

Summary of Police Records Check Policy

- As part of their program, students will at times work with actual patients, standardized patients and classmates both on campus and when located at various clinical sites run by external clinical agencies therefore the Faculty of Health Sciences (FHS) requires all students aged 18 years or older and registered in a Health Professional Program to provide a Police Records Check, specifically a Vulnerable Sector Check (VSC).
- Students under the age of 18 years as of May 1st of their incoming year will not be required to submit a Vulnerable Sector Check by July 31st of their incoming year because Police Services will not issue a police check to persons under 18 years of age unless for a government employer. Rather, these students will be required to submit a VSC within 16 weeks subsequent to their 18th birthday.
- When requesting a VSC, McMaster University is to be listed as the requesting agency; VSCs issued for other organizations will not be accepted.
- International or Visa students are required to provide a Police Certificate from each country or territory that they have resided for more than six (6) months consecutively for the past five years prior to their offer of acceptance.
- Vulnerable Sector Checks are required to be updated on an annual basis and are a condition of continued registration with the University. Failure to have a valid VSC registered with the Professionalism Office at all times may result in a learner being ineligible to attend at clinical settings and participate in clinical placements. This can, and will likely, result in a student being unable to complete the requirements of their program; such delays normally results in additional costs for the student (ie tuition, accommodation etc).
- Students are to be cognizant of the fact that they may be asked to complete the police Record Check process more frequently than annually, if required by a clinical site.
- “Not Clear” checks result from findings of police contact only. The reasons for police contact can vary greatly, any time an individual comes to the attention of the police, it can be recorded in police records. A late submission or non-submission of a police record check does not equate to a “Not Clear” but rather may be deemed as a breach of the Faculty of Health Science Professional Behaviour Code of Conduct for Learners and addressed by the relevant Associate/Assistant Dean.
- Once a student becomes aware of a “Not Clear” Vulnerable Sector Check, they must immediately notify the Advisor, Professionalism, FHSprof@mcmaster.ca. Any delays in the student initiating such notification shall be at the student’s own risk.
- If a student is unable to obtain a Vulnerable Sector Check, they must immediately notify the Advisor, Professionalism, FHSprof@mcmaster.ca.

- "Not clear" checks result in:
 - Consideration of the "Not Clear" by Police Records Check Advisory Panel, and subsequent referral of recommendations to the appropriate Associate/Assistant Dean
 - Student notification of the outcome
- Potential Outcomes of a "Not Clear" police check may include but are not limited to:
 - No negative outcome
 - Enrollment deferred for one year
 - Student admitted, and is advised that placement sites maintain the ultimate right not to accept the student for clinical placement(s), and that this is beyond the university's scope of control
 - Student may be required to withdraw, be suspended, or expelled
 - Students may encounter substantial delays in graduation in whole or in part as a result of their "Not Clear" VSC
 - Any other reasonable recommendation of the Panel
- Appeals under this policy are subject to university protocol.

McMaster Policies, Procedures and Guidelines

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

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A. PREAMBLE

1. The purpose of a university is to encourage and facilitate the pursuit of knowledge and scholarship. In the Faculty of Health Sciences (FHS), the attainment of this purpose requires some students to interact with children and other vulnerable populations of whom the university must take reasonable measures to protect.
2. Students enrolled in FHS health professional programs work with other students, actual patients and standardized patients in the classroom and at various clinical sites run by external clinical agencies. In order to discharge its due diligence to protect the public, the Faculty of Health Sciences considers the criminal record of students participating in any clinical environment.
3. Students demonstrate their ability to work with vulnerable populations in many ways, including:
 - a) Acquiring clinical knowledge and competence;
 - b) Demonstrating respect for others;
 - c) Demonstrating professionalism and appropriate adherence to legal principles; and
 - d) Development and demonstration of ethical frameworks.
4. This policy applies to all students registered in a McMaster FHS Health Professional Program except those registered in a Postgraduate Medicine Program or Pre-Residency Program (PRP2), who will follow the College of Physician and Surgeons of Ontario (CPSO) guidelines for Criminal Record Checks
5. This policy represents the Faculty of Health Sciences' recognition of the trust and authority given to students while in an academic, clinical work environment.

