, Associate Deans, Assistant Deans, the Associate Vice-President (Academic), the Provost, and the Senate.
28. The Administration is responsible for:
  - a) dissemination of information about the expectations for Police Checks;
  - b) assisting all members of the Faculty of Health Sciences with understanding the requirements of the Police Check; and
  - c) an anonymous review of the facts of each situation

### ***G.4 Advisory Panel***

29. The Advisory Panel (also referred to as the "Panel" in this policy) is responsible for the consideration of all "Not Clear" Police Checks.
30. The Panel shall be appointed by the Associate Dean, Education from the membership of the Professionalism Working Committee, and chaired by the Faculty Lead, Professionalism. The Panel shall:
  - i) consist of 5 Panel members with at least three representative disciplines, and
  - ii) be permitted to issue recommendations upon achieving a required quorum of 3 members, and
  - iii) be supported by the Advisor, Professionalism, who is a non-voting member
31. The recommendations of the Panel are to be communicated in writing to the Assistant Dean of the respective program, for their final consideration.
32. The Panel is prohibited from communicating with the relevant students, unless upon written request by student and with agreement from the Panel.

33. The Panel is prohibited from knowing the identification of the parties to whom the record relates, except where an individual agrees to waive his/her anonymity.

#### ***G.5 Prospective Candidates***

34. Offers of admission to the Faculty of Health Sciences are conditional upon the receipt by the Faculty of Health Sciences Admissions Office of a "Clear" Police Records Check.
35. Candidates who have accepted an offer of admission to the Faculty of Health Sciences are required to complete an RCMP "Consent for Disclosure of Criminal Record Information Form" (at Appendix 2).
36. The candidate is required to forward an original copy of their Police Check to the Faculty of Health Sciences Admissions Office by July 31 of the year for which the candidate has received an offer of admission.

(i) In some cases where a Police Check Record is unduly delayed, ie beyond the timelines indicated by the issuing body, and a candidate can establish that they a) submitted their application and b) paid the proper requisite fees and c) on time, a candidate may be required to submit an affidavit notarized at their own cost, stating that they do in fact have a "Clear" Police Records Check,

(ii) A "Not Clear" Police Check indicating that charges have been "Withdrawn" for an indictable offence, shall require a student, at their sole cost, to provide the Panel with a transcript of the legal proceeds of the hearing whereby the charges were withdrawn.

37. The Police Check must be current within six months preceding the date in which admission is being sought.
38. A "Clear" Police Records Check, conducted at the candidate's sole expense, must be on official record with the University for a student to be entitled to register at the beginning of the academic year. Failure to do so may result in the student not being entitled to register.

#### ***G.6 Enrolled Students***

39. Students currently enrolled in the Faculty of Health Sciences professional programs shall be required to sign a "Police Records Check Disclosure and Privacy Release Consent Form" (at Appendix 3) in order to ascertain that a "Clear" record still exists. Each subsequent year of study thereafter shall require a signed and completed "Police Records Check Disclosure and Privacy Release Consent Form" (at Appendix 3) to be submitted by September 1st.
40. Upon review of the "Police Records Check Disclosure and Privacy Release Consent Form", the Medical School, at its sole discretion, may require the student to obtain an updated formal Police Check at the student's expense. In this event, the student is required to forward an original copy of their Police Check to the Medical School Admissions Office within forty-five business days after the date of the request.

41. Under the circumstances as in section 40, as above, the Police Check must be performed within the proceeding forty-five (45) business days on which it is due to be submitted to the Medical School Admission Office.
42. A "Clear" Police Records check is required to be on file at all times in order for the student to continue in the program. Failure to do so may result in a student being withdrawn from a clinical placement and /or delayed and/or prevented from completing their program.
  - (i) In some cases where a Police Check Record is unduly delayed, ie beyond the timelines indicated by the issuing body, and a candidate can establish that they a) submitted their application and b) paid the proper requisite fees and c) on time, a candidate may be required to submit an affidavit notarized at their own cost, stating that they do in fact have a "Clear" Police Records Check,
  - (ii) A "Not Clear" Police Check indicating that charges have been "Withdrawn" for an indictable offence, shall require a student, at their sole cost, to provide the Panel with a transcript of the legal proceeds of the hearing whereby the charges were withdrawn
43. A conviction prosecuted by way of indictment under the *Criminal Code of Canada*, as evidenced in a "Not Clear" Police Check, shall result in expulsion.

