



FAQ's: Application of the *Criminal Records Review Act* to UBC Students

GENERAL QUESTIONS

1. What is the Criminal Record Review Act ("CRRA")?

The purpose of the CRRA is to help prevent the physical and sexual abuse of children and the physical, sexual and financial abuse of vulnerable adults by requiring certain individuals to undergo criminal record checks.

The CRRA requires that individuals who work with children or vulnerable adults directly, or have or potentially have unsupervised access to children or vulnerable adults, undergo a criminal record check under the CRRA ("CRRA Check") which is performed by the Criminal Record Review Program ("CRRP").

At UBC, the CRRA applies to the following:

(1) UBC students, if their education program includes a practicum component involving work with children or vulnerable adults directly, or a practicum component involving or potentially involving unsupervised access to children or vulnerable adults. This FAQ is intended to explain how the CRRA applies to such students.

and

(2) UBC employees, if they are registrants under the *Health Professions Act* or *Social Workers Act*, or if they work in child care facilities operated by UBC. If you are one of these employees, or if you are the manager of one of these employees, please refer to the Human Resources website: <http://www.hr.ubc.ca/administrators/managing-staff/criminal-record-checks/>.

2. What is a CRRA Check?

A CRRA Check will only be carried out by the CRRP where it is required under the CRRA. A CRRA Check should not be requested for individuals who are not required to have one under the CRRA. If a criminal record check is needed for a student who is not required to undergo one by the CRRA, the RCMP is the correct contact for having that criminal record check performed.

Please note that if you are already performing criminal record checks of any other kind, the CRRA Check will not replace those checks: our obligation to perform criminal record checks under the CRRA is a separate obligation imposed under the CRRA, and criminal record checks carried out by the CRRP under the CRRA satisfy that obligation only.

During a CRRA Check, the CRRP will carry out a check for relevant offenses in the case of those working with children, and will carry out a check for both relevant offences and specified offences for those working with vulnerable adults. Relevant Offences include most violent and sexual offenses, as well as some drug offenses. Specified Offences include financial offenses such as theft, fraud, forgery and intimidation.

A full list of Relevant Offences and Specified Offences may be found at:

<http://www.pssg.gov.bc.ca/criminal-records-review/offences-reviewed/index.htm>.

3. What is the definition of "child"?

Under the CRRA, "child" means an individual under 19 years of age.

4. What is the definition of “vulnerable adult”?

Under the CRRA, “vulnerable adult” means an individual 19 years of age or older who receives health services, other than acute care, from a hospital, facility, unit, society, service, holder or registrant referred to in certain other sections of the CRRA. A more complete definition of “vulnerable adult” is attached to this FAQ as Schedule “A”.

INFORMATION FOR FACULTIES

1. Do I need to ensure that students in my program undergo a CRRA Check?

Under the CRRA, only certain students, in certain programs, are required to have a CRRA Check.

As an “education institution” under the CRRA, UBC must ensure that every: (1) registered student (including international students), (2) who will work with children or vulnerable adults directly or have or potentially have unsupervised access to children or vulnerable adults, (3) during the course of an education program that includes: (a) a practicum component involving work with children or work with vulnerable adults, and (b) the successful completion of which is a requirement for: (i) registration as a member of a governing body designated by regulation, (ii) authorization under the Independent School Act to provide the services of a teacher, or (iii) issuance of a diploma, certificate, or degree by the education institution, undergoes a CRRA Check.

To determine whether a student is required to undergo a CRRA Check, you should address the following questions:

Does the student’s program include a practicum component?

If the answer to this question is ‘yes’, then you should go on to ask:

1. Does the practicum involve working with children or vulnerable adults directly, or having or potentially having unsupervised access to children or vulnerable adults?

AND

2. Is the successful completion of the practicum a requirement for graduation from the program?

If the answer to these two questions is ‘yes’, then we consider the practicum a “Relevant Practicum” and the student will be required to undergo a CRRA Check.

