

2023

# Appraisal Institute of Canada Criminal Record Check Policy

APPRAISAL INSTITUTE OF CANADA

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## **Purpose**

This policy explains the Criminal Record Check (CRC) policy for new, reinstating, and Active Members of AIC.

This policy is in effect as of:

- August 1, 2021, for individuals applying for Candidate Membership
- November 25, 2021, for Reinstatements (past 90 days)

## **Background**

Over the course of the last decade, Canadians have demanded more transparency and accountability from governments, for-profit and not-for-profit organizations. Part of that demand is driven by a need for assurance that proper policies are in place to protect the public. In the AIC's case, adding a criminal record check program adds transparency and assurance to all stakeholders of the profession's integrity.

The AIC Board of Directors having the sole authority for the establishment of policies related to admission to and membership in the AIC, has implemented a Criminal Record Check (a search of the Royal Canadian Mounted Police (RCMP) National Repository of Criminal Records) as a requirement for all applications for membership, annual membership renewals, and applications for reinstatement.

Failure to complete a Criminal Record Check or provide consent to undergo a Criminal Record Check is in violation of conditions of AIC Membership and may be grounds for sanctions.

## **Criminal Record Review Panel**

The Board has created a standing Panel consisting of six individuals including:

- 1 current or past Member of Admissions and Accreditation Committee
- 1 current or past Member of Professional Practice Committee
- 1 Executive Committee Member
- 1 Counsellor, Professional Practice
- 1 non-member expert in administrative panel decision making appointed by the Board
- the Chief Executive Officer or designate (non-voting capacity)

## **Criminal Record Check Requirement**

### **In the Application Process for Candidate Membership**

A Criminal Record Check is a requirement for a non-AIC Member or an AIC Student Member ("Applicant") applying for Candidate membership.

The Criminal Record Check process for an Applicant for Candidate membership in AIC is illustrated in Appendix A.

### **For Active Members at Annual Membership Renewal**

Active Members renewing their annual membership (“Renewing Member”) are required to complete a Criminal Record Check once every four (4) years.

In the intervening years, an Active Member renewing their annual membership will be required to declare any convictions added to their Criminal Record in the 12 months preceding their renewal.

The Criminal Record Check process for an Active Member renewing their annual membership is illustrated in Appendix B.

### **For Inactive Members Applying for Reinstatement to Active Membership Status**

A Criminal Record Check is a requirement for an Inactive Member whose membership in the AIC is Inactive and who is applying to reinstate to Active, Regular membership status with the AIC (“Reinstating Member”) after a period of inactivity of 90 days or more.

### **For Active Retired Members Applying for Reinstatement to Regular Member Status**

A Criminal Record Check is a requirement for an Active, Retired Member reinstating to Regular membership status with the AIC (“Reinstating Member”) after a period of retirement of 90 days or more.

### **Applicant/Renewing Member/Reinstating Member will be Notified of Referral to Panel**

If a criminal conviction is noted on their Criminal Record, the Applicant/Renewing Member/Reinstating Member will be notified that the matter is being referred to the Panel for review and decision.

### **Applicant/Renewing Member/Reinstating Member Can Submit a Statement of Conviction**

The Applicant/Renewing Member/Reinstating Member will be provided with the opportunity to complete and submit a Statement about the Conviction (see Appendix C) to the Panel for their consideration along with any relevant supporting documents.

Where an Applicant/Renewing Member/Reinstating Member chooses not to complete and submit a Statement of Conviction, the Criminal Record Review will proceed to a decision without it.

### **Applicant/Renewing Member/Reinstating Member Information is Redacted**

The contents of the File and any Statement about the Conviction and relevant supporting documents are redacted of all identifying information related to the Applicant/Renewing Member/Reinstating Member before being sent to the Panel.

## **Powers of the Panel**

The Panel can:

1. review the File, Statement about the Conviction, and any supporting documents
2. ask follow-up questions or request additional documents/information
3. decide on the appropriate administration of the application/membership renewal/reinstatement.

## **Decisions the Panel Can Make**

### **Non-Members and Inactive Members**

When the criminal matter involves:

1. a non-AIC member or Student Member applying for admission or
2. an inactive member applying for reinstatement to Active membership,

the Panel can:

1. accept the application, or
2. reject the application

### **Active Members – including Active, Retired Members**

When the criminal matter involves:

1. an Active Member of the AIC renewing membership or
2. an Active Retired Member reinstating to Active Regular status

When the Panel decides that the criminal matter does not impede continued membership/reinstatement to Active membership, they can decide that:

1. the renewal/reinstatement can proceed; OR
2. the renewal/reinstatement can proceed with conditions.

When the Panel decides that the criminal matter may potentially impede continued membership/reinstatement to Active membership and/or tarnish the reputation of the AIC and the profession, the Panel:

1. can submit a recommendation that the matter be referred to the AIC Complaint Resolution Process for review and resolution to the Board.