**G.7 *International, Visa and Non-Status Candidates and Students***

44. This policy, in its entirety, applies to International, Visa and Non-Status candidates and students with regard to offers of admission or continuing status in the program.
45. International, Visa and Non-Status candidates and students shall be required to provide a sworn affidavit indicating that he or she has no knowledge of any criminal records in any jurisdiction either in or outside of Canada related in any way to the candidate or student. If an International, Visa or Non-Status candidate or student does have knowledge of any such criminal record, he or she shall specify the nature of the offence and provide details in the sworn affidavit regarding the offence.
46. The sworn affidavit must address all aspects of the Police Check as articulated in this Policy.
47. The respective Faculty of Health Sciences Admissions Offices shall have the right to verify the sworn affidavit and its contents.
48. Falsely executed affidavits and/or false statements shall result in immediate revocation of an offer of admission to prospective candidates.
49. Falsely executed affidavits and/or false statements discovered to be made by enrolled students shall result in suspension or expulsion with transcript notation to that effect.

***"NOT CLEAR" POLICE RECORDS CHECK******H.1 Candidates for Admission***

50. The offer of admission to a candidate is contingent upon a "Clear" Police Check or approval by the Assistant Dean of the respective program on the recommendation of the Advisory Panel in the event of a "Not Clear" Police Check.
51. The information provided by an original copy of the Police Check shall be deemed to be complete and accurate.
52. The Office of the Advisor, Professionalism retains administrative adjudication of this policy, and shall notify a candidate who has a "Not Clear" Police Check that the matter shall be forwarded to the Panel for consideration. The candidate shall be invited, in writing, to submit relevant materials to the Advisory Panel for consideration of the "Not Clear" Police Check, including but not limited to a notarized affidavit outlining the facts as well as any addition supporting documentation.<sup>53</sup> The Office of the Advisor, Professionalism shall forward to the Panel the de-personalized file of each candidate with a "Not Clear" Police Check (referred to as the "File" throughout this policy).
54. The Panel shall consider the File of each candidate with a "Not Clear" Police Check on a case by case basis as expeditiously as possible in all circumstances.
55. The File to which the Panel shall have access shall contain de-personalized information as it relates to each "Not Clear" Police Check, or equivalent information as it relates to International, Visa and Non-Status candidates, in addition to materials voluntarily submitted by the candidate, which shall also be de-personalized.
56. The File to which the Panel shall have access, shall have the following personal identifiers removed by the Faculty of Health Sciences Admissions Office: name, student number, address, telephone number, cellular telephone number, facsimile number, gender, city of residence, race, nationality, ethnicity, and any other information that may reasonably be deemed to be identifiable.
57. The Panel shall not have any contact with the candidate, unless the candidate has requested in writing permission to address the Panel, and the Panel agrees to do so.
58. In considering the File, the Panel will take the following factors into consideration:
  - a) The relevancy of the conviction or charge to the candidate's program in medicine, with a specific view as to whether the offence involved:
    - i) children or other vulnerable populations;
    - ii) sexual activity;
    - iii) violence;

- iv) acts of dishonesty; and/or
  - v) the use of alcohol or illegal drugs.
  - b) The date of any conviction;
  - c) The seriousness of any conviction;
  - d) Efforts at rehabilitation undertaken by the candidate;
  - e) The likelihood that offence(s) will be repeated;
  - f) The policies of clinical facilities in the local jurisdiction;
  - g) The nature of the offence or incident and its relevance to the Standards of Conduct of the relevant regulatory body;
  - h) The candidate's full and open disclosure of all relevant information; and
  - i) Such other factors as deemed reasonable by the Panel.
59. Upon consideration of the File, the Panel can make any of the following recommendations to the respective Assistant Dean :
- a) Revoke the offer of admission;
  - b) Defer admission of the candidate on the condition that the issue(s) raised by the Police Check are resolved within one (1) year from the date of the offer of admission. In this event, the Panel shall re-evaluate the matter upon receipt of evidence from the candidate attesting to the resolution of issue(s); or
  - c) Accept the candidate into the program despite a "Not Clear" Police Check, subject to (d) where applicable, provided that the candidate is notified that:
    - i) The student is advised that the clinical facilities maintain the ultimate right not to accept the candidate for clinical placement(s), and that this is beyond the university's scope of control, and that
    - ii) The candidate is apprised of the consequences of a denied placement, including but not limited to the inability to complete the requirements of the program, potentially jeopardizing and/or delaying their progress in the program and completion of degree requirements, with the potential associated increased costs of prolonged and/or obstructed study.
  - d) Accept the candidate into the program subject to the imposition of other conditions or restrictions deemed appropriate in the circumstances.