B. RELATED POLICIES

6. This policy governs all students registered in a FHS Health Professional Program. In some instances, a student's behaviour may also involve both academic and non-academic activities, in which case the student is subject to several policies, including but not limited to the *McMaster Student Code of Rights and Responsibilities* and the *Faculty of Health Sciences Professional Behaviour Code of Conduct for Learners*.

C. POLICE RECORDS CHECKS: AUTHORITY AND RESPONSIBILITY

7. It is understood that it is not a violation of the Ontario Human Rights Code to deny or delay registration of a learner into the Faculty of Health Sciences or when necessary, to suspend or expel a student from the Faculty of Health Sciences as a result of the application of this policy.
8. As a faculty within a broader educational institution, the Faculty of Health Sciences is required to act fairly and reasonably at all times when making decisions that affect the rights and opportunities of others. As a result, decisions regarding denying or delaying enrollment or removal from an academic program must be made thoughtfully, respecting the need at all times for procedural fairness.
9. The Faculty of Health Sciences, through its Program Offices, shall make reasonable efforts to communicate to potential and current students:
 - a) this policy;
 - b) the requirement of a Vulnerable Sector Check;
 - c) submission deadlines;
 - d) the need to advise the FHS Professionalism Office immediately of a "Not Clear" Vulnerable Sector Check;
 - e) that a "Not Clear" Vulnerable Sector Check may result in suspension or expulsion from the program;
 - f) that a "Not Clear" Vulnerable Sector Check may result in a restriction on their ability to secure clinical placements.
10. Any student that knowingly submits false, misleading or incomplete information as part of Vulnerable Sector Check shall be subject to withdrawal, suspension or expulsion from the program due to failure to meet conditions of continued enrolment.

D. SPECIFIC RESPONSIBILITIES

All Members of the Faculty of Health Sciences

11. All members of the Faculty of Health Sciences (students, faculty, instructors, staff and invigilators) are responsible for creating a safe atmosphere in the clinical, academic learning environment, including the execution of research, teaching, learning and administrative responsibilities.

The Faculty of Health Sciences Health Professional Program Offices

12. The Health Professional Program Offices within the Faculty of Health Sciences, include but are not limited to:
 - Child Life & Pediatric Psychosocial Care

- Midwifery Education Program
 - Nursing, Graduate and Undergraduate Programs
 - Occupational Therapy Program
 - Physician Assistant Education Program
 - Physiotherapy Program
 - Speech-Language Pathology Program
 - Undergraduate Medical Education
13. The Health Professional Program Offices are responsible for assisting the Faculty of Health Sciences Professionalism Office in discharging its responsibilities with respect to the Police Records Checks Policy. Responsibilities will include:
- a) advising students of this policy's requirements and associated timelines;
 - b) monitoring expiry dates of VSCs and may contact students to advise of pending expiry and requirement for an updated VSC;
 - c) ensuring students who are not in good standing as per this policy (ie. do not have a valid and current VSC registered with the Professionalism Office by the appropriate timeframes):
 - i. are restricted from attending any clinical environment; or
 - ii. that appropriate measures related to not meeting the conditions of continued enrollment are enforced; or
 - iii. that other sanctions as deemed necessary by the Program are enforced.
 - d) assisting with the development and implementation of this policy;
 - e) acting as a resource for the Advisory Panel;
 - f) assisting all members of the Faculty of Health Sciences with understanding the requirements of the Police Check.

