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<b>Name:</b>	<b>Vulnerable Sector Checks for Children's Camps Policy and Procedure</b>
Policy Number:	6-2015
Origin:	Human Resources
Approved:	September 3, 2014
Issuing Authority:	Executive Management Group
Responsibility:	Senior Director, Human Resources
Revisions:	May 22, 2015, June 11, 2015
Effective Date:	June 11, 2015

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## Introduction

The University exercises due diligence when individuals are placed into a position of trust or authority over children.

This policy sets out the requirements and procedures that apply when an individual will, as a result of their position or potential position, be required by the University to undergo a vulnerable sector check.

## Scope

This policy applies to all students, volunteers, employees and candidates for employment who by the nature of their position will be in contact with children at any of the University's children's camps regardless of the camps location.

## Definitions:

For the purposes of this policy the following definitions apply.

Position: Refers to paid employment (full or part-time) or volunteer/student assignment.

Children: Persons who are less than 18 years of age.

Criminal History Check: A search for criminal records in a data bank maintained by the Canadian Police Information Centre (CPIC) in an Identification Data Bank and a search of locally held convictions at Halifax Regional Police. That search will reveal any records related to that name. Information provided as a result of this search will NOT include:

- Outstanding entries (i.e. charged and wanted person information)
- Convictions under Provincial Statutes
- Pardoned offences
- Cases where the applicant has been found guilty by reason of mental disorder

Vulnerable Sector Check: A Vulnerable Sector Check is a special type of criminal record check required for situations where the applicant will be in a position of trust or authority over children or another vulnerable group. In addition to a criminal record check, it includes searches for police contact, i.e. any negative contact with police that didn't result in criminal conviction such as being arrested and released without being charged, or being suspect in a case, and also for criminal convictions and pardons relating to crimes of a sexual nature. A vulnerable sector check involves a name-based search of the national repository of criminal convictions, a search of locally held convictions at Halifax Regional Police and a query of the pardoned sex-offender database. In some cases applicants may be required to submit their fingerprints if there is a match based on either name or a combination of gender and date of birth to a pardoned sex offender record. Applicants will be advised of the process for electronic submission of fingerprints when this is required. For more information, go to <http://www.halifax.ca/police/CriminalRecordCheck.php>.

## **Policy**

Offers of employment and student/volunteer assignments for identified positions are conditional upon a satisfactory vulnerable sector check.

Candidates applying for positions subject to this policy will be advised of the requirement for a vulnerable sector check should they be the successful candidate. Volunteers who will be affected by this policy will be informed of the requirement for a vulnerable sector check and will have completed a vulnerable sector check before they begin their volunteer activities.

If a student, volunteer or candidate for a position refuses to consent to, or cooperate with, the vulnerable sector they will no longer be eligible for the position.

Vulnerable sector checks for all camp students/volunteers/employees must be current at the commencement of the camp. Where a vulnerable sector check was completed within the previous five years, the vulnerable sector check does not need to be repeated. However, a statutory declaration must be signed annually attesting that there has been no change in status (see Appendix D).

## **Cost**

The cost of the vulnerable sector checks will be the responsibility of the potential employee/volunteer.

The cost of the vulnerable sector checks will be the responsibility of the employee's department for existing employees where involvement with the camp is a requirement of their position. Payments required during the process may be submitted on an [Expense Report](#) for reimbursement.

## **Confidentiality of Information**

All information obtained through the background check process, including criminal history, is highly confidential and access to such information is limited to those individuals who have a direct "need to know." This may include but is not limited to hiring personnel and those processing employment applications.

Halifax Regional Police partners with myBackCheck to provide an online method to obtain record checks including vulnerable sector checks. Their forms and processes have been vetted by major Canadian law firms and found to be PIPEDA compliant.

Information collected with respect to vulnerable sector checks will be maintained by myBackCheck in accordance with the Terms of Service and Privacy Agreement between Saint Mary's and myBackCheck.

## **Procedure**

Obtaining the required vulnerable sector checks for identified employees and volunteers is the responsibility of the appropriate member of the Senior Management Group (SMG) responsible for operating the children's camp.

### One Time Setup:

- Assign departmental responsibility for the camps vulnerable sector checks
- Complete myBackCheck Account Access Setup Form (Appendix A) and email to Human Resources (hr@smu.ca) to facilitate set up by myBackCheck.
- Authorized individuals are provided secure logins to the myBackCheck system.

