



## Administrative Procedure 3770

# CRIMINAL REFERENCE CHECKS

Responsibility:	<i>Superintendent, Human Resource Services Senior Manager, Human Resource Services</i>
Legal References:	<i>Ontario Regulation 521/01 - Collection of Personal Information</i>
Related References:	
Revisions:	
Reviewed:	January 2016

### 1. Preamble

- 1.1 The expectations of the Waterloo Region District School Board for the implementation of the Criminal Record Check (CRC) legislation, as identified in Ontario Regulation 521/01 - Collection of Personal Information, are outlined in this document. The stated intent of this legislation is to help create a safer learning environment for students.

### 2. Definitions

- 2.1 *Criminal Background Check* is the generic term covering both Criminal Record Checks and Police Record Checks.
- 2.2 *Criminal Record Check (Level 3)* means a document concerning an individual:
- 2.2.1 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.
- 2.3 *Offence Declaration* means written declaration signed (includes electronic signature) by an individual listing all of the individual's convictions for offences under the Criminal Code of Canada up to the date of the declaration:
- 2.3.1 that are not included in the Criminal Record Check collected by the Board, or in previous offence declarations, for which a pardon under Section 4.1 of the Criminal Records Act has not been issued or granted.
- 2.4 *Personal Criminal History* means information on criminal offences of which the individual has been convicted under the Criminal Records Act and for which a pardon under Section 4.1 of the Criminal Records Act has not been issued or granted to the individual.
- 2.5 *Police Record Check (Level 3)* means a complete check of police records. It includes a Criminal Record Check, including convictions for which a pardon has been granted involving vulnerable persons. It also includes a check of local police records.

- 2.6 *Service Provider* means an individual who is not an employee of the Board and who comes into direct contact with students on a regular basis at a school site of the Board in the normal course of:
  - 2.6.1 Providing goods or services under contract with the Board;
  - 2.6.2 Carrying out the person's employment functions as an employee or a person who provides goods or services under contract with the Board, or;
  - 2.6.3 Providing services to a person who provides goods or services under contract with the Board.

### **3. Collection of Criminal Reference Checks**

- 3.1 Human Resources/Administrative Staff:

All employees who may reasonably expect to deal with information provided by a criminal background check must submit a Level 3 CRC to the Superintendent of Human Resources prior to becoming involved in the collection of the criminal reference checks for other employees. On an on-going basis, any new employee to this group must also submit a Level 3 Criminal Reference Check before starting. This group consists of all staff in Human Resources, plus all Supervisory Officers.
- 3.2 New Employees:

Within 2 weeks of commencing duties, all prospective new employees must submit a Level 3 Criminal Reference Check (at the employee's expense) to the Human Resources department. The submission of this CRC is a condition of employment. A CRC that indicates outstanding charges or convictions may be grounds for withdrawal of the offer of employment.
- 3.3 If, due to a backlog by the CRC provider, employees are unable to meet the 2-week deadline, they will be required to provide a receipt from the CRC provider indicating that they have started the process.
- 3.4 Failure to provide a level 3 CRC or a receipt within the 2-week time limit will result in a stoppage of earnings payment.
- 3.5 The specific requirements for this check will be outlined to each prospective new employee as part of the hiring process.
- 3.6 If the CRC indicates outstanding charges or prior convictions which indicate the applicant poses a threat to students or jeopardizes the reputation of the Board, the Superintendent of Human Resources is authorized to withdraw the Board's offer of employment. If the applicant has commenced work, the Superintendent of Human Resources may initiate a dismissal of the employee.

### **4. Adjudication**

- 4.1 A Criminal Record Check may show a criminal conviction. When this situation arises, it will be adjudicated by the appropriate Human Resources Manager. Any situation that may require action by the Board will be dealt with by the Superintendent of Human Resources. Possible consequences may include transfer to a different type of job, discipline, or dismissal.
- 4.2 The following factors will be considered in the adjudication process:
  - 4.2.1 Length of time since the offence(s) occurred;
  - 4.2.2 The nature of the offence(s);
  - 4.2.3 Did the offence(s) involve children;

- 4.2.4 Employment history;
- 4.2.5 Employee's attitude towards the offence(s);
- 4.2.6 Treatment, counseling, or other services received since the conviction(s);
- 4.2.7 Likelihood offence(s) will be repeated;
- 4.2.8 Relevance of the offence to the employment duties of the employee.

