

## Saskatchewan Rivers School Division No. 119 Policy Manual

**Policy Name:** Criminal Record Checks

**Policy Type:** Employees

Number: 3200

Date Approved: February 26, 2007; May 20, 2008

Legal Reference: *Labour Standards Act*; Local Authority Freedom of Information and Protection of Privacy Act

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The Board of Education believes that it has a responsibility to endeavor to ensure that all persons associated with the School Division are allowed to function in a safe school environment.

The Board is committed to the belief that:

in addition to staff, student supervisors, volunteers, interns, work placements and contract employees fulfill positions of trust and therefore constitute an essential component of a safe school environment.

### **Guidelines – Prospective employees, contract employees, volunteers, interns and work placements:**

1. Criminal record checks will be completed for all prospective employees, contract employees, volunteers, interns and work placements who by the nature of their employment, volunteer commitment, or placement shall be responsible for the well-being of one or more children or vulnerable persons or if the position is one of authority or trust relative to those children or vulnerable persons.
2. The objectives of the criminal search are to:
  - a) determine if a person has been convicted of a criminal offense;
  - b) obtain information related to the person's suitability for the opportunity for which they are being considered; and,
  - c) determine if a risk is posed to children or vulnerable persons.
3. The applicant is responsible for any costs associated with obtaining the criminal record check.
4. Criminal record checks must be submitted prior to commencement of employment or volunteer activity. This time may be extended by the Manager of Human Resources or principal in exceptional circumstances. Failure to provide the results of the criminal record check within the specified period shall result in termination of employment or volunteer placement.

5. If a criminal record or charge(s) exists, the Manager of Human Resources and the appropriate Superintendent/Manager (or designate) shall assess whether the conviction(s) or charge(s) is relevant to the job and whether the interests of the employer would be prejudiced as a result of an appointment.

**Guidelines – Existing employees, contract employees, volunteers, interns and work placements:**

1. Employees, contract employees, volunteers, interns and work placements **who have previously provided a criminal record check and vulnerable sector check** shall be responsible for notifying the employer, in writing, no later than two (2) days after having been charged with an offense, conviction or other circumstance which may affect their ability to occupy or continue to occupy a position of trust. 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 or refusal of permission to act as a volunteer for school sponsored activities.
2. Employees, contract employees, volunteers, interns and work placements **who have not previously provided a criminal record check and/or vulnerable sector check** shall be responsible for notifying the employer **of any previous criminal record(s), and shall also notify the employer**, in writing, no later than two (2) days after having been charged with an offense, conviction or other circumstance which may affect their ability to occupy or continue to occupy a position of trust. 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 or refusal of permission to act as a volunteer for school sponsored activities.

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## **ADMINISTRATIVE PROCEDURES**

### **Education Centre Staffing /Placements:**

1. Prior to commencement of employment or placement, candidates shall be informed of the need for a criminal record check and shall be provided with the appropriate documentation (RCMP or PAPS).
2. If the candidate already has a criminal record check, it will be accepted as long as it is an original document and is not more than six (6) months old. If it is a copy or is more than six (6) months old, it shall not be accepted.
3. The candidate is not to commence employment or placement until the criminal record check is received by the Education Centre. If this will cause undue hardship for the employer, the Manager of Human Resources must be contacted immediately to discuss an extension. If an extension is granted and the criminal record check is not received within the specified extended time period, the result shall be termination of the employment or placement.
4. The original criminal record check must be seen by Human Resources. It shall then be copied and the person receiving it shall write or stamp "Certified True Original" on the copy and sign and date it. The original document is to be returned to the candidate and the copy shall be placed in the candidate's personnel file. If there is indication that there may be or is a criminal record and/or a sexual offense for which a pardon has been granted, this is to be forwarded immediately to the Manager of Human Resources who, along with the appropriate Superintendent/Manager, shall determine an appropriate course of action.
5. If an employee or placement notifies the employer, as per #5 in Guidelines, or if information is received in regards to #5 in Guidelines, this must be reported to the Manager of Human Resources immediately. Upon receipt of information, the Manager of Human Resources will investigate the circumstances and take the appropriate action in accordance with the relevant Collective Agreement, Acts and/or Regulations.

### **School Staffing/Volunteers:**

1. Prior to the commencement of the employment or volunteer activity, candidates shall be informed of the need for a criminal record check and shall be provided with the appropriate documentation (RCMP or PAPS).
2. Where volunteers are concerned, the request for the criminal record check shall be at the principal's discretion unless a volunteer is working one-on-one alone with a student or vulnerable person or alone with a group of students for an extended period of time, such as an overnight trip, in which case the criminal record check shall be required.
3. If the candidate already has a criminal record check, it will be accepted as long as it is an original document and is not more than six (6) months old. If it is a copy or is more than six (6) months old, it shall not be accepted.
4. The candidate is not to commence employment or volunteer placement until the requested criminal record check is received by the principal. If this will cause undue hardship for the school the principal may, in exceptional circumstances, grant an extension. If an extension is granted and the criminal record check is not received within the specified extended time period, the result shall be termination of the employment or placement.
5. The original criminal record check must be seen by the principal or designate. It shall then be copied and the person receiving it shall write or stamp "Certified True Original" on the copy and sign and date it. The original document is to be returned to the candidate. The copy is to be kept on file at the school. If there is indication that there may be or is a criminal record and/or a sexual offense for which a pardon has been granted, this is to be forwarded immediately to the Manager of Human Resources who, along with the appropriate principal, will determine an appropriate course of action.
6. If an employee or placement notifies the school, as per #5 in Guidelines, or if information is received in regards to #5 in Guidelines, this must be reported to the Manager of Human Resources immediately. Upon receipt of information the Manager of Human Resources will investigate the circumstances and in consultation with the appropriate principal take the appropriate action in accordance with the relevant contracts or agreements.