

## Policy

<b>Type:</b>	Registration/Professional Conduct		
<b>Name:</b>	Good Conduct (formerly known as Police Background Check Policy)		
<b>Status:</b>	Final	<b>Version #:</b>	2
<b>Date Approved:</b>	June 18, 2012	<b>Date Revised:</b>	June 27, 2017

### Background

As part of its mandate to protect the public interest, the College of Kinesiologists of Ontario (the College) must consider the qualifications of all applicants and members, including character and good conduct, to be assured that all members can be expected to practise safely and ethically without endangering the public.

Applicants are required to disclose any information about previous conduct that may call into question their ability to practise safely and ethically and declare that all the information provided is true and accurate. Applicants are also required to provide a police department criminal record check at the time of application (See Appendix 1). Further, any applicant who is registered in another profession must provide a letter of good standing from that regulator. Upon being registered, members have an ongoing duty to disclose various practice or conduct concerns. These requirements are outlined in sections 3 and 4 of the General Regulation of the *Kinesiology Act, 2007*.

Applicants who have a positive police record check or disclose information about concerns with their past practice or conduct will be referred to the Registration Committee for a conduct review.

If a member discloses a practice or conduct concern, the Registrar may refer the matter to the Inquiries, Complaints and Reports Committee (ICRC).

The purpose of the Good Conduct Policy is to protect the public by maintaining high ethical standards, and consequent public confidence in the Kinesiology profession. The existence of previous conduct concerns is not an automatic bar for applicants to gain entry into the profession, but allows the Registration Committee to make a careful assessment of the information to determine whether an applicant should be registered; registered with terms, conditions and/or limitations; or have their application refused. It is helpful for applicants and members to provide full and accurate details of the conduct and to offer as much relevant information as possible on subsequent events. An applicant who makes a false or misleading statement on their initial application can have their registration revoked by the Registrar.

## Procedure

The Registrar shall refer an Applicant to the Registration Committee, or a Member to the ICRC, if

- a. The applicant or member reports a criminal finding of guilt; and/or
- b. The applicant or member discloses a finding of professional misconduct by another regulator; and/or
- c. The applicant or member discloses information that raises reasonable grounds to believe that the applicant may not practise Kinesiology in a safe and ethical manner; and/or;
- d. The Registrar and/or the Registration Committee become aware that an applicant has provided false or misleading information, or that a member failed to make report as required by the legislation or College By-laws.

The applicant or member will be notified of the referral and given a minimum of 30 days to provide additional information.

In considering the conduct, the Registration or ICR Committee may request additional information from the applicant or member, including but not limited to:

- a detailed account of the conduct;
- relevant documents related to the conduct (e.g., records, court documents, regulatory agency files);
- an explanation from the applicant/member, including efforts at rehabilitation;
- evidence of prior and subsequent behaviour;
- a completed professional portfolio detailing past work history, volunteer work, education and continuing education and professional development;
- reference letter(s) from past and current employers, professional colleagues and other sources;
- statements/reports from relevant persons, such as Parole Officers, Probation Officers, College Registrars, victims, employers;
- letter(s) of good standing from any other regulators;
- current police check;
- details of actions taken to address the conduct; and
- any other relevant documents.

## Considerations upon review

The Registration or ICR Committee will consider a number of factors related to the type and nature of the conduct, including but not limited to:

- is the conduct a criminal offence;
- does the conduct relate to the practice of kinesiology or another regulated health profession;
- was there a termination, suspension or limitation of employment as a result of this conduct; and
- was there a revocation, suspension or limitation of a professional licence or a denial of a licence or certificate of registration as a result of this conduct.

The Registration or ICRC will also consider a number of circumstances surrounding the conduct, including but not limited to:

- the degree of dishonesty or breach of trust;
- the motive for the conduct or behaviour;
- duration;
- isolated or repeated incident;
- prior history and/or warning;
- any concealment or obstruction surrounding the conduct after the fact;
- violence related to conduct;
- intoxication or impairment; and
- issues related to physical or mental capacity

The Committee will also consider a number of factors related to the applicant's or member's behavior subsequent to the conduct, including, but not limited to:

- The applicant's or member's degree of insight into the inappropriate nature of the conduct and how it relates to his/her suitability to practise kinesiology;
- The applicant's or member's willingness to accept accountability;
- Degree of cooperation with the relevant authorities;
- The applicant's or member's compliance with the College's reporting requirements;
- Implementation of changes in behaviour to prevent repetition of the conduct;
- The length of time that has passed since the conduct occurred;
- Participation in any treatment, education or other remedial activities;
- Other evidence of good or bad conduct;
- The age and/or number of years of practice of the applicant or member.

### **Decisions by the committees**

Following consideration of all relevant information, the Registration Committee may:

- Direct the Registrar to register the applicant;
- Direct the Registrar to register the applicant with terms, conditions and limitations;
- Direct the Registrar to register the applicant, after requiring the applicant to sign an undertaking agreeing to terms conditions and limitations;
- Defer the decision pending receipt of additional information; or
- Direct the Registrar to refuse to register the applicant.

The ICR Committee may take any action consistent with its powers under section 26 of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*.

Both committees may also direct the Registrar to disclose the information to another relevant body, such as another regulator, should the seriousness of the applicant's or member's conduct warrant it.

An applicant may appeal any decision of the Registration Committee or the Inquiries, Complaints and Reports Committee to the Health Professions Review and Appeals Board.

## **Appendix 1 - Requirements for a police record check**

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| <b>General</b>             | 1. All applicants for registration with the College of Kinesiologists of Ontario must submit with their application form a Police Criminal Record Check Report using the database of the Canadian Police Information Centre (CPIC) operated by the RCMP. Suspended or revoked Kinesiologists seeking reinstatement may also be required to provide a Police Criminal Record Check Report.   |
| <b>Timing</b>              | 2. The Report must show that the search of the CPIC database was conducted no more than six months before the date of application.  |
| <b>Report Requirements</b> | 3. The College must receive the original copy of the record check in order to verify its authenticity.<br><br>4. The report must include records of discharges which have not been removed from the CPIC system in accordance with the Criminal Records Act and records of outstanding criminal charges of which the police are aware.<br><br>5. Applicants are also required to report any pardons they have received.<br><br>6. The name on the Report must match the name that appears on the applicant's registration application.<br><br>7. The report must indicate that a search was completed on all names the applicant is currently using or has used.<br><br>8. The date of birth that appears on the Report must match that of the applicant.<br><br>9. Online checks by commercial vendors will not be accepted. |
| <b>Costs</b>               | 10. The costs relating to obtaining a Police Criminal Record Check Report will be borne by the applicant.   |