The Faculty of Health Sciences Professionalism Office

14. The Faculty of Health Sciences Professionalism Office will act as the overseer of this policy. Responsibilities include, but are not limited to:
- a) assisting students and Programs with implementation and understanding of this policy;
 - b) accepting, verifying and registering VSCs for all enrolled students in a FHS Health Professional Program;
 - c) ensuring validation of VSCs and Police Certificates submitted through the Association of Faculties of Medicine of Canada (AFMC) Portal for undergraduate medicine elective students;
 - d) advising Programs of receipt of VSCs and expiry dates as well as late or non-submission of Police Record Checks;
 - e) supplying requested documentation to students as requested by various Police Services (eg. Toronto Police Services Consent to Disclosure of Personal Information form and student specific correspondence such as personalized letter with student's name and program required for OPP offices);
 - f) granting an extension to the submission deadline on a case per case basis if a VSC is delayed by an issuing body;

- g) accepting a notarized affidavit in place of a VSC if deemed “undue hardship” by the Advisor, Professionalism;
- h) when approved by the Advisor, Professionalism, allowing a student to submit a notarized affidavit as an interim measure if submission is late due to student delay;
- i) returning student VSCs if submitted with a self-addressed stamped envelope;
- j) convening the Police Records Check Advisory Panel to review all “Not Clear” Police Record Checks;
- k) providing administrative and policy advisory support to the Panel;
- l) liaising with students and Programs to facilitate the Panel review process;
- m) initiating the updating and administration of this policy;
- n) ensuring the Faculty of Health Sciences is advised of current policy and processes regarding Municipal, Provincial and Federal policies as they relate to police checks.

Police Records Check Advisory Panel

15. The Police Records Check Advisory Panel (also referred to as the "Panel" in this policy) is responsible for the consideration of all "Not Clear" Vulnerable Sector Checks.
16. The Panel shall be selected from the membership of the Professionalism Advisory Working Group (PAWG) as appointed by the Vice-Dean, Health Professional Education, Health Sciences. The Panel shall:
 - a) consist of 5 Panel members with at least three clinical program disciplines;
 - b) achieve a required quorum of 3 members to conduct a Panel review meeting;
 - c) by way of the FHS Professionalism Office, request a notarized affidavit, personal statement and any supporting documentation from the student for consideration by the Panel;
 - d) allow the student the opportunity to address the Panel;
 - e) issue recommendations to the relevant Associate/Assistant Dean regarding the student’s continued enrolment and potential issues which may arise as a result of the “Not Clear” VSC;
 - f) ensure the student is advised of the outcome;
 - g) be supported by the Advisor, Professionalism and administrative support from the Professionalism Office, both of whom are non-voting members.
17. The recommendations of the Panel are to be communicated in writing to the Associate/Assistant Dean of the respective program, for their final consideration. For recommendations requiring a decision regarding a graduate student, the relevant Program will communicate their recommended decision to the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences).
18. Once the Associate/Assistant Dean of the respective program, or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) in matters involving graduate students, has made their final decision the outcome will be communicated in writing to the student:
 - a) by the Associate/Assistant Dean of the respective program, or the Vice-Dean,

Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) for matters involving graduate students, if the identity of the student is known;

b) by the FHS Professionalism Office if the identity of the student is not disclosed.

19. The Panel and the Associate/Assistant Dean are normally prohibited from knowing the identity of the parties to whom the record relates, except where an individual agrees to waive his/her anonymity, or when deemed necessary by the Panel or the Associate/Assistant Dean in order to administer recommendations.

E. VULNERABLE SECTOR CHECK

20. Bill 113, The Police Records Check Reform Act (PRCRA) passed December 1, 2015 and enacted November 1, 2018 identifies three standard types of Police Record Checks: Criminal Record Check, Criminal Record and Judicial Matters Check, and Vulnerable Sector Check. The Vulnerable Sector Check (VSC) is intended to be used to screen individuals that work or volunteer in positions of trust or authority with vulnerable individuals. 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 will include sexual offence convictions for which the individual has received a pardon, exceptional disclosure information from local police services if eligible and charges within 5 years with a finding of "not criminally responsible on account of mental disorder".
21. The PRCRA allows an "Exceptional Disclosure Assessment". This permits Police Services to disclose certain non-convictions and police contact information on a VSC if there is concrete and compelling concern for the safety of vulnerable persons as it pertains to a particular institution or organization. As such, all VSCs must be issued with McMaster University listed as the requesting agency.
22. In the Province of Ontario, local police services will follow Bill 113, Police Record Checks Reform Act (PRCRA). For individuals initiating a VSC from out of province, or whose local police service does not follow PRCRA guidelines, students are to obtain a police check which most closely reflects the release of information detailed in a PRCRA Vulnerable Sector Check.

