

## MD Program

### Police Records Check Policy: Queen's Faculty of Health Sciences Policy



*Admissions Component: Policy #AD-08*

*Supersedes: none*

*Lead Writer: unknown*

***Faculty of Health Sciences, Queen's University Police Records Check Policy***

***Approved by Faculty of Health Sciences: January 12, 2007***

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### Background

Through the course of their academic programs, all medical (undergraduate and graduate), nursing, and rehabilitation therapy students (health sciences students) in the Faculty at Queen's University will at some time interact with vulnerable populations. In an effort to protect these vulnerable people, many clinical agencies require that health sciences students provide confirmation of the absence of a criminal conviction or outstanding criminal charges prior to participating in their clinical rotation.

In recognition of the requirements of the clinical agencies and the Faculty's responsibility to ensure that its health sciences students do not place vulnerable populations at additional risk, the Schools of Medicine, Nursing, and Rehabilitation Therapy (the Schools) will henceforth require, as a condition of admission and, once admitted, either on an annual basis thereafter or as required by the Director of the School, that students provide their respective School with a current Police Records Check and a Vulnerable Sector Screening.

The Police Records Check includes a check of the Royal Canadian Mounted Police (RCMP) national Canadian Police Information Centre (CPIC) database for the following:

- All records of Criminal Code (Canada) convictions
- All pardoned sexual offences
- All records of convictions under the Controlled Drugs and Substances
- All records of convictions under the Narcotic Control Act
- All records of convictions under the Food and Drugs Act
- Any undertakings to enter into a Surety to Keep the Peace
- Any Restraining Orders issued under the Criminal Code (Canada) or the Family Law Act
- All outstanding warrants and charges

In addition to the above, Vulnerable Sector Screening may provide the following information:

- All records of Criminal Code convictions for young persons
- Records of "Not guilty: Not Criminally responsible on account of mental disorder"
- Apprehension under the Mental Health Act
- Probation orders in effect

The Police Records Check and the Vulnerable Sector Screening will be referred to hereafter as the Police Check.

In addition to offences disclosed under the Police Records Check and the Vulnerable Sector Screening,

students are required to disclose if they have been charged with (where charges are still outstanding or unresolved) or convicted of an offense under any other Federal statute or international law (other offenses).

Students are required to disclose if they have been charged (where charges are still outstanding and unresolved) or been disciplined by any professional body or association.

The majority of students will receive a “clear” Police Check indicating that no police record was found for that individual in the jurisdiction(s) surveyed. A small number of students may receive a “not clear” Police Check. A “not clear” Police Check means a police record was found for the individual. The reasons for a “not clear” Police Check can vary greatly.

### **Guidelines regarding Police Records Check**

1. The Ontario Human Rights Code permits the discrimination in the provision of educational services on the basis of a criminal record, provided that a pardon has not been granted under the Criminal Records Act. Accordingly, it would not be a violation of the human rights code to deny admission to the Faculty of Health Sciences to any individual who has a criminal record.
2. Nevertheless, universities are required to act fairly and reasonably when making decisions that affect the rights and opportunities of others. As a result, decisions which result in the denial of admission to or removal from an academic program must be made thoughtfully, respecting the need for due process.
3. The Schools will make reasonable efforts to inform potential applicants of the
4. requirement to have a Police Check completed and that a “not clear” Police Check may result in withdrawal of an offer of admission, or suspension or expulsion from the program.
5. An applicant or student who submits false, misleading or incomplete information about a criminal charge or criminal record may be subject to sanction by the School and/or the University.

### **Upon Acceptance of Admission**

1. All students who accept an offer of admission into a Medical, Residency, Nursing or Rehabilitation Therapy program will provide evidence of a Police Check, conducted at their expense. Failure to do so may result in a denial of admission or restrictions on clinical activities.
2. Students are required to obtain their Police Check from organizations that are approved by the Faculty of Health Science. The Schools may, at their discretion, enter into an agreement with a private vendor to perform the Police Checks and issuance of clearance documents for students. This may include, but is not limited to, an agreement with The Ontario Education Services Corporation (OESC).

