

Criminal Record Check Policy

Background

The School of Optometry and Vision Science (School) has established a policy to deal with the request for and disposition of Criminal Record Checks (Vulnerable Sector) (CRC) of applicants to its Doctor of Optometry program; and to require students to complete an Annual Self-Declaration Form (Self-Declaration). This document sets out the rationale for such a policy and explains how CRCs are considered and dealt with in the School environment.

Rationale

Optometrists and optometric interns provide health care services to patients in a range of settings. Patients expect their optometrist or optometric intern to be of good moral character and meet or exceed high levels of ethical and legal conduct. Accordingly, the School has instituted a policy that all persons must answer a self-declaration on their application to the first year of the Doctor of Optometry program; prior to entering the program must provide a CRC for consideration as a condition of acceptance into the program; and that all students enrolled in the program must provide an annual self-declaration regarding any recent criminal convictions. This is in keeping with best practices established by most provincial regulatory authorities and other external clinics that require a “clean” criminal record to practise optometry.

Applicants who are invited to an admissions interview will be advised that they must provide the School of Optometry and Vision Science with a CRC (dated within the prior six months) by January 31st of the year of admission in order for it to be considered along with other information relevant to the admission process. No offer of admission will be issued to an applicant who has not provided the School with a CRC. The applicant is responsible for any fees associated with the provision of the CRC.

Criminal Record Check Consideration Committee

The Criminal Record Check Consideration Committee (CRCCC) is a standing committee within the School's organizational structure. The purpose of the CRCCC is to administer this policy and consider situations where a CRC or the Self-Declaration shows that an applicant has a criminal conviction. The CRCCC will be composed of four members including:

- either the Associate Director for Clinical Programs or the Clinic Director;
- one Admissions Officer or a member of the Admissions Committee;
- one Undergraduate Officer or a member of the Undergraduate Committee; and
- one member of the University Secretariat

Evaluation of Applicant for Admission who has a Criminal Record

When the CRC shows that an applicant for admission has a criminal record, the CRCCC may, in its sole discretion, consider a number of factors including, but not limited to, the following:

- the nature and seriousness of the offence or event;
- the circumstances surrounding the offense or event;
- whether the offense or event was an isolated or repeated incident;
- the relationship between the duties to be performed as a part of the educational program and the offense committed;
- the age of the person when the offense or event occurred; and
- the length of time that has passed since the offense or event.

The CRCCC may, in its sole discretion, consider additional, available information such as the following:

- past employment and history of academic or disciplinary misconduct;

- evidence of rehabilitation or that restitution has been made;
- the accuracy and completeness of the information provided by the applicant; and
- experiential site or provincial board licensure policies.

The applicant for admission has the right to make written submissions to the CRCCC. Such written submissions will be considered by the CRCCC only if they are made within one month after the applicant's CRC is received by the School. An applicant for admission may consult the Admissions Officer as a resource.

After considering all of the available information, the CRCCC will meet to reach a decision, and communicate that decision to the applicant in writing. The CRCCC may determine that:

- i. the applicant be offered admission into the Doctor of Optometry program; or
- ii. the applicant not be admitted into the program.

Decisions taken by the CRCCC in regard to applicants for admission are entirely within the sole and absolute discretion of the CRCCC and are final.

Incorrect Information

Occasionally, a CRC may contain incorrect information about an applicant. If an applicant finds that his/her record is incomplete, incorrect, contains errors or misidentifies a student for someone else, the student should notify the Criminal Record Check Consideration Committee and immediately arrange for a new CRC to be issued by the appropriate police force or agency.

On-going Duty to Report

Students enrolled in the Doctor of Optometry program have an on-going duty to report (Self-Declaration) to the School any criminal convictions or in some cases of professional misconduct that arise once they are enrolled in the program. Students will meet this on-going duty by completing an Annual Self-Declaration Form (Self-Declaration) provided by the School. The Self-Declaration must be provided by August 31st each year for the subsequent academic year except for 4th year where it will be due by April 1st. When a student discloses a criminal conviction or other offence on his/her Self-Declaration, the CRCCC will consider the information in the same manner, and consider the same factors as when considering positive results on a CRC.

Evaluation of Students Enrolled in the Program who have a Criminal Record

When the Self-Declaration shows that a student enrolled in the program has a criminal record, the CRCCC may, in its sole discretion, consider a number of factors including, but not limited to, the following:

- the nature and seriousness of the offense or event;
- the circumstances surrounding the offense or event;
- whether the offense or event was an isolated or repeated incident;
- the relationship between the duties to be performed as a part of the educational program and the offense that was committed;
- the age of the person when the offense or event occurred; and
- the length of time that has passed since the offense or event.

The CRCCC may, in its sole discretion, consider additional, available information such as the following:

- past employment and history of academic or disciplinary misconduct;

- evidence of rehabilitation;
- the accuracy and completeness of the information provided by the student; and
- experiential site or provincial board licensure policies.

A student enrolled in the program has the right to make written submissions to the CRCCC. Such written submissions will be considered by the CRCCC only if they are made within one month of the self-declaration being made by a student. Registered students may consult the Undergraduate Officer as a resource.

After considering all of the available information, the CRCCC will meet to reach a decision, and communicate its decision to the student in writing. The CRCCC may determine that

- i. the student be allowed to proceed in the Doctor of Optometry program;
- ii. the student not be allowed to proceed in the program; or
- iii. the student be allowed to proceed in the program if specified conditions are met or with restrictions.

Decisions taken by the CRCCC in regard to students enrolled in the program are entirely within the sole and absolute discretion of the CRCCC. Students enrolled in the program have the right to appeal under Policy 72 – Student Appeals.

Confidentiality and Recordkeeping

CRCs, Self-Declaration forms and any other related information including decisions of the CRCCC are confidential and will be kept in the student's academic file. Access to a student's academic file is limited by School policy and is in accordance with the *Freedom of Information and Protection of Privacy Act*.

Disclaimer: The criminal record check (CRC) process does not guarantee the safety of students, patients, faculty or staff. Further, externship sites and/or provincial regulatory bodies may treat information differently or uncover newer information not revealed in previous record searches resulting in limitations or restrictions on a student's eligibility to complete required clinical rotations or to become registered or licensed to practise optometry.