F. OBTAINING A VULNERABLE SECTOR CHECK

Canadian Students

23. Students must contact their local police service to obtain a VSC and to be made aware of processing timeframes. 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.

24. Police Services will require students to provide documentation from McMaster University detailing the requirement for a VSC. Students can download a “*McMaster Request for VSS letter*” from the FHS Professionalism website https://fhs.mcmaster.ca/pcbe/police_records_check.html. In the event the Police Services request a personalized letter or specific form, students are to contact the FHS Professionalism Office, fhsprof@mcmaster.ca for assistance.
25. Students under the age of 18 years as of May 1st of their incoming year will not be required to submit a Vulnerable Sector Check by July 31st of their incoming year. Students are to advise the FHS Professionalism Office, fhsprof@mcmaster.ca of their current age and birth date by July 31st of their incoming year. These students are required to submit a VSC within 16 weeks subsequent to their 18th birthday.
26. Students are required to accurately list all prior addresses they have resided in for more than six months consecutively for the past five years prior to their offer of acceptance on their Vulnerable Sector Check application.
27. For incoming students, their Vulnerable Sector Check must be dated after May 1st of their incoming year to be considered current.
28. Vulnerable Sector Checks are required to be updated on an annual basis prior to their current VSC expiring and are a condition of continued registration with the University. VSCs are deemed valid for one calendar year from date of issue from Police Services.
29. It is required that **two original copies** of a Vulnerable Sector Check are obtained - one for submission to the FHS Professionalism Office and one to keep for their own records, as placement sites will ask to see proof of documentation. If unable to obtain two original copies, students must submit to the FHS Professionalism Office their one original copy with a self-addressed stamped envelope (SASE) with which their one original copy will be returned to them through Canada Post.
30. In some cases, electronic copies of a Vulnerable Sector Check may be accepted by the FHS Professionalism Office provided the check has a verifiable digital signature from the originating Police Services. Contact fhsprof@mcmaster.ca to confirm acceptance prior to submission. Students should note that the FHS Professionalism Office cannot guarantee a placement site’s acceptance of an electronic VSC.
31. The cost of the Vulnerable Sector Check shall be at the sole expense of the student. Students are instructed to keep their receipt of payment to verify the initiation date of the VSC request as this may be needed should there be a delay in receiving the VSC from Police Services.
32. The process of obtaining a VSC may take up to sixteen weeks or more depending on the timelines indicated by the respective local Police Service. It is expected students apprise themselves of the processing timeframes posted by their Police Services in order to meet submission deadlines.

International Students

33. This policy, in its entirety, applies to International students with regard to registration and continuing status in the program. For purposes of this policy, Police Certificates will be required in place of a Vulnerable Sector Check and will be processed in the same manner as described for VSCs within this policy.
34. Police Certificates are considered a statement of no criminal record, issued by a foreign country. Police certificates vary widely from each country and territory. The FHS Professionalism Office follow the guidelines established by the Government of Canada, on acceptable providers of Police Certificates for each country and territory, details can be found at: <http://www.cic.gc.ca/english/information/security/police-cert/intro.asp>.
35. International students must provide a Police Certificate from each country or territory that they have resided in for more than six months consecutively for the past five years prior to their offer of acceptance.
36. For incoming students, Police Certificates must be dated after May 1st of their incoming year to be considered current.
37. International students will be required to submit annually and prior to their current one expiring, a Vulnerable Sector Check or a Police Certificate, depending on the procedures of their local police service while in Ontario. Police Certificates and VSCs are deemed valid for one calendar year from date of issue from Police Services.

