

## **SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD**

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<i>Section</i>	PERSONNEL	
<i>Management Guideline</i>	CRIMINAL BACKGROUND CHECK	
<i>Applicable Policy</i>	CRIMINAL BACKGROUND CHECK	714
<i>Board Approved: June 16, 2009 March 21, 2005</i>	<i>Reviewed: June 10, 2009 March 21, 2006</i>	<i>Review by: December 2014</i>

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### **DEFINITIONS**

**“criminal background check”** means, in respect of a Board, a document concerning an individual:

- a) that was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six months before the day the Board collects the document; and
- b) that contains information concerning the individual’s Personal Criminal History.

**“identification card”** means a wallet sized card, issued by Ontario Education Services Corporation (OESC) for a 12-month period (one school year) to an individual Service Provider who has been determined to be an Acceptable Subject who may attend school property and come in direct and regular contact with pupils.

**“offence declaration”** means, in respect of a Board, a written declaration signed by an individual listing all of the individual’s convictions for offences, warrants and charges under the Criminal Records Act (Canada) up to the date of the declaration

- a) that was not included in the last Police Record Check, the last Criminal Background Check or the last Offence Declaration collected by OESC under this regulation on behalf of the Board
- b) that are not included in a criminal background check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last criminal background check collected by the Board under this regulation; and
- c) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

**“personal criminal history”** means, in respect of an individual, information on criminal offences of which the individual has been convicted under the Criminal Records Act (Canada) and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to the individual.

**“police record check”** means a document concerning an individual:

- a) that was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) within six months before the day the OESC collects the document on behalf of the Board; and
- b) that contains information concerning the individual’s police record including Criminal Code (Canada) convictions, pardoned sexual offences, records of convictions under

the Controlled Drugs and Substance Act, Narcotic Control Act and Food and Drugs Act and all outstanding warrants and charges.

**“service provider”** means an individual who is not an employee of the Board and who comes into direct contact with pupils on a regular basis at a school site of the Board in the normal course of:

- a) providing goods or services under contract with the Board,
- b) carrying out his or her employment functions as an employee of a person who provides goods or services under contract with the Board, or
- c) providing services to a person who provides goods or services under contract with the Minister.

**“vulnerable sector screening”** means, in respect of a Board, a document concerning an individual:

- a) that was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database and from local police service records, within six (6) months before the day the Board collects the document; and
- b) that contains information concerning the individual's personal criminal history; and
- c) that contains information resulting from a criminal record search of data maintained by the Royal Canadian Mounted Police for sexual offences for which a pardon has been granted or issued.

## **1.0 REQUIREMENTS and RESPONSIBILITIES**

The *“Collection of Personal Information Regulation”* will require the Superior-Greenstone District School Board to do the following:

### Duty of Board Staff

Board staff will

- a) Regularly, update the Service Provider list, communicating this information to OESC and informing new Service Providers about the requirements.
- b) Check Identification Cards (and photo-identification) of Service Providers by school officials on a regular basis.

### 1.1 Current Employees

The Board shall collect an Offence Declaration from all current employees by September 1 of each year in which the individual is employed by the Board.

### 1.2 New Employees

The Board shall collect an acceptable Criminal Background Check (Vulnerable Sector Screening) before the day the individual commences employment with the Board. All offers of employment with the Board shall be conditional upon the applicant supplying an acceptable criminal background check. The Board shall collect an Offence Declaration from the individual by September 1 of each year in which the Board employs the individual after the year employment was commenced.

The Board shall retain an original or a true copy taken from the original criminal background check by the Board designated contact or designate. Completed criminal reference checks and offence declarations will be filed in a separate and secure location in accordance with Regulation 521/01.

#### 1.2.1 Emergency Provision

In exceptional circumstances it may be necessary for an individual to begin employment with a Board before an acceptable criminal background check is collected. In such circumstances, the Board will require the individual to submit an Offence Declaration, pending submission of the acceptable criminal background check. Before any exception is made, a binding agreement shall be entered into between the Board and the employee or any authorized representative of the employee, and the Board, or the services provider, trustee, volunteer or others to ensuring that the verification will be provided without delay. This agreement will shall preserve the Board's right to revoke the offer of employment, and dismiss said persons employee, should the information provided by the employee prove to be false or misleading in any respect, or if the background check is determined to be unacceptable.

#### 1.3 Service Providers

The Superior-Greenstone District School Board has contracted with OESC to provide Police Record Check and Offence Declaration services on behalf of the Board.

The Human Resource Department will provide an updated Service Provider list to the Principals of each school by September 1 of each year.

Principals will notify the Coordinator of Human Resource Services prior to contracting a new Service Provider. The Coordinator of Human Resource Services will decide, or will provide direction for Principals in determining whether or not specific Service Providers contracted directly by the school require a Criminal Background Check and annual Offence Declaration.

