



## PROCEDURE

HR108

### Police Record Checks for Employees

**Board Received:** June 22, 2015

**Review Date:** September 2019

#### **Accountability:**

1. Frequency of Reports – As needed
2. Criteria for Success – Policy is followed.  
– Safety of students and employees

#### **Procedures:**

The Grand Erie District School Board is in a position of trust with regard to its students, employees and resources. The Board has a duty to ensure that the environment is safe and secure. To that end, the Board requires Police Record Checks from new employees and may request a Police Record Check from an existing employee.

To ensure the safety of pupils, Ontario Regulation 521/01, as amended by Regulation 170/02 and Regulation 49/03, under the *Education Act*, was established.

Obtaining Police Record Checks is a precautionary measure designed to ascertain whether employees have a criminal history which could potentially make them unsuitable for certain positions of trust. Such checks assist the Board in attempting to ensure the safety and well-being of the students and staff.

#### **1. Definitions**

- 1.1 Police Record Check means a document concerning an individual which:

was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database and local police records pertaining to offence information including *Criminal Code* (Canada) convictions, summary convictions, outstanding warrants, charges and judicial orders, absolute and conditional discharges, non-conviction dispositions and, depending on the police service, information available from a local police agency's records management system and other systems/records where authorized.

- 1.2 Vulnerable Sector Check contains the above information as well as sexual offence convictions for which the individual has received a record suspension (formerly pardon) where authorized by the Minister of Public Safety and Emergency Preparedness.

- 1.3 An employee is an individual who agrees to work in a contract for services on a full-time, part-time or casual basis for the Grand Erie District School Board for a specified or indeterminate period of time. Salary or wages are paid to this employee and from this payment deductions are taken for Canada Pension Plan, Income Taxes, and Employment Insurance.

## 2. New Employees

- 2.1 The Board requires that all new employees over the age of 25 submit to Human Resources Services, as a condition of employment, the original copy of a Police Record Check. The Police Record Check must include vulnerable sector screening for all new employees who will be in positions of authority and trust relative to students and who will have regular and direct contact with students. Where employees are under age 25 and/or are offered positions that do not meet this criteria, as determined by the Police Service, a Police Record Check without the vulnerable sector screening will be acceptable. The Police Check must be acceptable to the Board.
- 2.2 The Police Check must have been obtained for the purpose of employment with the Grand Erie District School Board.
- 2.3 Should an employee with a Police Record Check that does not include a vulnerable sector screening later assume a position with the Board that is a position of authority and trust and requires regular and direct contact with students, that employee shall obtain a Police Record Check that includes vulnerable sector screening, that is acceptable to the Board, and at their own cost, prior to being awarded the position.
- 2.4 All offers of employment with the Board shall be conditional upon the applicant supplying the required Police Record Check. The Board shall retain the original Police Record Check or a true copy taken from the original by the Board-designated contact. Prospective employees will be given notice that such a check is required.
- 2.5 Individuals who have left the employ of the Board and who return to employee status within one year are exempt from this procedure
- 2.6 A former employee who returns to the employment of the Board after one year of broken service will be considered a new employee for the purposes of this procedure.
- 2.7 Unless approved by the Superintendent of Education (Human Resources), or designate, the employee may not commence employment with the Board until the Police Record Check has been received by Human Resources Services and considered to be acceptable.

## 3. Adjudication

- 3.1 Subject to 3. below, the following offences, regardless of whether a pardon has been granted, are considered to compromise the safety and well-being of students, employees and volunteers:
  - a. any sexual offence under the *Criminal Code*;
  - b. any violations under the *Controlled Drug and Substances Act*;
  - c. any criminal offence involving minors;
  - d. crimes of violence which include, but are not limited to threats, assaults, and use, possession or concealment of a weapon or imitation of a weapon;
  - e. propagation of hate literature or incitement to hatred;
  - f. possession, distribution or sale of any pornographic or violent material;
  - g. other offences specifically related to the job.
- 3.2 Human Resources Services will examine the Police Record Check. Where there is a concern, the information will be assessed by the Superintendent of Education (Human Resources), or designate. A meeting will be held with the prospective employee and the Superintendent of Education (Human Resources), or designate, before a final recommendation for employment is made.

- 3.3 Where evidence is received of a criminal conviction or other relevant conviction, the Superintendent of Education (Human Resources), or designate, will consider at least the following factors in determining an appropriate course of action:
- the length of time since the offence(s);
  - any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
  - the employment history;
  - the employee's attitude towards the offence(s);
  - any treatment, counselling or other services received since the offence(s);
  - other steps taken to rehabilitate;
  - any likelihood the offence(s) will be repeated;
  - if alcohol or illegal drugs were a factor in the commission of the offence(s);
  - the degree of co-operation with the Board's investigation;
  - if the offence(s) is/are committed while employed by the Board;
  - if the employee is a teacher, the relevance of the offence(s) to teacher duties as set out in the *Education Act* and Regulations;
  - if the employee is not a teacher, the relevance of the offence(s) to employment duties; and
  - whether the offence(s) require(s) any action pursuant to *The Student Protection Act* (including notification to 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.

- 3.4 If the Board learns of pending charges or convictions under the *Criminal Code* or a related federal statute for which a pardon has been granted, and if the Board believes that the nature and circumstances of the pending charges or pardoned convictions pose a threat to students, staff or volunteers, the Board may revoke the offer of employment to the candidate without liability.

#### **4. Emergency Provision**

Only in an exceptional case will a person be permitted to commence employment with the Board before the Board has received the verification. In such a case, the candidate will be required to provide a completed Offence Declaration which may, at the Board's sole discretion, permit the candidate to commence employment prior to the submission of the Police Record Check. Before any such exception can be made, a binding agreement shall be entered into between the employee and the Board, ensuring that the Police Record Check will be provided without delay and in a timely manner. This agreement will preserve the Board's power to revoke the offer of employment, and dismiss the employee, should the Offence Declaration provided by the employee prove to be false or misleading in any respect.

#### **5. Cost/Storage**

All costs related to the Police Record Check will be the responsibility of the prospective employee.

Police Record Checks shall be filed in a confidential, safe and secure location in Human Resources Services.

#### **6. Students Attending Faculties of Education and Colleges**

While not employees of the Board, students from Faculties of Education, Universities and Colleges who report for practicum placements in Grand Erie District School Board schools, must have a Police Record Check completed that includes vulnerable sector screening.

Colleges and universities have informed their students of this requirement and students should have obtained a Police Record Check before their placement commences. Principals shall check the student's Police Record Check on the first day of their assignment in their school. It must be the original copy, include the vulnerable sector screening and have an issue date within one year. Principals are to make a photocopy of the original, date stamp it with the date it was viewed, record that the original copy was seen, initial it and file it in a confidential locked cabinet. The original copy of the Police Record Check is to be returned to the student.

#### **7. Community College Employees Instructing Dual Credit Courses**

While not employees of the Board, employees of Community Colleges who co-instruct dual credit courses in Grand Erie District School Board schools must have a Police Record Check completed on an annual basis that includes vulnerable sector screening. The original copy of the Police Check must be submitted to the College prior to the commencement of their assignment. The College contact is responsible for adjudication and storage.