Visiting Elective Students

38. Visiting Elective Students are students enrolled at another university and concurrently attending McMaster University for an elective through the Undergraduate Medicine program.
39. Students with a home school in Canada are required to accurately list all prior addresses they have resided in for more than six months consecutively for the past five years prior to their elective start date on their Vulnerable Sector Check application.
40. International students are required to provide a Police Certificate from each country or territory that they have resided in for more than six months consecutively for the past five years prior to their elective start date.
41. It is recognized that similar documentation may be a requirement of the student's home university therefore, VSCs must be issued with McMaster University or the student's home school listed as the requesting agency.
42. When applying for a visiting elective, students must upload a pdf of their Vulnerable Sector Check and/or Police Certificate(s) with their application on the Association of

Faculties of Medicine of Canada (AFMC) portal <https://www.afmcstudentportal.ca>. Failure to upload this documentation may result in delayed processing of an elective application or a cancelled elective.

43. Vulnerable Sector Screens and/or Police Certificates must be valid within 12 months of the end date of the elective. If a student's current VSC or Police Certificate will expire before or during the elective, the student may submit their current document with their application but must, at least 8 weeks prior to the elective start date, upload a new VSC or Police Certificate which is valid until the end of the elective.
44. Visiting Elective students must make readily available the original copies of uploaded VSCs and/or Police Certificates as they can be requested for verification by the Michael G. DeGroote School of Medicine, the FHS Professionalism Office or the clinical site when attending an elective. Failure to produce original copies when requested may result in a cancelled elective.

Undue Hardship

45. Students are required to list all prior addresses they have resided in for more than six months consecutively for the past five years prior to their offer of acceptance on their Vulnerable Sector Check application. International students are required to provide a Police Certificate from each country or territory they have resided in for more than six months consecutively for the past five years prior to their offer of acceptance. The Faculty of Health Sciences recognizes that in rare circumstances, some Police Services may require requests for Vulnerable Sector Checks or Police Certificates to be made in person and that this may cause undue hardship for students. Under these circumstances, and at the discretion of the Advisor, Professionalism, a notarized affidavit may be used in place of a Vulnerable Sector Check or Police Certificate. For further information students are to contact the Advisor, Professionalism, fhsprof@mcmaster.ca for direction.

Submission and Timelines

46. All incoming students are required to forward an original copy of their Vulnerable Sector Check to the FHS Professionalism Office by July 31 of the year in which the student has received an offer of admission. Failure to do so may result in the student not being permitted to enter their program.
47. For continued enrollment in their respective program, it is the student's responsibility to ensure a valid and current VSC is registered with the Professionalism Office prior to their current VSC expiring and at all times while attending classes and placements. Failure to do so may result in a student's inability to participate in activities that involve the practice of skills and/or interactions with others e.g., peers, patient volunteers, standardized patients and patients on clinical placement.

48. Vulnerable Sector Checks are considered valid for one calendar year from date of issue by Police Services.
49. Vulnerable Sector Checks must be valid for the entire duration of each placement, therefore a student may need to update their VSC more frequently than annually. It should be noted that some placement sites may require a more recent VSC therefore it is the student's responsibility to be aware of the site's requirements prior to placement.
50. Once a student becomes aware of a "Not Clear" Vulnerable Sector Check, they must immediately and prior to the submission deadline, notify the Advisor, Professionalism, FHSProf@mcmaster.ca.

