



## **Criminal Background Checks for Employees and Volunteers**

**Date: 2002 11 26 / 2007 01 30 / 2015 04 28 / 2022 05 31**

### **Administrative Procedures**

#### **1. Responsibilities**

##### New Employees

- 1.1 The senior administrator responsible for Human Resource Services or designate shall ensure offer of employment letters for new hires includes a statement confirming that the offer of employment with the Board is conditional upon the submission of an acceptable Criminal Background Check (CBC). All positions of trust or authority over vulnerable persons require a Vulnerable Sector Check. Human Resource Services will identify if a Vulnerable Sector Check is required.
- 1.2 An employee candidate's original CBC will be collected, reviewed by the appropriate Officer – Human Resource Services, and filed in a secure location commensurate with the confidential nature of the material.
- 1.3 Where a CBC for an employee candidate reports a conviction, the Officer – Human Resource Services shall contact the senior administrator responsible for Human Resources for adjudication prior to the commencement of employment.

##### Current Employees

- 1.4 All employees who have previously submitted a CBC are required to complete an annual Offence Declaration.
- 1.5 The senior administrator responsible for Human Resource Services shall annually notify all employees of the requirement to complete an annual Offence Declaration.
- 1.6 Current employees who may not have previously provided a Vulnerable Sector Check upon hire will be required to do so, at the employee's expense, if they transfer or transition to a position of trust or authority over vulnerable persons. If an employee's Vulnerable Sector Check contains criminal charge(s), the Board's Adjudication Protocol, outlined below, will be applied to determine the appropriate course of action.

##### Volunteers

- 1.7 The Principal shall ensure the volunteer screening process outlined in the Board's



Volunteer Policy, which includes directing the volunteer to submit a CBC, is completed prior to any volunteer commencing their duties. All volunteer positions of trust or authority over vulnerable persons require a Vulnerable Sector Check.

- 1.8 All volunteers who have previously submitted a CBC are required to complete an annual Offence Declaration.

## **2. Expectations**

- 2.1 Employee candidates and volunteers must obtain a CBC through the local or regional police services department in the area in which the individual resides. The cost of the CBC is the sole responsibility of the employee candidate or volunteer.

### New Employees

- 2.2 Employee candidates shall not commence employment until a verification of their CBC has been supplied by the Board.

### Current Employees

- 2.3 An employee who fails to provide an annual Offence Declaration prior to the commencement of the school year will result in the employee being suspended without pay pending submission of the Offence Declaration.
- 2.4 An employee who knowingly makes a false statement on an Offence Declaration will be subject to disciplinary action up to and including discharge from employment.

### Volunteers

- 2.5 Volunteers shall not commence volunteer service until a verification of their CBC has been supplied by the Principal.
- 2.6 A volunteer who fails to provide an annual Offence Declaration prior to the commencement of the school year will result in the volunteer being prohibited from volunteering pending submission of the Offence Declaration.
- 2.7 A volunteer who knowingly makes a false statement on an Offence Declaration will be prohibited from volunteering.

## **3. Emergency Provision**

- 3.1 Normally, an employee candidate shall not commence employment with the Board until a current verification of their CBC has been supplied by the Board. Only in an exceptional circumstance, for positions that do not have direct and regular contact with students, will a person be permitted to commence employment with the Board before the Board has received the CBC. In such a case, the employee candidate will be required to provide an Offence Declaration which may, at the Director of Education's sole discretion, permit the employee candidate to commence employment prior to the submission of the CBC.



Before any such exception is made, a binding agreement shall be entered into between the employee candidate and the Board, ensuring that the CBC be provided without delay and in a timely manner.

This agreement will preserve the Board's right to revoke the offer of employment, should the Offence Declaration provided by the employee candidate prove to be false or misleading in any respect, or if the CBC is determined to be unacceptable.

#### 4. Adjudication Process

- 4.1 Where evidence is received of a criminal conviction or other relevant conviction, the senior administrator in Human Resource Services, in consultation with the Director of Education, will consider at least the following factors in determining an appropriate course of action:
- a) the length of time since offence(s);
  - b) any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
  - c) the employment history;
  - d) the employee's attitude towards offence(s);
  - e) any treatment, counselling or other services received since the offence(s);
  - f) other steps taken to rehabilitate;
  - g) any likelihood offence(s) will be repeated;
  - h) if alcohol or illegal drugs were a factor in commission of offence(s);
  - i) the degree of co-operation with this investigation;
  - j) if the offence(s) committed while employed by the Board;
  - k) if the employee is a teacher, relevance of offence(s) to teacher duties as set out in the *Education Act* and Regulations;
  - l) if employee is not a teacher, relevance of offence(s) to their employment duties; and
  - m) whether the offence(s) require any action pursuant to *The Student Protection Act* (including notification of the Ontario College of Teachers)

The course of action may include disciplinary action up to and including dismissal, and/or withdrawal of offer, and shall be in compliance with other Board policies, collective agreements and legislation.

#### 5. Additional Information

- 5.1 The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

### Definitions

**Criminal Background Check (CBC)** - means a document concerning an individual which:



- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the date the Board collects the document;
- b) provides information concerning the individual's police record including Criminal Code (Canada) convictions, pardoned sexual offences, records of convictions under the Controlled Drugs and Substances Act, Narcotic Control Act and Food and Drugs Act and all outstanding warrants and charges; and
- c) includes a Criminal Record and may include a Vulnerable Sector check

**Offence Declaration** – means, in respect of a Board, a written or electronic declaration signed by an individual listing all of the individual's convictions for offences under the Criminal Records Act (Canada) up to the day of the declaration:

- a) that are not included in a Criminal Background Check collected by the Ontario College of Teachers
- b) that were not included in the last Criminal Background Check collected by the Board
- c) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

**Volunteer** - a non-employee approved by a Supervisory Officer, Principal or Manager who provides services without remuneration to the Board, a school or other Board operated facility or program. The following volunteers will be required to submit a CBC:

- a) Volunteers who assist in the school on a weekly basis;
- b) Supervisors on overnight excursions;
- c) Students on practicum assignments from university and college programs, including co-op programs;
- d) Non-parent, non-guardian volunteers not known to the school community;
- e) Regular drivers of children; and
- f) Others, as deemed necessary by the Principal.

**Employee Candidate** – a person who has been extended a conditional offer of employment by the Board.

**Vulnerable Sector Check** – is a Criminal Background Check designed to ensure individuals in a position of trust or authority over vulnerable populations through employment or volunteer work do not have a criminal history, or any other history which may indicate that they may pose a threat to vulnerable populations. It is a collection of offence information, including convictions, outstanding warrants, charges and judicial orders available from a local police agency's records management system and other systems/records where authorized. This check will include sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness.

## References

Education Act  
Student Protection Act