North East School Division - Administrative Procedure

AP 515 **Criminal Record Check**	References: The Education Act, 1995 Sec 85, 87, 108, SSBA: Privacy and Access in Sask. Schools Government of Canada - Controlled Drugs and Substances Act Government of Canada - Criminal Code Government of Canada - Criminal Records Act Government of Canada - Food and Drugs Act Government of Canada – Firearms Act Related: APF 515.1 Criminal Record Check form AP 516 Reporting Criminal Charges APF 516.1 Declaration and Reporting Criminal Charges form AP 412.5 Access to Schools; Volunteers Employee Handbook Code of Conduct	**Tracking:** Approved - Sept 2015 Revised – Sept 2023 **Status:** Approved Dec - 2023

Criminal Record Check

The North East School Division protects the public interest and confidence in the delivery of safe education services by requiring that all employees, volunteers, interns and field experience participants who have regular contact with students provide a current criminal record check and vulnerable sector check.

While under employ of the North East School Division, if an employee is charged of an offence at any time, the employee is required to report such charge within two working days as per *AP 516 Reporting Criminal Charges* and *APF 516.1 Declaration and Reporting of Criminal Charges form*. This requirement is to:

- Maintain public confidence in our education system;
- Ensure the safety of our students, employees and stakeholders;
- Ensure that public funds are securely administered.

PROCEDURES

1. Original and current criminal record checks (CRC) and vulnerable sector checks (VSC) are required prior to any placement of:
    - all staff (including casual)
    - interns and field placement students
    - volunteers engaged in any activity that involves, or potentially involves one-on-one unsupervised contact with students.

2. The CRC and VSC, regarding suitability of employment or placement, must be current (within 6 months) that includes:
    a. All criminal convictions under *The Criminal Code of Canada* and other similar legislation. Conviction means the final judgment on a verdict or a finding of guilty or a plea of guilty. Conviction does not include a final judgment which has been reversed, set aside or otherwise rendered invalid.
    b. A search of the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police (RCMP) and local police service to determine if the applicant has been convicted of, and has been granted a pardon for, any of the offences that are listed in the schedule to *The Criminal Records Act*.

c. The police service may refuse to provide a Vulnerable Sector Check for positions where the employee does not have regular contact with students. These situations will be reviewed on a case-by-case basis by Human Resources. School based staff and bus drivers are required to provide a Vulnerable Sector Check.

3. The CRC and VSC will be submitted to Human Resources. In the case of a volunteer, they should be submitted to the school principal.

4. Should the CRC/VSC cite a conviction or possible conviction the following may apply:

   a. The applicant is required to complete *APF 515.1 Criminal Record and Vulnerable Sector Check Information form* and provide proof that fingerprints have been submitted for verification of the record. *If a summary of charges from the RCMP is already attached, the applicant is not required to submit fingerprints.*

   b. If a criminal record exists, the following factors will be considered in determining suitability:
      i. The number, nature, and particulars of the criminal conviction(s).
      ii. The relationship of the conviction to the position for which the person is applying.
      iii. Any extenuating circumstances as provided by the applicant.
      iv. The age of the applicant when the offense occurred.
      v. The time that has elapsed since the offence(s) and the activities of the applicant during that interim period.

   Conviction does not automatically disqualify an applicant from consideration for employment depending on the type conviction in relation to position. Applicants may attach a personal statement of explanation with the CRC/VSC submitted outlining any relevant circumstances. However, a conviction may lead to disqualification from employment or placement.

   c. All information will be assessed by human resources to determine suitability for employment or placement. The results of the assessment will be documented and will adhere to LA FOIP regulation.

   d. Depending on the position if the individual declares that no criminal record exists (Form 515.1), they may be offered the position and allowed to work while awaiting the results of the fingerprint verification. These situations will be reviewed on a case-by-case basis by Human Resources

   e. Once a decision has been made regarding an offer of employment, verification of information received will be documented the fingerprint verification and CRC/VSC will be returned to the employee.

5. Failure to cooperate in providing a CRC/VSC, or submission of an inaccurate, false, misleading or incomplete CRC/VSC, may lead to:
   - Termination of employment
   - Refusal to offer employment or withdrawal of any offer of employment
   - Removal of the opportunity to serve as a volunteer
   - Termination of an internship or field experience program

6. Any appeal of the decision is to be made in writing to the Director of Education within 15 days of the notification.

7. Any employee who receives a pardon, or who is successful in having a criminal conviction record expunged, may submit a new CRC/VSC. In such cases, the previously submitted CRC/VSC is to be returned to the employee upon request.

8. All clear CRC and VSC will be viewed by human resources staff and returned to the employee. Verification of receipt of the check will be documented and recorded in the human resources information system. Clear CRC/VSC for volunteers are reviewed by the principal and verification/date will be documented at the school level.

9. The applicant is responsible for any costs associated with the obtaining a CRC and VSC unless otherwise stated.

10. Person(s) who serve in a voluntary capacity are required to submit a CRC/VSC annually.

11. Should a school have an unanticipated need that requires a volunteer immediately, in-school administration will have the volunteer complete APF 516.1 Declaration and Reporting Criminal Record Form and submit to principal and Human Resources. If approved, the declaration form allows the volunteer to participate until their CRC and VSC is submitted which must be received within two (2) weeks.