Late Submission of Police Record Checks

51. In some cases, a Police Record Check is unduly delayed, i.e. beyond the timelines indicated by the issuing body. In these circumstances, if a student can offer proof that they had in fact submitted their application and paid the proper requisite fees on time, they may be granted an extension past the submission deadline. The student must advise the Professionalism Office prior to the submission deadline and submit documentation demonstrating adherence to the issuing body's timeframes. The Advisor, Professionalism may then at their sole discretion grant an extension.
52. If a student is unable to submit a Vulnerable Sector Check by the submission deadline and this delay was due to the student's own conduct, the student must advise the Professionalism Office prior to the submission deadline. In some cases, a notarized affidavit may be permitted as an interim measure in order to allow the student to attend to their clinical responsibilities. The cost associated with obtaining a notarized affidavit is the sole the responsibility of the student.
53. The Professionalism Office will deem a late submission due to student's own conduct as a breach of the Faculty of Health Science Professional Behaviour Code of Conduct for Learners and as such, will notify the relevant Associate/Assistant Dean of the breach for consideration and/or for future reference. It should be acknowledged that a series of minor breaches, including a violation under this policy, may be considered a "single" serious breach and fall under the jurisdiction of the Professionalism Policy and its sanctions.
54. If neither a Vulnerable Sector Check nor notarized affidavit are submitted to the Professionalism Office by specified timeframes, the Professionalism Office will consider this failure to submit the appropriate documentation as a single serious breach of the Faculty of Health Science Professional Behaviour Code of Conduct for Learners. The office will notify the relevant Associate/Assistant Dean of this breach for consideration and/or for future reference. Additionally, the relevant Associate/Assistant Dean to determine, at their discretion, appropriate measures related to the student not meeting the conditions of enrollment. In the case of graduate students, the Assistant Dean will consult with the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences).

55. Should a student at any time become aware that their Vulnerable Sector Check has expired prior to submitting an updated version, they must immediately notify the Advisor, Professionalism FHSPProf@mcmaster.ca.

Return of Vulnerable Sector Checks

56. Vulnerable Sector Checks submitted to the FHS Professionalism Office will only be returned to a student if the student is unable to obtain two original copies from their Police Services and their one original copy is submitted to the FHS Professionalism Office with a self-addressed stamped envelope (SASE) with which their one original copy will be returned to them through Canada Post.
57. Police Record Checks are not stored by the FHS Professionalism Office but rather, all checks are confidentially destroyed annually on or about October 1st.

G. IMPLICATIONS OF A “NOT CLEAR” VULNERABLE SECTOR CHECK

58. “Not Clear” Vulnerable Sector Checks result from convictions, outstanding warrants, charges and judicial orders available from a local police agency’s records management system and other systems/records where authorized and may include sexual offence convictions for which the individual has received a pardon as well as charges within 5 years with a finding of “not criminally responsible on account of mental disorder”. Exceptional disclosure information such as non-convictions and police contact information may be included at the discretion of the Police Services.
59. A late submission or non-submission of a police record check does not equate to a “Not Clear” but rather may be deemed as a breach of the Faculty of Health Science Professional Behaviour Code of Conduct for Learners and addressed by the relevant Associate/Assistant Dean.
60. Should a student receive a “Not Clear” Vulnerable Sector Check whereby charges have been “Withdrawn” for an indictable offence, the student shall, at their sole cost, provide the Panel with a transcript of the legal proceedings of the hearing whereby the charges were withdrawn.
61. Convictions prosecuted by way of indictment under the Criminal Code of Canada for which a pardon has not been granted shall result in suspension or expulsion.
62. Convictions under the following legislation may result in 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.
63. The following information revealed through a Vulnerable Sector Check may result in 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.
64. Information pertaining to the following matters may result in deferral of registration or suspension for up to one year on the condition that the issue raised in the Vulnerable Sector Check is resolved:
- a) outstanding warrants and charges;
 - b) pending charges, and ongoing investigations under federal and provincial statutes; and/or
 - c) Exceptional Disclosure Assessments provided by Police Services

H. "NOT CLEAR" VULNERABLE SECTOR CHECK

65. Once a student becomes aware of a "Not Clear" Vulnerable Sector Check, they must immediately notify the Advisor, Professionalism, FHSProf@mcmaster.ca.
66. The FHS Professionalism Office retains administrative adjudication of this policy, and shall assume the responsibility to notify a student that has a "Not Clear" Vulnerable Sector Check that the matter shall be forwarded to the Police Records Check Advisory Panel for consideration.
67. The FHS Professionalism Office will convene Police Records Check Advisory Panel and ensure procedural guidelines are followed as outlined in *Appendix A: Police Records Check Advisor Panel*.
68. The student shall be invited, in writing, to submit relevant materials to the Panel for consideration of the "Not Clear" Vulnerable Sector Check, including but not limited to a notarized affidavit outlining the facts as well as any addition supporting documentation.
69. The student will be allowed to address the Panel for a maximum of ½ hour and may be accompanied by a personal support person. This support person shall not include legal counsel and shall not be permitted to address the Panel without the Panel's consent.

