

**THE UNITED CHURCH OF CANADA**  
**MEETING OF THE SUB-EXECUTIVE OF THE GENERAL COUNCIL**  
**MINUTES**  
**Monday, April 11, 2011**  
**(Teleconference Call)**

The Sub-Executive of the General Council of The United Church of Canada met from 1:00 p.m. EST until 1:55 p.m. on Monday, April 11, 2011, by teleconference call. Moderator Mardi Tindal presided.

**Attendance**

**Voting Members:** Heather Burton, Shirley Cleave, Brian Cornelius, David Giuliano, Bruce Hutchinson, Paul Stott, Mardi Tindal,

**Regrets:** Amber Ing, Betty Kelly, Louise Rogers, Nora Sanders, Barbara White

**Constitution of the Meeting**

The Moderator opened the meeting with a check in of all participants. The Moderator read a daily reflection from *Rising With the Morning Star, Daily Reflections for Lent*.

The Moderator constituted the meeting with the following words:

"Au nom de Notre Seigneur, Jésus-Christ, seul chef souverain de l'Église, et par l'autorité qui m'a été conférée par le 40<sup>e</sup> Conseil général, je déclare ouvert, par la présente, le sous-exécutif du Conseil général et ses travaux pour chercher à bâtir le Royaume de Dieu."

"In the Name of Jesus Christ, the head of the Church, and by the authority vested in me by the 40th General Council, I hereby declare this meeting of the Sub-Executive of the General Council to be in session for the work that may properly be brought before it to the glory of God."

**Procedural Motions**

**Motion: Bruce Hutchinson/Paul Stott**

**2011-04-11-132**

That Alan Hall, Bruce Gregersen, Joe Ramsay, Erik Matheson and Karen Smart be the corresponding members, and that Susan Sigal be the recording secretary for this meeting of the Sub-Executive.

**Carried**

**Minutes of the Sub-Executive of the General Council**

**Motion: Bruce Hutchinson/Paul Stott**

**2011-04-11-133**

That the Sub-Executive of the General Council approve the minutes of the Sub-Executive of the General Council meeting held on March 21, 2011.

**Carried**

**Police Records Checks**

Joe Ramsay discussed the proposal stating that the new Vulnerable Sector check will take 6-8 months to be checked and this put the General Council office into an onerous position because we have to do this search so frequently. (See Addendum 1). After discussion the proposal was amended for clarity and was moved as follows:

**Motion: David Giuliano/Shirley Cleave****2011-04-11-134**

That the Sub Executive of the General Council immediately establish the policy that a Vulnerable Sector Verification (Level 2) is required for ministry personnel and candidates when:

- a) the applicant is over the age of 25 and a Vulnerable Sector Verification (Level 2) has never been provided,  
OR
- b) the applicant is over the age of 25 and 3 years or more has elapsed since either a Vulnerable Sector Verification (Level 2) or a Criminal Records Check (Level 1) has been provided;

Otherwise a Criminal Records Check (Level 1) satisfies the requirement for Police Record Checks for ministry personnel and candidates.

**Carried**

**Appointment of Member-at-Large to the Executive of General Council**

Bruce Hutchinson mentioned that four people applied for this position and the process was completed over a conference call.

**Motion: Bruce Hutchinson/Heather Burton****2011-04-11-135**

That the Sub-Executive of the General Council appoint Kellie McComb (Diaconal Minister, Hamilton Conference) to the Executive of the General Council to serve as a member at large until the rise of 41<sup>st</sup> General Council (August 2012).

**Carried**

**Sale of the Griffith McConnell Residences property in Montreal PQ**

Erik Matheson mentioned that the Sub-executive of the General Council approved listing the property for sale last year and now there is a firm deal. It closes July 5, 2011. The information is silent by request – confidential. The price is within the range that was asked for. The property is owned nationally. Expenses in excess of \$3 million dollars have accrued.

**Motion: Shirley Cleave/Paul Stott****2011-04-11-136**

The Sub-Executive of the General Council:

1. Approve the sale of the property known municipally as 5760-5790 Park Haven Ave, Montreal, PQ (formerly occupied by the Griffith McConnell Residences) on the terms set out in the letter agreement dated March 31, 2011; and

2. Authorize the General Secretary to delegate the signing authority to effect this transaction to the Executive Secretary of Montreal and Ottawa Conference or other United Church leaders resident in Quebec in order to comply with Quebec law for the signing of documents.

**Carried**

The Moderator mentioned that the General Council Unit Names proposal was lifted from this agenda in order to be dealt with at the full Executive of the General Council meeting May 7 – 9, 2011.

The Moderator adjourned the meeting at 1:55 p.m. Paul Stott read verses from hymn 109 in *Voices United*, Now Quit Your Care.

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Moderator, Mardi Tindal

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General Secretary, Nora Sanders

## Addendum 1

**Title**            **Police Records Checks**

**Origin:**        **Permanent Committee on Ministry and Employment Policies and Services**

**Proposal:**

**That the Sub Executive of the General Council immediately establish the policy that**

A Criminal Records Check (Level 1) satisfies the requirement for a police records check for ministry personnel, *except* when the applicant is over the age of 25 *and*

- a) a Vulnerable Sector Verification (Level 2) has never been provided,  
OR
- b) 3 years or more has elapsed since either a Vulnerable Sector Verification (Level 2) or a Criminal Records Check (Level 1) has been provided;

in such cases a Vulnerable Sector Verification (Level 2) is required.