Please note that it may be difficult to determine whether a practicum includes “potentially having unsupervised access to children or vulnerable adults” and therefore, unless there is no possibility that the student will have unsupervised access to children or vulnerable adults, you should ensure that students participating in practica that are required for graduation undergo a CRRA Check.

The CRRA does not define the term “requirement”. Therefore, for the purposes of the second question noted above, you should consider any practicum for which the student will receive academic credit towards their diploma, certificate, or degree to be a practicum that requires a CRRA Check.

2. When does the CRRA Check need to be done?

Programs should consider whether to have students undergo CRRA Checks immediately after admission to the program, particularly in cases where participation in a Relevant Practicum will be inevitable as it is a mandatory part of the program for every student. But in any event, in all cases, the CRRA Check must be done before a student is permitted to register in a Relevant Practicum. Registration in any Relevant Practica should be blocked so that students cannot register until they have provided you with the Criminal Record Check Authorization form.

It is important that students be made aware that if they are found to present a risk of physical or sexual

abuse to children, or physical, sexual or financial abuse to vulnerable adults, as a result of the CRRA Check, they will not be permitted to register in the practicum, and that if the practicum is required for their program and no alternative practica are available which do not require the student to work with children or vulnerable adults, the student may not be able to complete their program and may not graduate.

Students should be urged to consider this before applying for admission to, or continuing in, any program that has a practicum requirement. This information should be communicated to potential applicants in the description of the program's requirements in the UBC calendar and anywhere else the program promotes itself. In addition, this information should be included in all of the program's offer letters, acceptance letters and orientation materials. If your program uses an online application process, you should include this information as a "click through" notice. Students currently enrolled in the program must also be notified of this requirement as soon as possible. The notice to students should be worded as follows:

UBC is subject to the requirements of the Criminal Records Review Act, which means that all students who are enrolled in programs that include a practicum component involving work with children or vulnerable adults will have to undergo a criminal record check before they will be permitted to register in the practicum. If you are found to present a risk of physical or sexual abuse to children, or physical, sexual or financial abuse to vulnerable adults, as a result of the CRRA Check, you will not be permitted to register in the practicum. If the practicum is required for your program, this means that you may not be able to complete the program and you may not graduate. Therefore, you should consider this requirement carefully before applying to, or continuing in, this program.

If there are students already enrolled in your program whose ability to graduate depends on their participation in a Relevant Practicum, those students may have particular concerns when they are notified of the CRRA Check requirement. If this situation arises, or if any other issues related to the imposition of this requirement on existing students arise, you should contact the Office of the University Counsel to discuss how to proceed.

Finally, if you become aware that a student has been charged with, or convicted of, a Relevant or Specified Offence subsequent to their last CRRA Check, you must require that the student undergo a further CRRA Check.

3. What if a student has a criminal record that includes a Relevant or Specified Offense?

If, upon completing a CRRA Check, the CRRP finds a student to be a risk (meaning that the student has a criminal record with a Relevant or Specified Offense), you must ensure that the student does not participate in a Relevant Practicum.

If this situation arises in relation to any student, you should contact the Office of the University Counsel to discuss how to proceed.

4. How do I have a CRRA Check done?

To have a CRRA Check done, you must obtain a signed "Consent to a Criminal Record Check" form (available at: <http://www.pssg.gov.bc.ca/criminal-records-review/shareddocs/consent-form.pdf>) from each student who must undergo a CRRA Check. To do so, please complete the following steps:

1. Inform students of the requirements of the CRRA (including the requirement that students must promptly report to you if they are charged with or convicted of a Relevant or Specified Offence subsequent to their last CRRA Check, and provide you with a new consent form for a further CRRA Check).
2. Inform students whether the criminal record check they will be authorizing covers Relevant Offences (for working with children), or Relevant and Specified Offences (for working with vulnerable adults or working with children and vulnerable adults).
3. Ask students to complete Part 1 – Applicant Information and sign the bottom of the form under "Consent for Release of Information and Acknowledgments".