70. The FHS Professionalism Office shall forward to the Panel the redacted file of each student with a "Not Clear" Vulnerable Sector Check (hereafter referred to as the "File")
The File will include all materials submitted by the student for consideration by the Panel.
If the student agrees to address the Panel the student will forego their anonymity with the Panel and the File will not be redacted.
71. The FHS Professionalism Office will make every reasonable effort to maintain the confidentiality of each student with a "Not Clear" Vulnerable Sector Check and will only share identifying information if required in order to fulfill the recommendations from the Panel and/or the outcomes deemed necessary by the Associate/Assistant Dean.
72. The Panel shall consider the File of each student with a "Not Clear" Vulnerable Sector Check on a case-by-case basis as expeditiously as possible in all circumstances.
73. The Panel shall not have any contact with the student, unless the student has accepted the invitation to address the Panel.
74. The Panel shall communicate its recommendations in writing, through the FHS Professionalism Office, to the respective Associate/Assistant Dean within 5 business day of the Panel Review meeting.
75. Upon receiving the Panel's recommendations, the Associate/Assistant Dean, or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) if the matter pertains to a graduate student, shall make a decision regarding the student's status. At this stage, the anonymity of the student may have to be rescinded by the FHS Professionalism Office based on the Panel's recommendations and/or the decision of the Associate/Assistant Dean or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences).
76. In the case of a recommendation to suspend or expel the student, the Associate/Assistant Dean shall make a recommendation to the Vice-Dean, Health Professional Education, Health Sciences or Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) regarding the status of the student within a reasonable time. If the decision of the Associate/Assistant Dean differs from the recommendation of the Panel, then the Associate/Assistant Dean will provide a written rationale for the decision to the Panel.
77. If anonymity of the student is rescinded, the Associate/Assistant Dean shall communicate his or her decision to the student in writing in a timely manner. If the identity of the student can be maintained the decision shall be communicated in writing to the student by the FHS Professionalism Office.

I. APPEAL

78. The decision to suspend or expel a student may be appealed as per the [Student Appeal Procedures Policy](#).
79. Students must complete enrollment in order to initiate the appeal process.

J. RECORDS

80. The Office of the Advisor, Professionalism shall maintain a confidential record of each student with a "Not Clear" Vulnerable Sector Check. Records will be retained for a minimum of seven years after which their file will be confidentially destroyed.
81. All Panel recommendations shall be filed in accordance with University procedures on freedom of information and protection of privacy.
82. Decisions of the Assistant/Assistant Dean that are communicated to the student as required by this policy shall be kept in the student's academic record.

K. REVIEW AND APPROVAL

83. This policy was approved by the Faculty of Health Sciences Faculty Executive Committee on June 26th, 2019.

APPENDIX A: POLICE RECORDS CHECK ADVISORY PANEL

Membership

1. The Police Records Check Advisory Panel (hereafter referred to as the “Panel”) shall be selected from the membership of the Professionalism Advisory Working Group (PAWG) as appointed by the Vice-Dean, Health Professional Education, Health Sciences.
2. The Panel shall consist of the following:
 - a) 5 members representing at least three clinical program disciplines;
 - b) be permitted to issue recommendations upon achieving a required quorum of 3 members, and
 - c) be supported by the Advisor, Professionalism and administrative support from the Professionalism Office, both of whom are non-voting members.
3. The Faculty Lead, Professionalism, or delegate, shall chair meetings of the Panel.
4. 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.
5. The Advisory Panel may, from time to time, enlist the services of independent experts including but not limited to 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.
6. The Advisor, Professionalism shall ensure that members of the Panel receive necessary training to discharge their responsibilities.

