

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

Section	PERSONNEL	
Policy Name	CRIMINAL BACKGROUND CHECK <i>Procedural Guideline Applies</i>	714
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Board Approved: November 19, 2019 February 24, 2015 June 16, 2009 May 26, 2003	Reviewed: November 5, 2019 February 2, 2015 June 10, 2009	Review by: December 2024

### ***POLICY***

In accordance with Regulation 521/01 (as amended by Regulation 322/03) of the Safe Schools Act, it is the policy of the Superior-Greenstone District School Board that all employees, as well as service providers, volunteers and others who have direct and regular contact with students as appropriate, undertake a Criminal Background Check with Vulnerable Sector Screening.

### ***RATIONALE***

The Superior-Greenstone District School Board has the responsibility, under The Education Act, to provide a safe and secure learning and working environment for students and employees. The Board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental, and emotional well-being.

### ***PROCEDURES***

#### **1.0 Employees**

- 1.1 All new Board employees are required to submit a Criminal Background Check with Vulnerable Sector Screening to Human Resources before the first day of employment with the Board. All offers of employment with the Board shall be conditional upon the applicant supplying a Criminal Background Check with Vulnerable Sector Screening that is acceptable to the Board.
- 1.2 Newly-hired graduates of the Ontario College of Teachers whose certification issue date is within six (6) months of hire by the Board are required to complete an Offence Declaration upon hire, and annually thereafter.
- 1.3 The Board shall collect an Offence Declaration from all employees prior to the start of each subsequent school year in which they are employed by the Board. Employees who fail to provide a signed Offence Declaration form by the date prescribed will be suspended without pay until the form is submitted.
- 1.4 A former employee who returns to the employment of the Board after one year of broken service is considered a new employee for the purpose of this policy.
- 1.5 All costs related to the Criminal Background Check with Vulnerable Sector Screening are the responsibility of the prospective employee. At its discretion, the Board may consider requests from employees for reimbursement.

#### **2.0 Service Providers and Other Provincial Organizations**

- 2.1 Each service provider whose responsibilities include direct contact with students, especially where a supervising educator may not be directly present, and/or access to students on a regular basis, is required to provide a satisfactory Criminal Background Check with Vulnerable Sector Screening prior to first providing services to students.

- 2.2 An updated Criminal Background Check with Vulnerable Sector Screening is required from each service provider every ~~three~~ years.
- 2.3 A service provider who fails to comply with this policy ~~will~~ shall be barred from providing goods and/or service to the Board.
- 2.4 Provincial organizations that provide services to schools, but who are not Service Providers as defined in the Regulation, are exempt from these requirements, as the organization has standards and practices in place which meet or exceed this policy's requirements.

Examples include:

- Public Health Units
- Dilico Anishinabek Family Care
- Early On
- Children's Aid Societies
- North of Superior Programs
- Victoria Order of Nurses
- Other agencies as determined by the Director of Education or designate

### 3.0 Volunteers

- 3.1 Site Administrators will be responsible for ensuring that Volunteers whose responsibilities include direct contact with students, especially where a supervising educator may not be directly present, and/or access to students on a regular basis, will provide an acceptable ~~satisfactory~~ Criminal Background Check with Vulnerable Sector Screening prior to providing services to students.

### 4.0 Emergency Provision

- 4.1 In ~~exceptional~~ some circumstances it may be necessary for an individual to begin employment with a the Board before an acceptable Criminal Background Check with Vulnerable Sector Screening is collected. In such circumstances, the Board will require the individual submit an Emergency Offence Declaration, pending submission of the acceptable Criminal Background Check with Vulnerable Sector Screening. ~~Before any exception is made, a binding agreement shall be entered into between the employee or any authorized representative of the employee, and the Board, ensuring that the verification will be provided without delay. This agreement will preserve the Board's right to revoke the offer of employment, and dismiss the 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.~~

### 5.0 Privacy

- 5.1 Completed criminal reference checks and offence declarations for employees will be filed in an employee's a separate and secure location electronic personnel file in order to ensure privacy and confidentiality. Completed criminal reference checks and offence declarations for 3<sup>rd</sup> Party providers will be filed in Ebase.

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### 6.0 Adjudication

- 6.1 Where evidence is received of a criminal conviction, the designated Board contacts (Director of Education and Superintendents) will consider the following factors in adjudicating each case to determine an appropriate course of action:
- did the offence(s) involve children and/or sexual activity and/or violence;
  - nature of the offence;
  - degree of cooperation with the investigation;

- was offence(s) committed while employed by the Board; if employee is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;
- if employee is not a teacher, relevance of offence(s) to their employment duties;
- does offence(s) require any action pursuant to the Student Protection Act;
- length of time since offence(s);
- employment history;
- employee's attitude towards offence(s);
- was alcohol or illegal drugs a factor in commission of offence(s);
- treatment, counselling or other services received since offence;
- other steps taken to rehabilitate;
- likelihood offence(s) will be repeated.

6.2 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.

#### **Definitions:**

**Criminal Background Check with Vulnerable Sector Screening** means a document concerning an individual:

- that 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 day the Board collects the document;
- that contains information concerning the individual's Personal Criminal History;
- 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.

**Offence Declaration** means a written declaration signed by an individual listing all of the individual's convictions for offences under the Criminal Records Act (Canada) up to the date of the declaration:

- that are not included in a Criminal Background Check with Vulnerable Sector Screening collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last Criminal Background Check with Vulnerable Sector Screening collected by the Board under this Regulation; and
- 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.

#### **Service Provider**

- provides goods or services under contract with the Board;

- carries out his or her employment functions as an employee of a person who provides goods or services under contract with the Board; or
- provides services to a person who provides goods or services under contract with the Board.