- e) Any other reasonable recommendation of the Panel.
60. The Panel shall communicate its recommendations in writing to the respective Assistant Dean.
  61. Upon receiving the Panel's recommendations, the Assistant Dean shall make a decision regarding status of the candidate. If the decision of the Assistant Dean differs from the recommendation of the Panel, then the Assistant Dean will provide a written rationale for the decision to the panel.
  62. The Assistant Dean shall communicate his or her decision to the candidate in writing prior to September 1<sup>st</sup> whenever possible.
  63. The decision of the Assistant Dean is final. However, the candidate may challenge the decision under the established university process for review of admissions<sup>3</sup> if the candidate believes that the decision was founded on incorrect or incomplete information.

## ***H.2 Request for Review of Admission Decisions***

64. To request a review of the decision of the Assistant Dean regarding the application of this policy, candidates for admission shall file a Request for Review and any relevant documentation supporting the request with the University Registrar within fifteen (15) business days of receipt of the decision.
65. The Registrar shall determine whether the information upon which the decision was based was incomplete or incorrect, and, if so, shall refer the Request for Review to the Panel for reconsideration.
66. The Panel will review its previous recommendation in light of the additional relevant information.
67. Upon consideration of additional relevant information, the Panel may make the following recommendations, if applicable, in writing to the Associate Dean, Health Sciences (Education):
  - a) uphold the decision to withdraw the offer of admission;
  - b) defer the offer of admission, for a period of no more than one (1) academic year;
  - c) impose specific conditions on the admission and/or continued enrolment of the student;
  - e) implement specific restrictions or sanctions suitable to specific circumstances and/or placements;

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<sup>3</sup> As defined by the Undergraduate Student Calendar

- f) admit the candidate without special restrictions or conditions;
  - g) such other conditions or restrictions deemed appropriate in the circumstances by the Panel.
68. The Panel shall communicate its recommendations to the Associate Dean, Health Sciences (Education) within twenty (20) business days of receipt by the Panel of the Request for Review.
69. The Associate Dean, Health Sciences (Education) shall make a decision regarding the Panel's recommendations. If the decision of the Associate Dean, Health Sciences (Education) differs from the recommendation of the Panel, then the Associate Dean, Health Sciences (Education) will provide a written rationale for the decision. The decision of the Associate Dean, Health Sciences (Education) shall be final and not subject to appeal. The Associate Dean, Health Sciences (Education) shall communicate that decision in writing within ten (10) business days to the candidate.

### ***H.3 Students in the Program***

70. The correctness of the information provided by the student on the "Police Records Check Disclosure and Privacy Release Consent Form" will be accepted at face value by McMaster University. Enrolled students who submit false, misleading or incomplete information shall be subject to suspension or expulsion with a transcript notation to that effect. The Faculty of Health Sciences, at its sole discretion, may require the student to obtain a formal Police Check at the student's expense. In this event, an original copy of the Police Check shall be deemed to be complete and accurate.
71. The Assistant Dean shall notify a student who has a "Not Clear" Police Check that the matter shall be forwarded to the Panel for consideration.
72. The Assistant Dean shall forward to the Panel the File of each student with a "Not Clear" Police Check.
73. The Panel shall consider the File of each student with a "Not Clear" Police Check on a case by case basis, within a reasonable time.
74. The File to which the Panel shall have access shall only contain de-personalized information as it relates to each "Not Clear" Police Check, or equivalent information as it relates to International, Visa and Non-Status students.
75. The File to which the Panel shall have access shall have the following personal identifiers removed by the Faculty of Health Sciences Admissions Office: name, student number, address, telephone number, cellular telephone number, facsimile number, gender, city of residence, race, nationality, ethnicity, and any other information that may reasonably be deemed to be identifiable.
76. The Panel shall not have any contact with the student whose File is being considered.