Procedural Guidelines

7. When the FHS Professionalism Office is advised of a “Not Clear” Police Check, the student with the “Not Clear” check will be given a minimum of 10 business days to submit a notarized affidavit, personal statement and any supporting documentation for consideration by the Panel.
8. The FHS Professionalism Office will convene the Panel and invite the student to address the Panel. The student will be allowed to address the Panel for a maximum of ½ hour and may be accompanied by a personal support person. This support person shall not include legal counsel and shall not be permitted to address the Panel without the Panel’s consent.

9. Every attempt will be made to convene a Panel Review meeting within 20 business days of notice of a "Not Clear" police check.
10. The FHS Professionalism Office shall forward to the Panel the redacted file of each student with a "Not Clear" Police Check (hereafter referred to as the "File") The File will include all materials submitted by the student for consideration by the Panel. If the student agrees to address the Panel the student will forego their anonymity with the Panel and the File will not be redacted.
11. The Panel shall consider the File of each student with a "Not Clear" Police Check on a case-by-case basis as expeditiously as possible in all circumstances.
12. Decisions of the Panel shall be made by majority vote.
13. 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, 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 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 student's full and open disclosure of all relevant information; and
 - i) such other factors as deemed reasonable by the Panel.
14. Upon consideration of the File, the Panel can make any of the following recommendations to the relevant Associate/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 student for clinical placement(s), and that this is beyond the university's scope of control, and that
 - ii) the student is apprised of the potential 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.
 - b) allow the student to register subject to the imposition of conditions or

- restrictions deemed appropriate in the circumstances.
- c) 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;
 - d) suspend or expel the student from the program;
 - e) any other reasonable recommendation of the Panel.
15. Recommendations of the Panel shall be recorded by the Administrative Assistant, and dated and signed by the Panel Chair.
16. The recommendations of the Panel are to be communicated in writing, by way of the FHS Professionalism Office, to the Associate/Assistant Dean of the respective program, for their final consideration and to the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) if the matter requires a decision for a graduate student. They will be communicated in writing and within 5 business days of the Panel Review meeting.

Outcomes

17. Upon receiving the Panel's recommendations, the Associate/Assistant Dean shall make a decision, or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) for decisions on graduate students, regarding the student's status. At this stage, the anonymity of the student may have to be rescinded by the FHS Professionalism Office based on the Panel's recommendations and/or the decision of the Associate/Assistant Dean or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences).
18. Once the Associate/Assistant Dean of the respective program, or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences), has made their final decision the outcome will be communicated in writing to the student:
- c) by the Associate/Assistant Dean of the respective program, or the Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences), if the identity of the student is disclosed;
 - d) by the FHS Professionalism Office if the identity of the student is not disclosed.
19. In the case of a recommendation to suspend or expel the student, the Associate/Assistant Dean shall make a recommendation to the Vice-Dean, Health Professional Education, Health Sciences or Vice-Dean, Faculty of Health Sciences and Associate Dean of Graduate Studies (Health Sciences) regarding the status of the student within a reasonable time. If the decision of the Associate/Assistant Dean differs from the recommendation of the Panel, then the Associate/Assistant Dean will provide a written rationale for the decision to the Panel.

Appeals

20. The decision to suspend or expel a student may be appealed as per the [Student Appeal Procedures Policy](#).
21. Students must complete enrollment in order to initiate the appeal process.

Confidentiality

22. The Panel and the Associate/Assistant Dean are normally prohibited from knowing the identity of the parties to whom the record relates, except where an individual agrees to waive his/her anonymity, or when if required in order to fulfill the recommendations from the Panel and/or the outcomes deemed necessary by the Associate/Assistant Dean.
23. The FHS Professionalism Office will make every reasonable effort to maintain the confidentiality of each student with a “Not Clear” Vulnerable Sector Check and will only share identifying information if absolutely necessary.