

<p>Personnel and Employee Relations 7200</p> <hr/> <p>Criminal Record Check</p>	Administrative Application	
	Last Reviewed /Approved on:	February 12, 2019
	References:	Criminal Code of Canada Controlled Drugs and Substances Act Criminal Records Act, 1985 Criminal Records Regulations, 2000 Policy 12 – Role of the Director
	Status:	Operational

Preamble

The Regina Catholic School Division (RCSD) believes that a safe and secure learning and working environment should be provided for all students and staff at all times. RCSD further believes that all employees, volunteers, and community members who are involved in partnership relations with Regina Catholic Schools must be exemplary role models for all students and positively represent the school division in the community. These beliefs reflect the principle of trust that is assumed in our society for anyone who directly or indirectly encounters students in a school setting.

RCSD requires a criminal record check from all prospective employees and volunteers and that all criminal record checks be administered in accordance with regulations pursuant to this administrative application.

Application

1. Prospective employment or acting as a volunteer may be contingent upon receipt of satisfactory results on a criminal record check. The criminal record check must have been completed within the previous twelve (12) months and must be obtained from Regina Police Service or the Royal Canadian Mounted Police (RCMP).
2. Employees or volunteers convicted of a criminal offence under *The Criminal Code of Canada* and/or *The Controlled Drugs and Substances Act* (replacing *The Narcotics Control Act* and *The Food and Drug Act*), shall report such fact in writing to the Director who will determine what action, if any, is appropriate in relation to the continued employment or volunteer status of the individual.
3. Employment or volunteer status in relation to a criminal record check is subject to the following:
 - a. The criminal record check as it pertains to recommendations for suitability of employment or volunteer placement includes:
 - i. All criminal convictions, pending charges, or stay of proceedings, under *The Criminal Code of Canada* or *The Controlled Drugs and Substances Act*. Conviction refers to the final judgement on a verdict or a finding of guilty, or a plea of guilty. Conviction does not include a final judgement which has been expunged by pardon, reversed, set aside or otherwise rendered invalid and,
 - ii. 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 pardon for, any of the sexual offences that are listed in the schedule to *The Criminal Records Act*.

- b. A criminal record check is one of several criteria used for judging suitability for employment of a prospective employee or volunteer.
- c. Failure to provide a criminal record check, submission of an inaccurate, false, misleading or incomplete criminal record check or failure to report a criminal conviction in compliance with *regulation 2*, constitutes grounds for termination of employment, refusal to offer employment, withdrawal of any offer of employment, refusal of placement, or refusal to volunteer.
- d. Individuals may attach a statement of explanation to the criminal record check outlining relevant circumstances.
- e. A criminal record check submitted which indicates conviction, pending charges, stay of proceedings, or pardon for any sexual offences that are listed in the schedule to *The Criminal Records Act* shall be assessed by the designated senior administrator in consultation with the Director, taking into consideration such matters as:
 - i. The nature and particulars of the criminal conviction, pending charges, stay of proceedings, or pardon for any of the sexual offences listed in the schedule to *The Criminal Records Act*.
 - ii. The age of the individual when the events in question occurred.
 - iii. Extenuating circumstances as provided by the individual.
 - iv. Time that has elapsed between the charge, conviction, stay of proceedings, or pardon for any of the sexual offences that are listed in the schedule to *The Criminal Records Act* and the employment application or the request for placement, and the activities of the individual during the interim period.
 - v. Rehabilitative measures undertaken by the individual since the charges, conviction, stay of proceedings, or pardon for any of the sexual offences listed in the schedule to *The Criminal Records Act* and the commitment the individual has to rehabilitation and to refraining from criminal activities.
 - vi. The relationship of the conviction, charges, stay of proceedings, or pardon for any of the sexual offences listed in the schedule to *The Criminal Records Act* to the position for which the person is applying or to the request for placement.
- f. It is the responsibility of the designated senior administrator to inform in writing those individuals, both successful and unsuccessful with their application due to criminal record considerations, that they may pursue a local appeal on the decision in writing to the Director within fifteen (15) days of notification to terminate employment, refuse to offer employment, withdraw any offer of employment, refuse employment placement, or refusal to volunteer.
- g. Any further local appeals shall be made in writing to the Board within fifteen (15) days of the outcome of the appeal in (f) above.
- h. Employment criminal record checks will be stored in a separate file located with the Human Resource Services department. Volunteer criminal record checks that require review will be stored in a separate file located in the Education Services department. The contents of the file shall be used only to determine the suitability of an individual for a position sought and will not be disseminated or disclosed to anyone other than a senior

administrator who requires the information in the discharge of the person's duties. Criminal records checks will last for as long as the person remains employed by the Regina Catholic School Division. Volunteer criminal records checks will remain valid until the end of the school year. Volunteer criminal record checks will be stored in a secure file cabinet at the school and will be destroyed at the end of the school year.