### **Post Admission requirements**

1. As requested by the School, students will be required to provide an updated Police Check. Additional Police Records Checks may be required at appropriate time intervals thereafter, as deemed necessary by the individual clinical agencies.
2. In the event the Faculty of Health Science becomes aware of an offence or disciplinary action that was not disclosed by the student, either at time of admission or subsequently when the student becomes aware of the charge, conviction or
3. disciplinary process, the Faculty will convene the Special Review Committee, as outlined under Section 7 of this policy.

### **Action Taken When There is a “Not Clear” Police Check**

1. The Faculty shall appoint three faculty members to a Special Review Committee (the Committee), one from each of the Schools. The Committee will be chaired by the faculty member from the School in which the student is being admitted or is registered.
2. The student’s file will be referred to the Committee for review.

**Rules of for the Special Review Committee**

1. An applicant or student whose Police Check reveals information described above under the headings Police Records Check and Vulnerable Sector Screening, or who has disclosed that they have been charged with a criminal offense or disciplinary action, shall be notified that his or her file will be forwarded to the Special Review Committee by the Admissions Committee or the Associate or Assistant Dean of the relevant School.
2. The Special Review Committee, on receipt and review of the file, may decide either to take no action with regard to the admission of an applicant or the current status of a student, or invite the applicant or student to appear before the Committee to discuss the offense or charge and its possible impact on the individual's ability to fulfill his/her professional and ethical responsibilities as a physician, nurse or rehabilitation therapist.
3. The applicant or student may be accompanied in any such meeting by a friend, family member, advisor or legal counsel. However, the Committee expects to hear from and carry on discussions with the individual themselves.
4. The Committee members will hear the individual's submissions and may ask questions of the individual.
5. An individual may decide not to appear before the Committee in person and make submissions in writing.

6. Provided there is no additional relevant information to be considered, the Committee will make a decision within 5 working days of meeting with the individual and report their recommendations to the Director of the School.
7. The Committee may make the following decisions:
  - a) that the offer of admission be withdrawn or deferred;
  - b) that the admission and/or continued enrolment be contingent on meeting specific conditions;
  - c) that specific restrictions or sanctions be imposed to suit the particular circumstances;
  - d) that a recommendation be made to Faculty Board or to the School of Graduate Studies and Research that the student be required to withdraw.
8. Prior to making a decision, the Committee will take into consideration such factors as the following:
  - a) the relevancy of the offence or charge to an applicant's/student's enrolment in a program;
  - b) the recent nature of the conviction;
  - c) the seriousness of the charge or conviction;
  - d) the applicant's/student's full and open disclosure of information during the admission process or subsequently; and
  - e) efforts at rehabilitation
9. The judgment of the Committee is final; however, the applicant/student may appeal the decision of the Committee to the Health Sciences Student Appeal Board or to the Appeal Board of the School of Graduate Studies and Research on the grounds of procedural fairness or that the decision or recommendation was unreasonable. The Appeal Board will hear the appeal on an expedited basis. There is a further appeal available to the University Student Appeal Board on the same grounds.
10. If the Committee has withdrawn or deferred an offer of admission or recommended that the student be required to withdraw, the individual will not be permitted to commence or continue with the program pending the resolution of the appeal. In other circumstances, the student's ability to continue with the program pending an appeal will depend on the nature of the charge/offense.
11. A School may allow a student to continue in the program despite a "not clear" Police Records Check. Clinical agencies must be informed however of the "not clear" check and have the right not to accept the student for clinical placements. Students denied placement by an agency on the grounds of a 'not clear' Police Records Check may not be able to complete their clinical practice placement, potentially jeopardizing their progress in the program. If the clinical practice placement is a mandatory component of the student's program, the student will not be able to complete the requirements of the program.