



CRIMINAL RECORD CHECKS AND VULNERABLE SECTOR CHECKS

Criminal record checks and vulnerable sector checks are part of a prudent and consistent approach to the North East School Division employment process which helps:

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

The North East School Division protects the public interest in the delivery of education services by requiring that all employees will have provided a satisfactory criminal record check and/or vulnerable sector check (where necessary), and that it will have been submitted prior to initial employment. In certain circumstances, satisfactory criminal record checks may also be required by employees subsequent to the most recent one submitted. Furthermore, employees are required to report charges or convictions as soon as reasonably possible, should they occur during the course of employment with the North East School Division.

PROCEDURES

1. An original, current (within six months) criminal records check, including a vulnerable sector check (for positions working in schools or with students directly or indirectly), is required from:
 - i. Any applicant being recommended for employment with the North East School Division.
 - ii. Any person wishing to act as a regular or ongoing volunteer for school sponsored activities.
2. The criminal records check as it pertains to recommendations for suitability of employment, or voluntarism includes:
 - i. All criminal convictions, under *The Criminal Code of Canada*, *The Narcotics Control Act*, *The Controlled Drug and Substances Act*, and *The Food and Drugs Act*. 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.
 - ii. A search of the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police or local police 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*.
3. Failure to cooperate in providing a criminal records check, or submission of an inaccurate, false, misleading, or incomplete criminal records check, constitutes grounds for termination



of employment, refusal to offer employment, or withdrawal of any offer of employment, or voluntarism.

4. Applicants may attach a statement of explanation to the criminal records check submitted outlining relevant circumstances.
5. In situations where the applicant has submitted the original criminal records search form completed by the local city police or the RCMP which indicates that a request for a criminal records search by fingerprints is necessary and the applicant has provided satisfactory explanation of the need for the finger print verification, an extension of time may be granted.
6. Criminal records checks submitted which include conviction will be assessed by the Director and Superintendent of Human Resources, taking into consideration matters such as:
 - The nature and particulars of the criminal conviction;
 - The age of the individual when the events in question occurred;
 - Any extenuating circumstances as provided by the applicant;
 - The time that has elapsed between the conviction and the employment application, and the activities of the individual during that interim period.
 - The rehabilitative measures undertaken by the individual since the conviction and the commitment the individual has to rehabilitation and to refraining from criminal activities; and
 - The relationship of the conviction to the position for which the person is applying.
7. Any appeal of the decision of the Director and the Superintendent of Human Resources is to be made in writing to the Director within fifteen days of the notification of the termination of employment, the refusal to offer employment, or the withdrawal of any offer of employment.
8. Results of the criminal record check are to be kept confidential. Upon verification of results, the original and/or any duplicate records will be returned to the owner and the information will be recorded in the Human Resources Information System as verified.
9. The applicant is responsible for any costs associated with the obtaining of the criminal records check.
10. Any employee who receives a pardon, or who is successful in having a criminal conviction record expunged, may submit a new criminal records check.
11. The following question and statement are to be included on a self-disclosure form utilized for the recruitment of staff:



Have you ever been convicted of an offence or do you currently have any charges pending under *The Criminal Code of Canada, The Narcotics Control Act, The Controlled Drug and Substances Act, 1996* or *The Food and Drugs Act, 1985*?

____ Yes ____ No.

If yes, please indicate the nature of the offence(s), the date(s), and place(s) of the sentence(s) imposed (if applicable) as well as any pardons received (if applicable).

I will provide the results of a criminal records search by the local city police or RCMP.

Further, I have received and understood the provisions of Administrative Procedure 515 "Reporting Criminal Charges."

Signature: _____

12. When necessary, applicants who have not submitted a criminal records check may be placed for up to seven days on a temporary basis, pending the Board's receipt of the results of their criminal records check. That time may be extended in exceptional circumstances by the Director. Failure to provide the results of a criminal records check within the specified period of time shall result in the termination of employment of the temporary employee.
13. In situations where the applicant has submitted the original criminal records search form completed by the local city police or RCMP which indicates that a request for a criminal records search by fingerprints has been made, and that the applicant has provided satisfactory explanation of the need for the finger print verification, an extension of time may be granted.
14. In situations where the applicant is requesting casual employment, the results of the criminal records search must be submitted before any placement.

Date Last Revised: September 2015

Education in a Culture of Excellence