

# *Christ the Teacher Catholic Schools*

## **ADMINISTRATIVE PROCEDURES**

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	400 – PERSONNEL & EMPLOYEE	<b>CODE:</b>	AP 401
<b>SECTION:</b>	RELATIONS		
<b>PROCEDURE:</b>	<b>CRIMINAL RECORD CHECK</b>		

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### **BACKGROUND**

The Division has a responsibility to ensure the protection and safety of its students and staff. The careful and appropriate selection of staff to work within the schools is the first step in fulfilling this responsibility. The Division believes that all employees, volunteers and community members who are involved in partnership relations with the Division must be exemplary role models for all students and positively represent the Division in the community.

All contracts and job offer assignments shall be contingent upon the receipt of a Criminal Records Check. All record checks will be kept strictly confidential.

### **PROCEDURES**

1. An original, current (within one (1) year) Criminal Records Check, including a vulnerable sector check, is required from:
  - 1.1 Any applicant being recommended for employment with the Division.
  - 1.2 Any person acting as a volunteer for school sponsored activities that have direct or sole responsibility for providing supervision of students. Volunteers that are providing services under the direct supervision of a Christ the Teacher employee do not require a Criminal Records Check.
  - 1.3 The Criminal Records Check shall be paid for by the prospective employee.
  - 1.4 A copy will be maintained in that individual's personnel file and is confidential. The original will be returned to the employee or volunteer.
2. The Criminal Records Check as it pertains to recommendations for suitability of employment, or voluntarism includes:
  - 2.1 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.

- 2.2 A search of the automated criminal records retrieval system maintained by the Royal Canadian Mounted 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 RCMP, which indicates that a request for a criminal records search by fingerprints has been made 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 the Senior Leadership Team, taking into consideration matters such as:
    - 6.1 The nature and particulars of the criminal conviction;
    - 6.2 The age of the individual when the events in question occurred;
    - 6.3 Any extenuating circumstances as provided by the applicant;
    - 6.4 The time that has elapsed between the conviction and the employment application, and the activities of the individual during that interim period;
    - 6.5 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
    - 6.6 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 Senior Leadership Team is to be made in writing to the Director within fifteen (15) days of the notification of the termination of employment or voluntarism, the refusal to offer employment, or the withdrawal of any offer of employment.
  8. Results of the Criminal Records Check are to be kept in the employee's personnel file.
  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. In such cases, the previously submitted Criminal Records Check is to be returned to the employee upon request.

11. The following question and statement are to be included on all application forms utilized for the recruitment of staff:
  - 11.1 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 or the Food and Drugs Act? If yes, please indicate the nature of the offence(s), the date(s), and place(s) of the sentence(s) imposed (if applicable).
  - 11.2 I will provide the results of a Criminal Records Check, (including a vulnerable sector check) followed by signature.
12. When necessary, applicants who have not submitted a Criminal Records Check may be placed in employment for up to seven (7) days on a temporary basis, pending the Division'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 is requesting casual employment or volunteer placement, the results of the criminal records search are to be submitted before any placement.
14. Reporting Criminal Charges
  - 14.1 No later than two (2) working days after having been charged with an offense, any person referenced in this procedural statement is to inform orally, and subsequently in writing, the Director of all charges laid.
  - 14.2 A submission outlining relevant circumstances may be attached by the person to the written information.
  - 14.3 Upon receipt of the information, the Director or designate is to investigate the circumstances.
  - 14.4 Failure to disclose charges, provide a written statement, or submission of inaccurate, false or misleading statements, constitutes grounds for disciplinary action, up to and including termination of employment, in accordance with the provisions of the employee's contract of employment, or refusal of permission to act as a volunteer for school sponsored activities.
  - 14.5 Subject to the provisions of the Education Act and the provisions of the relevant collective agreement or contract of employment, the Division may, in its discretion, transfer, reassign, or terminate the employment of an employee who is not in compliance with the provisions of these procedures.
  - 14.6 Any action taken by the Division with respect to an employee is to be conveyed to the employee in writing, a copy of which is to be placed in the employee's personnel file.
  - 14.7 Any appeal of the decision of the Director is to be made in accordance with the provisions of the employee's collective agreement, or where no collective agreement applies, within fifteen (15) days of notification of the Director's decision.

- 14.8 If, at the conclusion of all proceedings, a Criminal Records Check confirms no conviction(s) resulting from the incident giving rise to the original charge(s), any documentation which has been placed in the employee's personnel file related to the charge(s) for which discipline has not been effected is, at the request of the employee, to be removed and destroyed.
- 14.9 Notwithstanding any of the above procedures, an employee may, at any time, seek legal advice or counsel from his/her employee group or from independent sources at the employee's expense. Should the employee so wish, he or she may be accompanied or represented by a representative of the employee or the appropriate employee group at any and all meetings that the employee attends regarding the process.
15. All employees of the Division and all persons who have been required to provide a Criminal Records Check are required to sign a statement indicating that they have received a copy of these procedures and that they understand their provisions. All new employees, not employed in the previous academic year by the Division, are required to provide a Criminal Records Check.

Reference: Sections 85, 87, 108, 109 Education Act  
Criminal Code of Canada  
Criminal Records Act  
Food and Drugs Act  
Narcotics Control Act

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