

Board of Assessors

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Criminal Convictions, Criminal Proceedings Disclosure by Applicants and Members	BOA-10
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Criminal Convictions Policy

The purpose of this Policy is to inform applicants and existing registrants of the guidelines and relevant circumstances to be considered by the Board of Assessors in determining whether a conviction affects an applicant or registrants suitability to practice as a medical laboratory technologist for the purpose of registration or renewal with the College.

1. Definitions

- a) “applicant” means a person who applies for initial registration or renewal registration under the *Medical Laboratory Technologist Act* (the “Act”).
- b) An applicant must make a written disclosure of a charge, “conviction” means a charge, conviction (including suspended sentence) or finding of guilt (including a conditional discharge or absolute discharge) for an offence.
- c) “registrant” means a person whose name is entered in a register established under the Act.
- d) “offense” means an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada), or the *Food and Drugs Act* (Canada), or a criminal or penal statute of a jurisdiction outside Canada.

2. Disclosure

- a) An applicant must make a written disclosure of a conviction or declare that he or she has not been convicted of an offence.
- b) A registrant must promptly notify the College, in writing, of a conviction.

3. Where the College becomes aware that an applicant or registrant has a conviction:

- a) The applicant or registrant will be required to provide a current criminal record check (including fingerprinting results) and supply sufficient legal documentation of the conviction including:

1. the type of conviction;
2. the date of conviction;
3. the date of the offence;
4. the age at the time of offence;
5. the specific nature of the offence and a description of the circumstances of the offence;
and
6. the sentence imposed.

The applicant or registrant may also be asked to provide documentary evidence of rehabilitation efforts taken following the conviction and a copy of any pardon granted.

b) To determine whether the conviction is relevant to the applicant or registrant's suitability to practice, the information provided and/or obtained shall be assessed by the College according to the following criteria:

1. The nature and frequency of the offence. For example:
 - i. Did the offence occur when the applicant or registrant was in a position of trust?
 - ii. Does the offence demonstrate dishonest behavior?
 - iii. Does the offence demonstrate behaviours that would be considered professional misconduct, conduct unbecoming, a breach of the Act or the Code of Ethics, or which are otherwise relevant to one's suitability to practice medical laboratory technology?
2. The penalty imposed and whether the penalty has been satisfied
3. Whether the behavior poses a threat to patient safety and/or to an employer's ability to operate safely and efficiently. For example:
 - i. Convictions related to sexual assault, violence or use of a weapon (eg. physical or sexual abuse, sexual assault, armed robbery);
 - ii. Convictions related to honesty and integrity may cast doubt on character and ethical conduct. (eg. fraud, theft, repeated shoplifting);
 - iii. Convictions related to drug or alcohol abuse may indicate a health problem or ethical concern (trafficking, repeated impaired driving convictions); and
 - iv. Multiple convictions may suggest a pattern of conduct.

4. The circumstances of a conviction or particulars of the offence, atonement or other applicable information. For example
 - i. How old was the applicant or registrant when the offence occurred?
 - ii. What was the situation of the applicant or registrant at the time of the offence?
 - iii. Were there any extenuating circumstances?
5. Demonstration of successful efforts made at rehabilitation and other factors which eliminate or reduce the likelihood or recurrence. For example:
 - i. How much time has elapsed between the conviction and the application?
 - ii. What has the applicant or registrant done during that period of time?
6. Accomplishments of the applicant or registrant since the incident(s). For example:
 - i. Has the applicant or registrant shown any tendency to repeat the kind of behavior for which they were convicted?
 - ii. Has the applicant or registrant shown a firm intention to rehabilitate him or herself?
 - iii. Has the applicant or registrant applied for or received a pardon?
7. For practicing registrants, whether there is any connection between the conviction and the practice of medical laboratory science.

The Board of Assessors will consider and review the information described above and make a determination in all of the circumstances of the case as to whether or not they will approve or reject an application for registration or renewal or in the case of an existing member, cancel registration. If the Board of Assessors does not approve an application, approves an application subject to conditions, or cancels a members' registration, an applicant or registrant will have a right to appeal the decision to the Council of the CMLTM.