When the Panel decides that the criminal matter impedes continued membership/reinstatement to Active membership, the Panel:

1. can submit a recommendation for termination of the renewing Active Member's or the reinstating Active, Retired Member's membership in the AIC to the Board.

## Conviction Assessment

Each situation will be assessed by the Criminal Record Review Panel on a case-by-case basis. The two **main factors** the Criminal Record Review Panel will consider are:

1. relevance of the conviction/information to the responsibilities and requirements of the appraisal profession; and,
2. recency, i.e., when the conviction occurred.

Some of the **criteria** the Criminal Record Review Panel may consider:

1. Would the behaviour which resulted in the conviction, if repeated, pose any threat to the appraiser's ability to provide professional services to the public safely and effectively?
2. Would the nature of the conviction be detrimental to the reputation of the AIC or the profession in general?
3. What were the circumstances of the charge and the particulars of the offence involved?
4. How much time has elapsed since the conviction?
5. Has the individual demonstrated a firm commitment towards rehabilitation?
6. Has a pardon or record suspension been secured, or has a conditional discharge been successfully received?
  - a. (NOTE: If a pardon has been granted, a record suspension has been secured, or a conditional discharge has been successfully received and completed, then the conviction should not show up on the criminal background check. However, if a conviction for which a pardon has been granted does show up on the criminal record check or if proof of the pardon is provided separately, the conviction will not go to the Criminal Record Review Panel for consideration.)
7. Having considered all the above, what action is warranted by the nature and circumstances of the conviction?

## Notification of Panel Decision

The Applicant/Renewing Member/Reinstating Member will be provided with notice of the Panel's decision.

## AIC Membership Status and Right of Appeal

An individual who is not identified as an Active Member of the AIC has no right to appeal and is considered to be a non-AIC Member.

A non-AIC Member is:

- An individual who is not registered as an Active Member in the AIC Member Registry, or
- A former AIC Member who is registered in the AIC Member Registry and identified as Inactive.

## Appealing a Panel Decision

A Panel decision can be appealed by an Active Member of the AIC by submitting an application for appeal to the Appeal Sub-Committee to [info@aicanada.ca](mailto:info@aicanada.ca)

1. within 30 days of the decision
2. with payment of (\$500) Appeal Fee

The Appeal will be administered in accordance with Section 5 of the AIC Consolidated Regulations.

## No Action for Clear Criminal Record Check

Where the Applicant/Renewing Member/Reinstating Member's Criminal Record is clear of any convictions, the file is not referred to the Panel and the application/renewal/reinstatement proceeds as per AIC policy.

## AIC Privacy Notice

**Consent:** The AIC will provide a Criminal Record Check service provider with the first name, surname and email address as noted in the AIC member database for the purpose of providing access to their criminal record check online platform. The Office of the Privacy Commissioner has deemed that a transfer of personal information to a service provider for the purposes of processing is a use rather than a disclosure and does not require consent.

Please refer to overarching AIC Privacy Policy found here: <https://www.aicanada.ca/privacy-policy/>

**Limited Type of Information:** AIC will receive personal information as a component of a Member's criminal record check report solely for the purposes of the AIC Criminal Record Check Policy. This information includes: a Member's name(s), date of birth, identifying numbers, signature, contact information and declared criminal record (if any).

**Limited Use, Disclosure, and Retention:** AIC will not use or disclose personal information for any purpose other than those for which it was collected, except with a Member's consent or as permitted or required by law. AIC does not sell, lease, or trade information about its Members to other parties.

**Storage and Retention:** Personal information is retained on servers located in Canada and only as long as is necessary for the fulfillment of the purposes for which it was collected, in this case the AIC Criminal Record Check program, or as required by law.

**Questions or Concerns:** If a member has a question regarding this Policy, or a concern or complaint regarding the privacy practices of AIC, they can contact the Privacy Officer by telephone at (613) 234-6533, by e-mail at [privacyofficer@aicanada.ca](mailto:privacyofficer@aicanada.ca), or by regular mail at:

Appraisal Institute of Canada 403 – 200 Catherine Street Ottawa, Ontario K2P 2K9

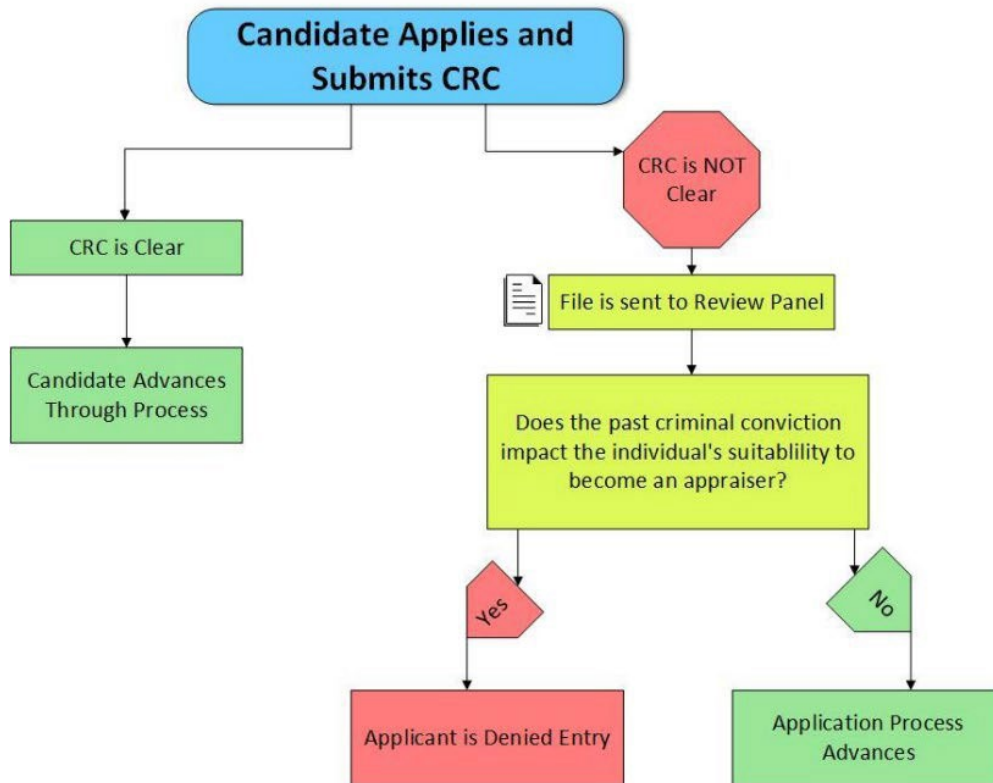
## Information on the Process

Please refer to the Member Guide to the Criminal Records Check Process

<https://www.aicanada.ca/members-home/manage-my-membership/criminal-record-checks/>

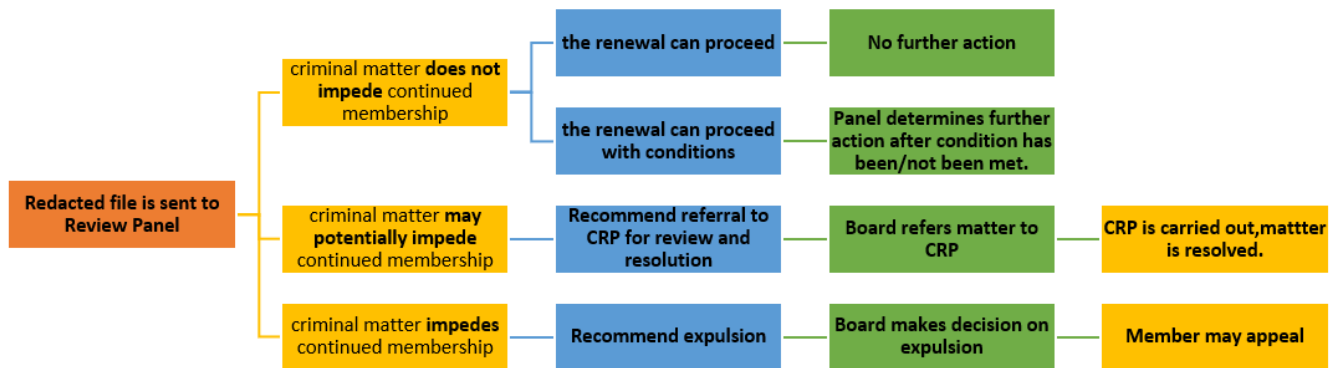


## Appendix A: Individual Applying for Candidate Membership



## Appendix B: Active Member at Annual Renewal

CRC: Active Members with a Criminal Conviction on Their Record at Annual Renewal or Reinstatement



## Appendix C: Preparing a Statement about a Conviction for Which a Pardon HAS NOT been Granted

1. *Prepare your statement carefully.*
  - a. *Remember that names will be redacted from this document. It is helpful for comprehension if, after identifying a person by name once, subsequent references are to that person's role in the events.*
  - b. *e.g.: Bob White, the other driver, was not injured. The other driver walked away from the accident unscathed.*
2. *Include these details at the beginning of the statement:*

Name:

Criminal Conviction Type:

Criminal Conviction Date:

Municipality in which the Criminal Conviction occurred:

3. *Include this information in the statement:*
  - confirmation that there has been NO formal pardon for the offence;
  - a short summary of the circumstances surrounding the conviction for which a formal pardon HAS NOT been granted. Information to include:
    - when the offence took place
    - the circumstances surrounding the offence
    - any extenuating/mitigating circumstances
    - the severity of the offence and its impact on third parties (e.g. injury, death)
  - confirmation that all fines of the sentence have been satisfied and, if not, provide an explanation
  - confirmation that all conditions of the sentence have been satisfied and, if not, provide an explanation
  - any other information you consider relevant
4. *Include any documents that you consider relevant.*
5. *The document should be dated and signed by you.*