77. In considering the File, the Panel will take the following factors into consideration:

- a) The relevancy of the conviction or charge to the student's program in medicine with a specific view as to whether the offence involved:
  - i) children or other vulnerable populations;
  - ii) sexual activity;
  - iii) violence;
  - iv) acts of dishonesty; and/or
  - v) the use of alcohol or illegal drugs.
- b) The date of any conviction;
- c) The seriousness of any conviction;
- d) Efforts at rehabilitation undertaken by the student;
- e) The likelihood offences will be repeated;
- f) The policies of clinical facilities in the local jurisdiction;
- g) The nature of the offence or incident and its relevance to the standards of the relevant regulatory college;
- h) The student's full and open disclosure of all relevant information; and
- i) Such other factors as deemed reasonable by the Panel.

78. Upon consideration of the File, the Panel can make any of the following recommendations to the Assistant Dean:

- a) Permit the student to continue in the program despite a "Not Clear" Police Check provided that:
  - i) The student is advised that the clinical facilities maintain the ultimate right not to accept the candidate for clinical placement(s), and that this is beyond the university's scope of control, and that
  - ii) The student is apprised of the consequences of a denied placement, including but not limited to the inability to complete the requirements of the program, potentially jeopardizing and/or delaying their progress in the program and completion of degree requirements, with the potential associated increased costs of prolonged and/or obstructed study.



- c) Allow the student to register subject to the imposition of conditions or restrictions deemed appropriate in the circumstances.
  - d) Require the student to withdraw from the program for a period of up to one year until such time as the outstanding issue is resolved
  - e) Suspend or expel the student from the program;
  - f) Any other reasonable recommendation of the Panel.
79. The Panel shall communicate its recommendations in writing to the Assistant Dean within a reasonable time.
80. Upon receiving the Panel's recommendations, the Assistant Dean shall make a decision regarding recommendations 78 a) to f). In the case of a recommendation to suspend or expel the student, the Assistant Dean shall make a recommendation to the Dean/Vice-President, Health Sciences regarding the status of the student within a reasonable time. If the decision or recommendation of the Assistant Dean differs from the recommendation of the Panel, then the Assistant Dean will provide a written rationale for the decision or recommendation.
81. The Dean/Vice-President, Health Sciences shall communicate his or her decision with the reason(s) to the student in writing within a reasonable time.

#### ***I. RECORDS***

82. The Faculty of Health Sciences Admission Office shall maintain a record of each candidate or student with a "Not Clear" Police Check.
83. All Panel recommendations shall be kept separate from a student's academic record.
84. Decisions of the Assistant Dean that are communicated to the candidate or student as required by this policy shall be kept in the student's academic record.

#### ***J. APPEAL***

85. Students may appeal the decision of the Dean/Vice-President, Health Sciences with respect to suspension or expulsion under the appeal provisions found in the Student Appeal Procedures. No appeal procedure shall be available for decisions on admission or re-admission to the Faculty of Health Sciences.

#### ***K. REVIEW AND APPROVAL***

86. This policy was approved by the Senate of McMaster University in [month] of 2009.

**APPENDIX 1: ADVISORY PANEL**

## Requirements for Selection and Operation

1. The Panel shall consist of the following:
  - i) 5 Panel members with at least three representative disciplines, and
  - ii) be permitted to issue recommendations upon achieving a required quorum of 3 members, and
  - iii) be supported by the Advisor, Professionalism
2. The Faculty Lead, Professionalism shall chair meetings of the Advisory Panel. Decisions of the Advisory Panel shall be made by majority vote.
3. The Panel shall be supported by an Administrative Assistant who will record all Panel proceedings, as well as the Advisor, Professionalism who will advise solely and specifically on the policy. Neither party shall have a decision making role nor be a voting member of the Panel.
4. The Advisory Panel may, from time to time, enlist the services of independent experts including lawyers, police, risk management consultants, screening consultants or other individuals with relevant training for the purpose of providing advice to the Panel. This "external advisor" shall have no decision making capacity on the Panel.
5. The Advisor of Professionalism shall ensure that members of the Panel receive necessary training to discharge their responsibilities.
6. The Panel shall report the following information to the Assistant Dean:
  - a) By July 31st of each year, the list of cases to be considered by the Panel; and
  - b) By March 1st of each year, a summary of the Panel's work in the previous academic year, recommendations for change and any other information the Panel deems necessary or the Assistant Dean requires of the Panel.
7. Decisions of the Panel shall be recorded by the Administrative Assistant, and dated and signed by the Panel Chair.

