

<i><b>Rainy River District School Board</b></i>	<b>SECTION 3</b> <i>Personnel</i>
<b>CRIMINAL BACKGROUND CHECK WITH VULNERABLE SECTOR SCREENING</b>	<b>3.52</b>

**POLICY**

The Rainy River District School Board will require all employees, as well as service providers, volunteers, and others, as appropriate, to submit a Criminal Background Check with Vulnerable Sector Screening.

**RATIONALE**

The Rainy River District School Board is responsible for providing a safe and secure learning and working environment for students and employees.

**IMPLEMENTATION**

As per Procedure 3.52 Criminal Background Check with Vulnerable Sector Screening and policy guidelines.

**GUIDELINES**

**1.0 Employees**

- 1.1 All offers of employment with the Board shall be conditional upon the applicant supplying a Criminal Background Check with Vulnerable Sector Screening.
- 1.2 All costs related to the Criminal Background Check with Vulnerable Sector Screening are the responsibility of the prospective employee.
- 1.3 All new Board employees are required to submit a Criminal Background Check with Vulnerable Sector Screening to the Executive Officer of Employee and Labour Relations before the first day of employment with the Board.
- 1.4 Newly-hired faculty of education graduates whose Criminal Background Check with Vulnerable Sector screening issue date is within six (6) months of hire by the Board are only required to complete an Offence Declaration upon hire.
- 1.5 The Board shall collect an Offence Declaration from all employees at the start of each subsequent school year in which they are employed by the Board. Employees who fail to submit an Offence Declaration by the date prescribed will be suspended without pay until the submission is completed.
- 1.6 An employee convicted of an offense is required to update and resubmit their Offense Declaration within a week of their conviction.
- 1.7 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.

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

- 2.1 Each service provider is required to provide a satisfactory Criminal Background Check with Vulnerable Sector Screening prior to first providing services to students ~~whose~~
- when their responsibilities include direct contact with students, particularly where a supervising educator may not be directly present, and/or
  - where access to students occurs on a regular basis.
- 2.2 An updated Criminal Background Check with Vulnerable Sector Screening is required from each service provider every three years, except for bus contractors and bus drivers who must submit annually.
- 2.3 Those who fail to comply with this policy will be prevented 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 Departments
  - Children's Mental Health Centres
  - Day Nurseries
  - Children's Aid Societies
  - Community Care Access Centre
  - Victoria Order of Nurses
  - Other agencies as determined by the Director of Education or designate

## **3.0 Emergency Provision**

- 3.1 In exceptional circumstances it may be necessary for an individual to begin employment with the Board before an acceptable Criminal Background Check with Vulnerable Sector Screening is collected. In such circumstances, the Board will require the individual to submit an Offence Declaration, pending submission of the acceptable Criminal Background Check with Vulnerable Sector Screening.
- 3.2 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, or to prevent the third-party employee from working within the Board, 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.

## **4.0 Privacy**

- 4.1 Completed criminal reference checks and offence declarations will be filed in a separate and secure location to ensure privacy and confidentiality.

## 5.0 Adjudication

- 5.1 Where evidence is received of a criminal conviction, the designated Board contacts (Director of Education and Executive Officer of Employee and Labour Relations) will consider the following factors in adjudicating each case to determine an appropriate course of action:
- nature of the offence
  - degree of cooperation with the adjudication
  - 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)
  - steps taken to rehabilitate
- 5.2 The appropriate course of action may include action up to and including dismissal, and/or withdrawal of offer, in compliance with 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 their employment functions as an employee of a person who provides goods or

- services under contract with the Board,
- provides services to a person who provides goods or services under contract with the Board.

<u>CROSS REFERENCE</u>	<u>Date Approved</u> 2023-03-07	LEGAL/MINISTRY OF <u>EDUCATION REFERENCE</u>
Procedure 3.52 Criminal Background Check with Vulnerable Sector Screening	<u>Board Motion</u> 026	<i>Education Act</i> , Reg. 521/01
Policy 2.04 Volunteers	<u>Review Prior to</u> 2028	
Policy 3.02 Progressive Discipline for Employees		
Policy 3.86 Employee Code of Conduct		