- i. Individuals will be responsible for any costs associated with the obtaining of a criminal record check.
- j. Any individual who receives a pardon, has a stay of proceedings, or who is successful in having a criminal conviction record expunged, may submit a current criminal record check at their own expense. In such cases, the previously submitted criminal record check shall be returned to the individual upon request.
- k. The following statement is to be included on all application forms used for the recruitment of staff for the Regina Catholic School Division:

"All offers of employment with Regina Catholic Schools are conditional upon the receipt of a satisfactory Criminal Records Check."

- l. When necessary, an individual who has not submitted a criminal record check may be placed for a period of ten (10) working days on a temporary basis, pending the school division's receipt of the results of the criminal record check. The individual must also submit a *Declaration Respecting Criminal Record* form signed by a Notary Public or Commissioner of Oaths. The Director or designate may extend that time in special circumstances. Where special circumstances do not exist, failure to provide results of the criminal record check within the specified time shall necessitate the replacement of the temporary employee or refusal of further placement or ability to volunteer.
- m. In situations where an individual has submitted the original criminal record check form completed by local police indicating that a request for a criminal record search by fingerprints has been made, and the individual has provided satisfactory explanation of the need for fingerprint verification, an extension of time may be granted by the Director or designate.
- n. In situations where the individual is requesting casual or substitute teaching employment, the criminal record check must be submitted before placement.

4. **Volunteers**

Volunteers are an important part of the educational process. RCSD encourages the involvement of volunteers in our schools and programs. Student safety is highly valued and the following safety procedures for volunteers have been put into place.

- a. It is the principal's responsibility to determine which activity volunteers or partnership personnel participate in, with which students, and in which setting. It is also recognized that principals and teachers have a duty of care to their students. Duty of care is the legal principle, which identifies the obligation to exercise reasonable care including protection from harm. As such, independent or support volunteers working with students without the direct supervision of the principal or a teacher shall be required to submit a criminal record check to the principal annually. Volunteer criminal record checks indicating any conviction, pending charges, stay of proceedings, or pardon shall be forwarded to the designated senior administrator for further consideration.

- i. All volunteers are bound by the same code of confidentiality expected of all employees of the school division. It is inappropriate to discuss students collectively or individually outside the school as a result of information gained as a volunteer.
- ii. Since **all volunteers** are considered to be agents of the school division, they shall be covered by the Division's third party liability insurance plan while engaged in their volunteer tasks. Third party liability insurance defends legal costs and pays for court awarded damages caused by the insured vehicle/driver or to other persons or property. This coverage does not provide insurance for injury to the driver or damage to the vehicle being driven.

Types of Volunteers

The use of volunteers must have a specified purpose. Volunteers normally perform one of the following roles:

- a. Resource Volunteers: persons who have a relevant area of expertise and/or experience and who are involved on a short-term basis to enhance the educational program. Their visits are planned and supervised by a teacher or administrator.
No criminal record check is required.
 - b. Independent Volunteers: persons who have a relevant area of expertise and/or experience, who are involved on a short-term basis to enhance the extra-curricular or educational program, and who meet stringent criteria in order to supervise an activity without direct staff supervision. When an employee volunteer is not available to run or supervise a specific extra-curricular activity, school administration may enlist the volunteer services of a community member to oversee a particular team or club.
A criminal record check is required annually.
 - c. Support Volunteers: persons who directly or indirectly assist teachers in achieving educational objectives by providing non-educational services such as the supervision of field trips, driving, coaching, chaperones, etc.
A criminal record check is required annually.
5. **Internship Teachers**
- Internship teachers assigned to positions in RCSD shall be required to provide a current criminal record check to the principal of the school assigned. Criminal record checks for Intern teachers indicating conviction should be forwarded to the Superintendent of Human Resource Services for further consideration. Internship teachers who are not eighteen (18) years of age and are unable to produce a criminal record check must complete a *Declaration Respecting Criminal Record* in order to be approved to work in the school. Internship teachers are required to produce a criminal record check once they have reached eighteen (18) years of age.