## APPENDIX 2 – CONSENT FORM



Royal Canadian Mounted Police  
Gendamerie royale du Canada

### CONSENT FOR DISCLOSURE OF CRIMINAL RECORD INFORMATION

IF COMPLETED MANUALLY, PLEASE PRINT

**PART 1**

Surname		Given name (1)		Given name (2)		Sex <input type="checkbox"/> M <input type="checkbox"/> F		Tel. no. (incl. area code)	
Address (no., street, apt.)			City		Province		Postal code		
Date of birth (yyyy-mm-d)		Place of birth		Driver's licence no.		Usual first name or alias		Maiden name	
Previous address if less than 5 years at current address Address (no., street, apt.)			City		Province		Postal code		

**PART 2**

Pursuant to Section 8(1) of the Privacy Act of Canada, I hereby authorize the Royal Canadian Mounted Police to disclose my personal information to:

Full name		Title		Name of organization				
Address (no., street, apt.)			City		Province		Postal code	

**PART 3**

**WAIVER AND RELEASE:**

I hereby release and forever discharge Her Majesty the Queen in Right of Canada, the Royal Canadian Mounted Police, their members, employees, agents and assigns from any and all actions, causes of actions, claims and demands for damages, loss or injury, which may hereafter be sustained by myself, howsoever arising out of the above authorized disclosure of information and waive all rights thereto.

**PART 4**

This consent is valid for a period of three months from the date of signature.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ Signature of applicant \_\_\_\_\_

**PART 5**

Following is information contained in the records of the RCMP or records from other police forces accessible through computer queries and is based on a name and date of birth check only. **\*\*A record may or may not exist** for the subject of this inquiry, positive identification and a certified criminal records check can only be obtained through a fingerprint check. This can be made with the submission of a complete set of fingerprints to:

**INFORMATION AND IDENTIFICATION SERVICES**  
CANADIAN CRIMINAL RECORD INFORMATION SERVICES  
BOX 8885  
OTTAWA, ONTARIO K1G 3M8

**YOUNG OFFENDER INFORMATION** - The Young Offenders Act makes it an offence to disclose young offender information. In cases where an adult's record contains young offender information or a young offender requests a copy of his/her criminal record, the criminal record information **MUST** be given to the requester. Individuals can disclose their own information, but even with consent the RCMP are not legally permitted to disclose young offender information.

**INSTRUCTION TO REQUESTERS:** The following section contains varying degrees of police information.

- Confirm with the party identified in PART 2, the exact information they require.
- Choose the category which best symbolizes the information you are providing consent for the RCMP to disclose and place your initials in the appropriate INITIALS box.
- The party identified in PART 2 will be advised accordingly of negative checks.
- Checks resulting in possible "hits" for information identified in categories 1, 2 or 3 will require confirmation by the submission of fingerprints.
- You will be required to confirm that information located through the checks stipulated in category 4, is your personal information.
- You may withdraw this consent prior to disclosure.