**Background**

The 39<sup>th</sup> General Council (2006) approved a change in the policy requiring police records checks for ministry personnel. Rather than requiring a basic police records search at prescribed intervals, the General Council strengthened the policy to require a “current vulnerable sector (level 2) police records check.” A Vulnerable Sector Verification through the Canadian Police Information Centre (CPIC) system includes a search of pardoned sexual offences in addition to all offences which have not received a pardon.

The following table summarizes the difference between a basic Criminal Records Check (CRC) and a Vulnerable Sector Verification (VSV).

Vulnerable Sector Verification	Criminal Records Check
<p>Data bases checked <i>must</i> include:</p> <ul style="list-style-type: none"> <li>• pardoned sex offences</li> <li>• active criminal records</li> <li>• local police records</li> <li>• investigative information on CPIC</li> </ul> <p>Data bases checked may include:</p> <ul style="list-style-type: none"> <li>• other data banks that police services can access</li> </ul>	<p>Databases checked <i>may</i> include:</p> <ul style="list-style-type: none"> <li>• active criminal records</li> <li>• local police records</li> <li>• investigative information on CPIC</li> <li>• other data banks that police services can access</li> </ul> <p>Does NOT include pardoned sex offences</p>

The new policy adopted by the 39<sup>th</sup> General Council was very stringent for the following reasons:

- 1) All offences of any kind, including sexual offences that have not received a pardon, normally will be indicated by a basic Criminal Records Check. The Vulnerable Sector Verification adds an extra precaution that identifies if a United Church minister is one of the approximately 15,000 individuals who have a pardoned sexual offence (only .05% of the Canadian population).
- 2) No one under the age of 25 has a pardoned sexual offence. The Ontario Education Services Corporation (OESC), a non-profit agency established in 2002 by all school boards in Ontario to provide Police Record Check services, has confirmed through the freedom of information act that the youngest person with a pardoned sexual offence was born in 1986.
- 3) A pardon requires a minimum of six (6) years after a conviction, making the Vulnerable Sector Verification redundant if a basic Criminal Records Check is provided at least every 6 years. For example, if a 19 year old is charged, the time frame between the conviction and time served will normally be a minimum of 2 years. A further 3 years with no charges must follow, and the process of applying for and being granted a pardon takes at least another year. Therefore, based on this time-line, the 19 year-old would be 25 years old before receiving a pardon. (This is, in fact, why the youngest person with a pardoned sexual offence is now 25. In order to have received the pardon by 25, he would have committed the offence at the age of 19.)

Although the policy adopted by the 39<sup>th</sup> General Council was rigorous, it was applied to all occasions when a police records check was required. The level of stringency was deemed reasonable, since a Vulnerable Sector Verification was neither more costly, nor did it require more time to acquire than a basic Criminal Records Check.

### **The Current Issue**

Since the adoption of the United Church policy in 2006, the RCMP has made changes to its policy regarding Criminal Record Checks and Vulnerable Sector Verifications.

Effective August 4, 2010, The Minister of Public Safety's new *Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police (RCMP)* governs the use and disclosure of criminal record information maintained by the RCMP. This new directive replaces the previous ministerial directive, which was in effect since 1987. The new directive requires a more rigorous process for confirming the identity of the applicant. Rather than a name based search, supported by other proofs of identity, now fingerprinting is required whenever the birth date and gender of an applicant matches someone with a pardoned sexual offence. The vast majority of pardoned sexual offenders are male. In real numbers, this means that 40% of all men (including male ministry personnel) are required to be fingerprinted in order to obtain a Vulnerable Sector Verification.

This CPIC policy change has created very pragmatic obstacles to compliance with the current United Church Policy. First, the cost has significantly increased, often by 300% or more. Secondly, due to the increased volume, the time required to obtain a Vulnerable Sector Verification has increased from 24 hours or less to 6 months or more – well beyond the time

frame available for ministry personnel seeking a call or appointment. The General Council Office receives regular complaints about the burden that these changes have placed on ministry personnel (particularly men), pastoral charges and presbyteries. In many cases, appointments and settlements are being made without a police records check. Otherwise, the start of a pastoral relationship is postponed until the police records check can be obtained.

Other organizations and agencies have responded in various ways to the new policy. Scouts Canada continues to require a Vulnerable Sector Verification search for every new adult volunteer. They have issued bulletins advising of the increased likelihood of fingerprinting being required, and the long turn-around times. The Presbyterian Church in Canada requires police records checks periodically, but the requirement does not include a vulnerable sector search. The Anglican Church of Canada does require a vulnerable sector search, and has not modified the requirements in light of the recent changes.

The Ontario Education Services Corporation mentioned above has taken a more pragmatic approach. They have determined, based on the reasons described in the background above, that it is impossible for an individual to have a pardoned sexual offence if he or she a) is under that age of 25 or b) has provided a Vulnerable Sector Verification within the past 3 years. Therefore, for these individuals, a basic Criminal Records Search provides the assurance that there is no pardoned sexual offence. The Ontario Education and Services Corporation provides a Criminal Records Search through BackCheck (the same third party service provider used by the General Council Office). Adopting a similar course of action would allow the General Council to maintain the original intention of the police records check policy, while reducing both the cost and delays to ensuring due diligence.

**Recommendation:**

The changes in the process for obtaining a Vulnerable Sector Verification through the Canadian Police Information Centre have created an unwarranted burden for Ministry Personnel, Pastoral Charges, and Presbyteries. The Executive or Sub-executive of the General Council have the authority “to do any act or thing of a routine or emergency nature that the General Council has power to do.” In this case, changing the police records check policy is a routine matter responding to changes in the Canadian Police Information Centre policies without changing the intent or end results of the original United Church policy.