

Administrative Procedure 410

CRIMINAL RECORD CHECKS

Background

The Division is committed to providing a safe school environment for students and staff.

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

Criminal record checks will be completed for all prospective employees, contract employees, volunteers, interns and practicum students who by the nature of their employment, volunteer activity, internship, or practicum 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.

Procedures

1. Guidelines – Prospective employees, contract employees, volunteers, interns and practicum students:
 - 1.1 The objectives of the criminal record checks are to:
 - 1.1.1 Determine if a candidate has been convicted of a criminal offense;
 - 1.1.2 Obtain information related to the candidate's suitability for the opportunity for which they are being considered; and,
 - 1.1.3 Determine if a risk is posed to children or vulnerable persons.
 - 1.2 The applicant candidate is responsible for any costs associated with obtaining the criminal record check including the vulnerable sector check.
 - 1.3 Criminal record checks, including the vulnerable sector check, must be submitted prior to commencement of employment, volunteer activity, internship, or practicum.
 - 1.4 If a criminal record or charge(s) exists, superintendents responsible for human resources 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.
2. Staff, Internship, Practicum:
 - 2.1 Prior to commencement of employment, staff, internship or practicum candidates shall be informed of the need for a criminal record check, including a vulnerable sector check and shall be provided with the appropriate documentation (RCMP or PAPS).
 - 2.2 If the candidate already has a criminal record check, including the vulnerable sector check, it will be accepted as long as it is not more than one (1) year old. If it is more than one (1) year old, it shall not be accepted.
 - 2.3 The candidate is not to commence employment, internship, or practicum until the criminal record check or Affidavit Respecting Criminal Record (Appendix A) is received by personnel responsible for human resources. If the original document is presented, it is to be returned to the candidate and the copy shall be placed in the candidate's personnel file.
 - 2.4 If there is indication that there may be or is a criminal record the candidate is not to commence employment, internship or practicum. The candidate must proceed with the fingerprinting process. Upon receipt of the official document from the RCMP identifying the criminal record(s), superintendents responsible for human resources shall determine an appropriate course of action.

- 2.5 If there is indication that there may be a sexual offense for which a pardon has been granted, the candidate must proceed with the fingerprinting process. If the candidate chooses to provide an Affidavit (form attached) it will be reviewed by superintendents responsible for human resources to determine the appropriate course of action. If the decision is to allow the candidate to commence employment, internship, or practicum, the candidate is still required to provide the results of the fingerprinting process immediately upon receipt of the results. Upon receipt of the results of the fingerprinting, superintendents responsible for human resources shall determine the appropriate course of action.
- 2.6 If an employee, intern, or practicum student notifies the employer, or if information is received, as per Administrative Procedure 402, this must be reported to the superintendents responsible for human resources immediately. Upon receipt of information, the superintendents responsible for human resources will investigate the circumstances and take the appropriate action in accordance with the relevant Collective Agreement, Acts and/or Regulations.
3. Volunteers:
- 3.1 Prior to the commencement of volunteer activity, candidates shall be informed of the need for a criminal record check including a vulnerable sector check and shall be provided with the appropriate documentation (RCMP or PAPS).
- 3.2 Where volunteers are concerned, the request for the criminal record check and vulnerable sector check shall be at the principal's discretion unless a volunteer is working 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 and vulnerable sector check shall be required.
- 3.3 If the candidate already has a criminal record check, including the vulnerable sector check, it will be accepted as long as it is not more than one (1) year old. If it is more than one (1) year old, it shall not be accepted.
- 3.4 If the original document is presented, it is to be returned to the candidate. The copy is to be kept on file at the school. The candidate is not to commence volunteer activity until the requested criminal record check and vulnerable sector check is received by the principal.
- 3.5 If there is indication that there may be or is a criminal record,
- The candidate is not to commence volunteer activity. The candidate must proceed with the fingerprinting process;
 - The principal informs the superintendents responsible for human resources;
 - Upon receipt of the official document from the RCMP identifying the criminal record(s), superintendents responsible for human resources, along with the principal shall determine the appropriate course of action.
- 3.6 If there is indication that there may be a sexual offense for which a pardon has been granted, the candidate must proceed with the fingerprinting process. If the candidate chooses to provide an Affidavit (form attached in Appendix A) it will be reviewed by the superintendents responsible for human resources along with the principal to determine the appropriate course of action. If the decision is to allow the candidate to commence volunteer placement, the candidate is still required to provide the results of the fingerprinting process immediately upon receipt of the results. Upon receipt of the results of the fingerprinting, the Superintendents responsible for human resources along with the Principal shall determine the appropriate course of action.

- 3.7 If a volunteer notifies the school, or if information is received, as per Administrative Procedure 402, this must be reported to the superintendents responsible for human resources immediately. Upon receipt of information, the superintendents responsible for human resources will investigate the circumstances and take the appropriate action in accordance with the relevant Collective Agreement, Acts and/or Regulations.

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

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