The Coordinator of Human Resource Services will notify the Service Provider about the requirements of Regulation 521/01 and advise the Service Provider that they must contact OESC directly.

Principals are responsible for checking OESC Identification cards for all service providers prior to them entering the schools to ensure the individual has been approved to be in direct contact with the students on a regular basis

The following organizations have standards and practices in place for collecting police record checks within their organization.

- Public Health Units
- Children's Mental Health Centres
- Day Nurseries
- Children's Aid Societies
- Community Care Access Centres
- Integrated Services for Northern Children
- Ross MacDonald School for the Blind
- Lakehead Regional Family Centre

- Brass Bell Family Resource Centre
- Dilico Ojibway Child and Family Services
- George Jeffrey Children's Treatment Centre

The Principal will be responsible for ensuring the individual is able to produce either a valid OESC ID Card and a piece of photo ID; or a valid business card and a piece of photo ID; or a valid organization issued photo ID card which clearly identifies them as an employee of that organization.

Principals are responsible for ensuring that students from Faculties of Education and Colleges who are on practicum assignments in schools are able to produce an OESC identification card and a valid photo ID. Principals should ensure that a copy is taken for the file. The original or true copy must be kept on file at the school in a secure location.

#### 1.4 Trustees and Volunteers

##### 1.4.1 Trustees

The Coordinator of Human Resource Services must obtain a Police Records Check from Trustees prior to them having direct contact with the students. The Coordinator of Human Resource Services shall collect an Offence Declaration from the individual by September 1<sup>st</sup> of each year thereafter. The most recent Offence Declaration will be kept on file with the police record check.

The Coordinator of Human Resource Services should advise Trustees to go to their nearest police station to obtain a Police Records Check. Trustees may submit a receipt for reimbursement to the Human Resource Department.

Where evidence is received of a criminal conviction the Human Resource Department must forward the Police Record Check to the Adjudication Committee in a sealed envelope marked "Private and Confidential".

The Adjudication Committee will review the record and advise the Coordinator of Human Resources of the status of the Trustee.

The Trustee will be denied school access until after the Adjudication Committee Review is complete.

The original or true copy must be kept on file in a separate and secure location. The Board shall retain an original or true copy taken from the original Police Record check by the Board designated contact or designate. The most recent Offence Declaration will be kept on file with the Police Record check. Complete Police Record checks and Offence Declarations will be filed in a separate and secure location.

##### 1.4.2 Volunteers

It is the responsibility of the Principal to ensure that a Volunteer provides their police record check prior to them having direct contact with the students. The Principal shall collect an Offence Declaration from the individual by September 1<sup>st</sup> of each year thereafter.

Principals should advise volunteers to go to their nearest police station to obtain a Police Records Check. Volunteers should advise the police that they are working for the School Board strictly in a volunteer capacity. (At

the present time police record checks for volunteers are done free of charge).

Where evidence is received of a criminal conviction the Principal must forward the Police Record Check to the Adjudication Committee in a sealed envelope marked "Private and Confidential".

The Adjudication Committee will review the record and advise the Principal of the status of the volunteer.

The volunteer may not be placed in the classroom until after the Adjudication Committee review is complete.

The most recent Offence Declaration will be kept on file with the police record check. Complete Police Record checks and Offence Declarations will be filed in the school in a separate and secure location.

The original or true copy must be kept on file at the school in a secure location

## **2.0 ADJUDICATION**

Where evidence is received of a criminal conviction of an employee, volunteers, trustees or other individuals, the designated Board contact will consider at least the following factors in determining an appropriate course of action:

- a) length of time since offence(s);
- b) did the offence(s) involve children and/or sexual activity and/or violence and/or acts of dishonesty;
- c) employment history;
- d) employee's attitude toward offence(s);
- e) treatment, counselling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) likelihood offence(s) will be repeated;
- h) was alcohol or illegal drugs a factor in commission of offence(s);
- i) degree of co-operation with this investigation;
- j) was offence(s) committed while employed by the Board;
- k) if 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) does 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 action up to and including dismissal, and/or withdrawal of offer, and shall be in compliance of other Board policies, collective agreements and legislation.

All decisions of the Adjudication Committee will be final.

Where evidence is received of a criminal conviction of an employee, the designated Board contact will consider at least the following factors in determining an appropriate course of action:

In relation to Service Providers, the OESC will use a panel of senior officials from School Boards to screen those with Service Providers who have Police Records. OESC will use published screening criteria and adjudication procedures which will strive to ensure provincial consistency in adjudication.

All decisions of OESC will be final.

### **3.0 CONSEQUENCES OF NON-COMPLIANCE**

Employees who fail to provide a signed Offence Declaration form by the date prescribed will be suspended without pay until the form is submitted.

A Service Provider who fails to comply with the requirements of the Board through OESC regard Offence Declarations will have their contract suspended pending compliance.

Any volunteer, trustee or other individual who fails to comply with the Police Record Check requirements of the Board will be denied school access pending compliance.