No.	Initials	Category of Information for Disclosure	FOR POLICE USE ONLY	
1.		Records of criminal convictions found in the Identification Data Bank attainable through the Canadian Police Information Centre (CPIC) for which a pardon has not been granted. RCMP: Make CPIC Criminal Record "LEVEL 1" Query ONLY.	<input type="checkbox"/> None located	<input type="checkbox"/> ** May or may not exist
2.		Records of criminal convictions attainable through CPIC for which a pardon has not been granted plus records of outstanding criminal charges which the RCMP are aware of or indicated within the Investigative Data Bank of CPIC. RCMP: Make CPIC Criminal Record "LEVEL 1" Query AND a Persons CPIC Query.	<input type="checkbox"/> None located	<input type="checkbox"/> ** May or may not exist
3.		Records of criminal convictions and summary of police information (including records of outstanding criminal charges which the RCMP are aware of or indicated within the Investigative Data Bank of CPIC) attainable through CPIC for which a pardon has not been granted plus records of discharges which have not been removed from the Identification Data Bank in accordance with the Criminal Records Act. This will include all charges regardless of disposition. RCMP: Make CPIC Criminal Record "LEVEL 2" Query AND a Persons CPIC Query.	<input type="checkbox"/> None located	<input type="checkbox"/> ** May or may not exist
4.		Police information located on computer systems (e.g. Police Information Retrieval System (PIRS), CPIC) and information located through local police indices checks. This will include all information related to non convictions and all charges regardless of disposition. RCMP: Make Persons Queries on PIRS and CPIC. In view of the general nature of this information confirm with requester this is in fact information pertaining to him/her. Requesters <b>MUST</b> confirm information which pertains to them prior to disclosure. If a discrepancy exists, do not disclose this information.	<input type="checkbox"/> None located	<input type="checkbox"/> ** May or may not exist

**COMPLETED BY**

Member (signature)	Reg. no.	Unit	Date
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**APPENDIX 3 – CONSENT TO DISCLOSURE FORM**

Faculty of Health Sciences at McMaster University  
Police Records Check Disclosure and Privacy Release Consent Form

Given that all medical students serve vulnerable populations, the Faculty of Health Sciences in McMaster University and a number of clinical facilities which students attend, require confirmation of the absence of a criminal conviction or outstanding criminal charges. Therefore, this form must be completed and signed as part of the registration process each academic year. Please return this completed and signed form to the Advisor, Professionalism, Faculty of Health Sciences, McMaster University, Room 2E05 1200 Main Street West, Hamilton, ON, Canada L8N 3Z5 Phone: 905.525.9140 Ext. 22417

If you answer “yes” to question 1 or 2 below, you are strongly advised to consult with the College of Physicians and Surgeons of Ontario (416) 976-2600. Faculty of Health Sciences graduates with criminal records may not be eligible to receive a license to practice medicine in Canada.

Student Name	Student Number	Year of Study

Have you been convicted of a criminal\* offence in Canada or elsewhere for which a pardon has not been granted?

Yes

No

If the answer to this question is “yes”, please provide the following information on the reverse side of this form for each charge:

- Name of offence;
- Date and place of conviction; and
- Sentence

Are there any criminal\* charges pending against you?

Yes

No

If the answer to this question is “yes”, please provide the following information on the reverse side of this form for each offence:

- Name of offence; and
- Details of charge(s)

The Faculty of Health Sciences at McMaster University is collecting the information on this form under the authority of *The McMaster University Act, 1976*, for the purpose of confirming the absence of a criminal conviction or outstanding criminal charges against anyone registered in its program. The information you provide will be protected and used in compliance with Ontario's *Freedom of Information and Protection of Privacy Act (RSO 1990)* and will be disclosed only in accordance with this Act.

By signing this form, you consent to McMaster University disclosing your personal information to those individuals and organizations that the University deems necessary to discharge the responsibilities of the Faculty of Health Sciences and to meet the standards of the relevant regulatory body and the requirements of student placement agreements with clinical agencies. In particular, you hereby consent to the disclosure of the results of the Police Criminal Record Check to those clinical agencies where rotations are undertaken as part of your training.

If you have any questions about the collection or use of this information, please Advisor, Professionalism, Faculty of Health Sciences, McMaster University, Room 2E05  
1200 Main Street West, Hamilton, ON, Canada L8N 3Z5; Phone: 905.525.9140 Ext. 22417

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

\* "criminal" refers to an offence or charge under the *Criminal Code of Canada*, or under another Federal Statute (which includes drug, tax and customs laws), or foreign equivalent.

*Please note that the discovery that any information supplied on this form is false, misleading, incomplete or that any material information has been concealed or withheld shall result in the revocation of registration in all FHS Programs.*

*The information obtained in this form shall be used only for the purpose(s) consistent with which it is collected*