



Peterborough Victoria
Northumberland and Clarington
Catholic District School Board

| ADMINISTRATIVE PROCEDURES | |
|--|-----------------------------|
| Administrative Procedure Section HUMAN RESOURCES | Policy Number 503 |
| Administrative Procedure Number AP-HR-503 | Page 1 of 4 |

ADMINISTRATIVE PROCEDURE TITLE

Criminal Record Checks/Police Reference
Checks for Employment Candidates

1.0 ADMINISTRATIVE PROCEDURE

- 1.1 Candidates interviewed for positions with the Board, and who are otherwise considered suitable, shall be required to obtain and submit a criminal record check as a condition of employment. Failure to provide an acceptable criminal record/police reference check will terminate consideration for employment. To comply, a candidate must obtain a criminal record check from a police service and pay any associated processing fees.
- 1.2 Requests are processed through the Canadian Police Information Centre (CPIC) and the records of the identified police service. The completed criminal record check will indicate whether or not the applicant has a police record, *Criminal Code* (Canada) convictions, pardoned sexual offences, or charges pending, and will include basic information regarding any record and the type of convictions/charges.

The overriding concern with respect to consideration of a criminal conviction, relevant charges, or other information from the police or other agency or individual will be the Board's determination of whether, in all of the circumstances, the employee's employment represents a risk to the safety or well-being of any of the Board's students, staff, or property.

- 1.3 Completed and duly authorized criminal record checks are to be submitted by the candidate to the Board's Human Resource Services.

- 1.4 Normally, a candidate shall not commence employment until a current copy of his or her criminal record check has been provided to the Board. Only in an exceptional case will a person be permitted to commence employment with the Board before the Board has received the criminal record check. In such a case, the candidate will be required to provide a criminal offence declaration, but will be bound by the signed Police Reference Check Policy form. This form preserves the Board's power to revoke the offer of employment and dismiss the employee should the criminal offence declaration provided by the employee proves to be false or misleading in any respect.
- 1.5 Human Resource Services will examine the criminal record check to identify any areas of concern. Persons with a police record who are otherwise suitable for employment shall not be automatically disqualified. Any mitigating circumstances shall be assessed before a final decision with respect to suitability is finalized. The following factors shall be considered when appropriate:
- (a) the specific duties and responsibilities of the position in question and the relevance of the police records, criminal charge(s), and/or conviction(s) to that position;
 - (b) the length of time since the police record was established and/or the conviction(s);
 - (c) rehabilitative or other efforts undertaken; and/or
 - (d) the risk posed to students, staff, and/or Board property.
- Final decisions concerning suitability shall be made jointly by the Superintendent of Schools/Human Resource Services in consultation with the Director of Education.
- 1.6 Completed criminal record checks for candidates hired by the Board will be filed in the Board's Human Resource Services.
- 1.7 The Board shall collect an offence declaration from the individual by September 1st of each year in which the individual is employed by the Board after that date in accordance with Regulation 521/01, under the *Education Act*. The offence declaration shall be placed in a confidential file and shall be available to the Director, one designate of the Director, and the individual.

2.0 TERMS AND DEFINITIONS

2.1 CRIMINAL OFFENCE

A criminal offence is an offence under a specified statute enacted by the Government of Canada including, but not limited to: the *Criminal Code* (Canada), *Controlled Drugs and Substances Act*, *Narcotic Control Act*, *Firearms Act* and *Immigration Act*.

2.2 CANDIDATES

For purposes of the Policy, “candidates” shall include, but not be limited to, persons seeking employment with the Board in any of the following capacities:

- permanent employee
- occasional teacher
- temporary employee replacing a non-teaching function
- person placed on a short-list from which permanent employees are selected

2.3 OFFENCE DECLARATION

An offence declaration is a written declaration signed by an individual listing all of the individual’s convictions for criminal offences, including, but not limited to, offences under the *Criminal Code* (Canada), *Controlled Drugs and Substances Act*, *Narcotic Control Act*, *Firearms Act*, and/or *Immigration Act* up to the date of the declaration:

- that are not included in the last criminal record check collected by the Board on or after April 1, 2003;
- for which a pardon under section 4.1 of the *Criminal Records Act* (Canada) has not been issued or granted.

3.0 REFERENCES/RELATED DOCUMENTS

Regulation 521/01 under the *Education Act*
Criminal Code (Canada)
Municipal Freedom of Information and Protection of Privacy Act,
Criminal Records Act (Canada)

4.0 RELATED ADMINISTRATIVE PROCEDURES

5.0 RELATED FORMS

Criminal Offence Declaration (Appendix A)
Police Records Check Policy Form (Appendix B)

6.0 ADMINISTRATIVE PROCEDURE REVIEW DATE

April 2015

7.0 APPROVED BY BOARD

April 27, 2010

8.0 EFFECTIVE DATE

April 27, 2010

9.0 REVIEW BY

Human Resource Services

10.0 LAST REVISION DATE