A co-branded (SMU & myBackCheck) landing page (<http://backcheck.net/stmaryuniversity/>) is set up by myBackCheck to facilitate the process. This information can be modified (updated) at no cost as camps change.

### Department Process:

- The department issues a standard letter stating that a vulnerable sector check is **required as a condition of employment or volunteering or student assignment** in a position. The prospective employee/volunteer is provided a web link which they access to initiate (and pay) for the vulnerable sector check.
  - See Appendix B for sample template for Camp Employees.
  - See Appendix C for sample template for Camp Volunteers.
- The authorized departmental employee (and prospective employee/volunteer) is emailed a notification that the check has been completed.
- The authorized departmental employee logs in to the myBackCheck system to view the results online. **The information is not downloaded or retained by the University.** Results may be accessed again at any time if required.

The prospective employee/volunteer will receive one of three possible results:

- Cleared
- Not Cleared – Accurate. This will include a list of convictions that the candidate voluntarily disclosed.
- Not Cleared – Inaccurate. This means that there were convictions that the candidate did not disclose but the convictions are not listed.

The existence of a conviction does not automatically disqualify an individual from employment/volunteering. The results will be reviewed by the Department Head and relevant Senior Management Group member. Jointly, they will evaluate each conviction, including any additional information that the individual provides, before the offer of employment/volunteering is confirmed or withdrawn. Relevant considerations may include, but are not limited to:

- the relevancy that a conviction has to the duties and responsibilities of the position;
- the recent nature of the conviction;

- the nature and gravity of the offense;
- the applicant's full and open disclosure of information during the process; and
- efforts at rehabilitation"

Any decision to accept or reject an individual with a conviction is solely at the discretion of the University.

Processing Time:

Vulnerable Sector Check processing typically takes 3 -5 business days. In the case that fingerprints are required, the check would take an additional 3 business days from electronic submission of the fingerprints. This will need to be factored into the hiring process.

**Appendix A**



**Vulnerable Sector Checks for Children's Camps  
myBackCheck Account Access Setup Form**

Name of Youth Camp:

\_\_\_\_\_

Department:

\_\_\_\_\_

Camp Start Date:

\_\_\_\_\_

Camp End Date:

\_\_\_\_\_

**Departmental Access to myBackCheck System:**

Name of Authorized Employee:

\_\_\_\_\_

Title:

\_\_\_\_\_

Email:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

**Authorizing Signatures:**

Employee:

\_\_\_\_\_

Date:

\_\_\_\_\_

Department Head:

\_\_\_\_\_

Date:

\_\_\_\_\_

Senior Management Group (SMG):

\_\_\_\_\_

Date:

\_\_\_\_\_

Human Resources Use Only  
Setup myBackCheck System:  
Initial: \_\_\_\_\_  
Date: \_\_\_\_\_

*Email completed form to Human Resources (hr@smu.ca). Retain a copy for your records*

## Appendix B

Template – Temporary Camp Employees  
(please contact Human Resources for additional assistance)

[DATE]

**Personal & Confidential**

[NAME]

[ADDRESS]

Dear Mr/Ms [SURNAME]:

I am pleased to offer you temporary employment in the position of [POSITION NAME], [DEPARTMENT], Saint Mary's University.

The terms of this temporary employment are as follows:

1. Period of employment will be from [DATE] to and including [DATE]. OR Period of employment will commence on [DATE].
2. Compensated an hourly rate of \$[DOLLAR AMOUNT].
3. This position of [POSITION NAME] reports to [NAME], [POSITION TITLE], [DEPARTMENT].
4. Vacation pay will be paid in accordance with the Nova Scotia Labour Standard's Code.
5. Employment in this position is subject to Saint Mary's University Policy 6-2015 – Vulnerable Sector Checks for Children's Camps Policy and Procedure ([http://www.smu.ca/webfiles/6-2015\\_VulnerableSectorChecks.pdf](http://www.smu.ca/webfiles/6-2015_VulnerableSectorChecks.pdf)).
6. In accordance with Policy 6-2015 – Vulnerable Sector Checks for Children's Camps Policy and Procedure, your employment is conditional upon the University's receipt of a satisfactory vulnerable sector check from you. The cost of the vulnerable sector check is your responsibility. To initiate a Vulnerable Sector Check, this process can be completed online at <http://backcheck.net/stmaryuniversity/>.
7. Employment in this position may be terminated by either yourself or the University by providing the other with the notice or pay-in-lieu of notice required by the Nova Scotia Labour Standard's Code, if any.

