

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

POLICY

The Rainy River District School Board will require all employees, service providers, volunteers and others who come into direct contact on a regular basis with students to submit a Criminal Background Check with Vulnerable Sector Screening.

RATIONALE

The Rainy River District School Board has the responsibility to provide 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.

GUIDELINES

1.0 Employees

- 1.1 All new Board employees are required to submit a Criminal Background Check with Vulnerable Sector Screening to the Manager of 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.
- 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 at 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.

2.0 Service Providers and Other Provincial Organizations

- 2.1 Each service provider who has direct contact with students on a regular basis is required to provide evidence of a satisfactory Criminal Background Check with Vulnerable Sector Screening prior to first providing goods or services to students.
- 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 A service provider who fails to comply with this policy will 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 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 Volunteers

- 3.1 Volunteers will require a Criminal Background Check with Vulnerable Sector Screening if there is direct and regular contact with students as determined by the Director or designate.

4.0 Emergency Provision

- 4.1 In exceptional circumstances it may be necessary for an individual to begin employment with a Board before an acceptable Criminal Background Check with Vulnerable Sector Screening is collected. In such circumstances, the Board will require the individual submit an 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 Retention

- 5.1 The Board shall retain an original or a true copy taken from the original Criminal Background Check with Vulnerable Sector Screening by the Board designated contacts. Completed criminal reference checks and offence declarations will be filed in a separate and secure location in accordance with Regulation 521/01.

6.0 Adjudication

- 6.1 Where evidence is received of a criminal conviction, the designated Board contacts (Director of Education and Manager of Human Resources) will consider at minimum the following factors in adjudicating each case and determining an appropriate course of action:
- length of time since offence(s);
 - did the offence(s) involve children and/or sexual activity and/or violence and/or acts of dishonesty;
 - employment history;
 - employee's attitude towards offence(s);
 - treatment, counselling or other services received since offence;
 - other steps taken to rehabilitate;
 - likelihood offence(s) will be repeated;
 - was alcohol or illegal drugs a factor in commission of offence(s);
 - 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*.
- 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.

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 and from local police service records, 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.

Service Provider means an individual or contracted group who comes into direct contact with pupils on a regular basis, at a school site of a board in the normal course of:

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

Direct and regular contact typically, but not always, involves interaction with students as part of the responsibilities of the individual, within the hours that students are normally on school property, or engaged in school organized extra-curricular activities on or off school property.

<p style="text-align: center;"><u>CROSS REFERENCE</u></p> <p>Procedure 3.52 Criminal Background Check with Vulnerable Sector Screening</p> <p>Policy 2.04 Volunteers</p>	<p style="text-align: center;"><u>Date Approved</u> December 2, 2014</p> <p style="text-align: center;"><u>Board Motion</u> 7</p> <p style="text-align: center;"><u>Review Prior to</u> 2019</p>	<p style="text-align: center;"><u>LEGAL/MINISTRY OF EDUCATION REFERENCE</u></p> <p style="text-align: center;"><i>Education Act, Reg. 521/01</i></p>
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