

**Criminal Record and Vulnerable Sector Checks**



**Adopted: June 28, 2011**

**Amended: December 15, 2022**

**External References**

- Education Act: Sections 85, 87
- Controlled Drug and Substance Act
- Criminal Code of Canada
- Criminal Records Act
- Food and Drugs Act
- Narcotics Control Act
- Criminal Records Regulations

**Internal References**

- AP 402 Reporting Criminal Charges
- AP 446 Volunteers
- Form 446-3 Volunteer Criminal Record Vulnerable Sector Checks Request Letter

**Background**

The Division recognizes that the safety of the students is a prime responsibility.

The Division protects the public interest in the delivery of school services by requiring all employees to provide satisfactory criminal record and vulnerable sector checks upon initial employment and as required thereafter.

**Procedures**

1. An original, current (within six months) criminal records check, including a vulnerable sector check, is required from:
  - 1.1 Any applicant being recommended for employment with the Division including all casual and substitute staff who will be working directly with students.
  - 1.2 Any person acting as a volunteer for school sponsored activities in the Division. Refer to Administrative Procedures 446 Volunteers
  - 1.3 The school principal will provide completed Form 446-3 Volunteer Criminal Record Vulnerable Sector Checks Request Letter to volunteers interacting directly with students. The form must be completed and signed prior to providing it to the volunteer.
  - 1.4 The volunteer is responsible for taking the letter to their local RCMP station and returning a copy of the Criminal Records/Vulnerable Sector Check to the school principal.
2. The applicant will provide the results of a criminal records check, (including a vulnerable sector check) at their own expense.
3. The criminal records check as it pertains to recommendations for suitability of employment, or volunteerism includes:
  - 3.1 All criminal convictions, under the Criminal Code of Canada, the Narcotics Control Act, the Controlled Drug and Substances Act and the Food and Drugs Act.
    - 3.1.1 Conviction means the final judgment on a verdict or a finding of guilty, or a plea of guilty.

- 3.1.2 Conviction does not include a final judgment which has been reversed, set aside, or otherwise rendered invalid.
- 3.2 A search of the automated criminal records retrieval system maintained by the RCMP to determine if the applicant has been convicted of, and has been granted a pardon for, any of the offences that are listed in the schedule to the Criminal Records Act.
4. Failure to cooperate in providing a criminal record and vulnerable sector checks, or submission of an inaccurate, false, misleading, or incomplete criminal record and vulnerable sector checks, constitutes grounds for termination of employment, refusal to offer employment, or withdrawal of any offer of employment, or volunteerism.
5. All applicants being recommended for employment will be required to disclose if they have been charged or convicted of an offence under the Criminal Code of Canada, the Narcotics Control Act, the Controlled Drug and Substances Act or the Food and Drugs Act. If an applicant has been charged or convicted of an offence they will be asked to disclose the nature of the offence(s), the date(s), the applicant's age at the time of the offence, the location(s) and the sentence(s) imposed.
6. Criminal record and vulnerable record checks submitted, which include conviction will be assessed by the Director or designate, taking into consideration matters such as:
  - 6.1 The nature and particulars of the criminal conviction.
  - 6.2 The age of the individual when the events in question occurred.
  - 6.3 Any extenuating circumstances as provided by the applicant.
  - 6.4 The time that has elapsed between the conviction and the employment application, and the activities of the individual during that interim period.
  - 6.5 The rehabilitative measures undertaken by the individual since the conviction and the commitment the individual has to rehabilitation and to refraining from criminal activities.
  - 6.6 The relationship of the conviction to the position for which the person is applying.
7. Any appeal of the decision of the Director or designate is to be made in writing to the Director within fifteen (15) days of the notification of the termination of employment or voluntarism, the refusal to offer employment, or the withdrawal of any offer of employment.
8. Results of the criminal records check are to be kept in the employee's personnel file. It is the responsibility of the individual to act in accordance with Administrative Procedures 402 Reporting Criminal Charges should a charge be laid after the provision of the initial criminal record and vulnerable sector checks.
9. Any employee who receives a pardon, or who is successful in having a criminal conviction record expunged, may submit a new criminal records check. In such cases, the previously submitted criminal records check is to be returned to the employee upon request.
10. When necessary, applicants who have not submitted a criminal record and vulnerable sector checks may be placed in employment for up to seven (7) days on a temporary basis, pending the Division's receipt of the results of their criminal records check. That time may be extended in exceptional circumstances by the Director.
  - 10.1 Failure to provide the results of a criminal record and vulnerable sector checks within the specified period of time shall result in the termination of employment of the temporary employee.
11. In situations where the applicant has submitted the original criminal record and vulnerable sector checks search form completed by the RCMP, which indicates that a request for a criminal records search by

fingerprints has been made, and that the applicant has provided satisfactory explanation of the need for the fingerprint verification, an extension of time may be granted.

12. In situations where the applicant is requesting casual employment or volunteer placement, the results of the criminal records search are to be submitted before any placement.