You agree you will adhere to all Saint Mary's policies, rules, systems and procedures. The University reserves the right to change the provisions of any of these at any time.

On behalf of the University, and in particular [DEPARTMENT], welcome to the Saint Mary's community.

Sincerely,

[HIRING MANAGER NAME]

[HIRING MANAGER TITLE]

I have read, understood and agree with the foregoing. I have had a reasonable opportunity to consider this letter and the matters set out therein. I accept employment with Saint Mary's University on the terms and conditions set out in this letter.

Offer Accepted:

Date:

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[NAME]

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Copy: Department File

## Appendix C

Template – Temporary Camp Volunteers  
(please contact Human Resources for additional assistance)

[DATE]

**Personal & Confidential**

[NAME]

[ADDRESS]

Dear Mr/Ms [SURNAME]:

Thank you for your willingness to volunteer your services to Saint Mary's University and specifically the [DEPARTMENT NAME]. We look forward to you helping us with <specify details of the volunteer work>.

Based on our previous discussions, your activities as a volunteer will be <briefly describe the responsibilities>. The terms of this volunteer relationship are as follows:

1. Period of volunteering will be from [DATE] to and including [DATE]. OR Period of volunteering will commence on [DATE] and continue for as long as we mutually wish to maintain the relationship.
2. Volunteering with Saint Mary's University is subject to Policy 6-2015 – Vulnerable Sector Checks for Children's Camps Policy and Procedure ([http://www.smu.ca/webfiles/6-2015\\_VulnerableSectorChecks.pdf](http://www.smu.ca/webfiles/6-2015_VulnerableSectorChecks.pdf)).
3. In accordance with Policy 6-2015 – Vulnerable Sector Checks for Children's Camps Policy and Procedure, volunteering is conditional upon the University's receipt of a satisfactory vulnerable sector check from you. The cost of the vulnerable sector check is your responsibility. To initiate a Vulnerable Sector Check, this process can be completed online at <http://backcheck.net/stmaryuniversity/>.
4. Your volunteer work with Saint Mary's University position may be terminated by either yourself or the University in writing at any time.

Note that receipt of this letter makes you an official volunteer. Should you have any questions about your volunteer service, please do not hesitate to contact me. Again, thank you for your willingness to donate your time, energy and expertise. We really appreciate it!

Sincerely,

[NAME]

[TITLE]

I have read, understood and agree with the foregoing. I have had a reasonable opportunity to consider this letter and the matters set out therein. I accept this volunteer opportunity with Saint Mary's University on the terms and conditions set out in this letter.

Offer Accepted:

Date:

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[NAME]

Copy: Department File



**Appendix D**

**Annual Statutory Declaration Form  
Criminal Record/Vulnerable Sector Check**

As per 6-2015 Vulnerable Sector Checks for Children’s Camps Policy and Procedures all students, employees and volunteers required under the policy to maintain a Vulnerable Sector Check, must update annually.

I, \_\_\_\_\_,  
(Print name)

declare since the last Criminal Record and Vulnerable Sector Checks collected by Saint Mary’s University, or since the last Statutory Declaration given by me to Saint Mary’s University, that:

\_\_\_\_\_ I have **no convictions for offences** under the Criminal Code of Canada, up to and including the date of this Declaration,

**OR**

\_\_\_\_\_ I have been **convicted of criminal offences** under the Criminal Code of Canada

If there are any convictions, please submit a separate page to provide information regarding the specifics of the conviction(s), date of the conviction(s), court location and sentence.

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\_\_\_\_\_ I have **no unresolved charges** under the Criminal Code of Canada, up to and including the date of this Declaration,

**OR**

\_\_\_\_\_ I have **unresolved charges** under the Criminal Code of Canada

If there are any unresolved charges, please submit a separate page to provide information regarding the specifics of the offence(s), date of the offence(s) and court location.

DATED at (City) \_\_\_\_\_ Date (Day/Month/Year)  
\_\_\_\_\_

\_\_\_\_\_  
Signature

*The personal information on this form is collected, used, and disclosed in accordance with 6-2015 Vulnerable Sector Checks for Children’s Camps Policy and Procedure, and the Nova Scotia’s Freedom of Information and Protection of Privacy (FOIPOP) Act. If you have any questions about the collection, use, and disclosure of personal information, please contact the [University’s Chief Administrator, FOIPOP](#).*

*Department to retain original. Please retain a copy for your records.*