4. Verify each student's identity in person by asking for two pieces of ID. At least one piece of ID must be government issued and must show the student's name, date of birth, signature and photo (a driver's license is preferred). Always have the student fill out their driver's license number on the consent form if a driver's license is provided for ID.
5. Fill out Part 2 – Organization Information, and then submit a copy of the form to the CRRP along with the processing fee. You can either collect the processing fee from the student at the time you obtain the signed Consent to a Criminal Record Check form, or you can recover the cost from the student through your program fees.
6. Retain the original form for five years to meet auditing requirements.

More information regarding payment options and application processes is available at: <http://www.pssg.gov.bc.ca/criminal-records-review/apply/index.htm>.

5. Can UBC delegate its obligation to ensure that CRRA Checks are done?

It may be possible to delegate some of UBC's obligations under the CRRA to a governing body as both governing bodies and UBC are required to ensure that CRRA Checks are carried out. If this is an option that you would like to explore, please contact the Office of the University Counsel for further information.

Schedule "A"

Definition of "Vulnerable Adult"

Under the CRRA, "vulnerable adult" means an individual 19 years of age or older who receives health services, other than acute care, from any of the following:

- (1) A Hospital which is defined as a nonprofit institution that has been designated as a hospital by the minister and is operated primarily for the reception and treatment of persons:
 - a. suffering from the acute phase of illness or disability;
 - b. convalescing from or being rehabilitated after acute illness or injury; or
 - c. requiring extended care at a higher level than that generally provided in a private hospital licensed under Part 2 of the Hospital Act.
- (2) A Provincial Mental Health Facility which is designated by the Mental Health Act;
- (3) A Psychiatric Unit which is defined as a public hospital or part of a public hospital designated by the Mental Health Act as a psychiatric unit;
- (4) A Society which is defined as a society incorporated or registered under the Society Act to establish or operate facilities or services designed for the mental welfare of residents of BC;
- (5) A Mental Health Clinic or a Mental Health Service established by regulations under s.43 of the Mental Health Act – Note that there are no current regulations;
- (6) Any of the following that is operated or funded by a Regional Health Authority (being Fraser Health Authority, Interior Health Authority, Northern Health Authority, Vancouver Coastal Health Authority; and Vancouver Island Health Authority):
 - a. A Hospital (as defined above in (1));
 - b. A Provincial Mental Health Facility (as defined above in (2));
 - c. A Psychiatric Unit (as defined above in (3));
 - d. A Society (as defined above in (4));

- e. A Mental Health Clinic or Mental Health Service;
- f. Any other facility or service related to medical or health care; or
- g. A Private Hospital which is defined as a house in which 2 or more patients, other than the spouse, parent or child of the owner or operator, are living at the same time, and includes a nursing home or convalescent home, but does not include a Hospital (as defined above in (1)).

(7) The following Community Care Facilities:

- a. a school under the School Act or the Independent School Act;
- b. a francophone school as defined in the School Act;
- c. a Hospital or portion of a Hospital as defined above in (1);
- d. a home approved as a foster home under the Child, Family and Community Service Act;
- e. a correctional centre or youth custody centre;
- f. a school primarily providing educational training for children under 6 years of age or older;
- g. a Provincial Mental Health Facility as defined above in (2);
- h. a Psychiatric Unit as defined above in (3);
- i. an Observation Unit, which is defined as a Hospital (as defined above in (1)), or any part of it designated by the minister as an observation unit; and
- j. a home providing daycare for a sibling group only.

Please Note: A Community Care Facility is defined as a premises or part of premises in which a person provides care to 3 or more persons who are not related by blood or marriage to the person.

(8) The holder of a license issued under the Community Care and Assisted Living Act;

(9) A registrant under the Community Care and Assisted Living Act which is defined as the operator of a registered assisted living residence.