## 5. Yearly Offence Declarations

- 5.1 By September 1 of each year, every employee must submit an Offence Declaration. This requirement is in addition to the Board's on-going expectation that if an employee is convicted of an offence involving children, or any other offence relevant to the employment duties of the employee, then the employee will immediately advise the Superintendent of Human Resources.
- 5.2 The Offence Declaration is to be completed by each employee. The adjudication of the Offence Declaration will be done in a manner consistent with the process outlined for CRC Adjudication.
- 5.3 The annual Offence Declaration will be completed annually, and electronically, by all staff by accessing the Board's website, Staff Intranet – Self Service Portal. (This is a web-based product used by employees to view their personal information.) For staff who do not have access to the Self Service Portal (e.g., Occasional Teachers), Human Resources will send out hard copy documents to be completed, signed and returned.
- 5.4 Instructions on how to complete the annual Offence Declaration will be sent out through a system memo each June.
- 5.5 An employee who fails to provide the Board with an Offence Declaration will initially be suspended without pay. Continued failure to provide the Offence Declaration may result in dismissal for cause or a deemed resignation from employment with the Board.

## 6. Storage of Criminal Record Checks and Offence Declarations

- 6.1 The information collected pursuant to this procedure will be kept in the strictest of confidence. Human Resources staff understands the need for confidentiality since much of their job requires them to deal with personal information of employees. As per the Employee Records Procedure, information collected will be stored in a separate secure file by Human Resources.

## 7. Service Providers

- 7.1 Any service provider who comes into **regular and direct** contact with students in the performance of their work is required to comply with the same procedures as are identified for staff.
- 7.2 The process for acquiring the necessary documentation will, to some degree, vary among the groups. Some, such as bus drivers, already have a requirement for criminal record checks.
- 7.3 The specifics will be identified by the Superintendent of Instruction responsible for safe schools. New types of service providers will be informed in the tender, RFP, or RFI process of this requirement.

- 7.4 Where the contract for service is signed by the Board, Instructional Services will manage the process. If an individual principal contracts for service directly with the provider, the principal will have to ensure compliance. For instance, buses are contracted by the Board and will be handled centrally. A principal contracting for a disc jockey at a school dance will need to ensure compliance.

## **8. List of Service Providers**

- 8.1 The following list identifies the types of service providers that will require a criminal records check. This list may need to be updated as new types of service providers are hired. Only service providers that come into direct and regular contact with students in the performance of the job they were hired to do will require the record check.
- 8.1.1 Cafeteria Staff;
  - 8.1.2 Disc Jockeys;
  - 8.1.3 Driver Education Staff;
  - 8.1.4 Fund Raiser/School Uniforms/School Rings/company employees\*;
  - 8.1.5 Instructional Services Providers: contracts with certain types of providers such as Psychologists, Social Workers, Paraprofessionals;
  - 8.1.6 Photographers;
  - 8.1.7 Referees;
  - 8.1.8 School Bus/Taxi Drivers.

\* The specific nature of the event in a specific school will determine if Criminal Record Checks are required.

## **9. Student Teachers**

- 9.1 Student Teachers from outside Ontario must provide a Level 3 CRC to the Principal of the School where the practice teaching block occurs. The Principal will review the CRC and bring forward concerns to the Superintendent of Instruction responsible for safe schools. The Principal will retain the CRC on site for the duration of the practice teaching block.
- 9.2 Student teachers from Ontario Faculties of Education will not be required to submit a CRC. Ontario Student Teachers are required to complete the CRC with their current faculty.

## **10. Volunteers**

- 10.1 Volunteers who are in direct contact with students in a setting that is unsupervised by a staff member will be required to submit a police record check before being permitted to volunteer in that type of setting.
- 10.2 Volunteers who are in direct contact with students in a setting that is supervised by a staff member are not required to submit a police record check (unless deemed necessary by the principal).