

Administrative Procedures 402 Reporting Criminal Charges



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 401 Criminal Record and Vulnerable Sector Checks

Background

The Division values reputable employees with exemplary character and as such requires that criminal charges are reported as per the procedures below.

Procedures

1. Employees

- 1.1 After being charged with an offense the employee must inform the Director. The charges must be reported both orally and subsequently in writing, no later than 48 hours after being charged.
- 1.2 A submission outlining relevant circumstances may be attached to the written information.
- 1.3 Upon receipt of the information, the Director or designate is to investigate the circumstances.
- 1.4 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.
- 1.5 Subject to the provisions of The Education Act and the provisions of the relevant collective agreement or contract of employment, the Division may, in its discretion, transfer, reassign, or terminate the employment of an employee who has reported or disclosed criminal charges.
- 1.6 Any appeal of the decision is to be made in accordance with the provisions of the employee's collective agreement, or where no collective agreement applies, within fifteen (15) working days of notification of the decision.
- 1.7 Any action taken by the Division with respect to an employee is to be conveyed to the employee in writing, a copy of which is to be placed in the employee's personnel file.
- 1.8 If, at the conclusion of all proceedings, a criminal records check confirms no conviction(s) resulting from the incident giving rise to the original charge(s), any documentation which has been placed in the employee's personnel file related to the charge(s) for which a charge has not been laid, is at the request of the employee, to be removed and destroyed.

1.9 Notwithstanding any of the above procedures, an employee may, at any time, seek legal advice or counsel from his/her employee group or from independent sources at the employee's expense. The employee may be accompanied or represented by a representative of the employee or the appropriate employee group at any and all meetings that the employee attends regarding the process.

2. Volunteers

- 2.1 After being charged with an offence, school level volunteers must contact the principal(s) to withdraw their services. The principal(s) will ensure the volunteer is removed from the volunteer list.
- 2.2 Failure to disclose charges constitutes grounds for refusal of permission to act as a volunteer for school sponsored activities.