Northeastern Catholic District School Board

CRIMINAL BACKGROUND CHECKS AND OFFENCE DECLARATIONS

Administrative Procedure Number: APP005

POLICY STATEMENT

The Northeastern Catholic District School Board (NCDSB) is committed to providing a safe and secure learning and working environment for students and employees. The NCDSB is in a position of trust with regards to students, and must strive to protect their intellectual, spiritual, physical, mental and emotional well-being. The NCDSB will not employ, continue to employ, contract, or continue to contract service providers who have criminal records and/or patterns of behaviour that may place students at risk.

REFERENCES

Ontario Regulation 521/01 Collection of Personal Information, as amended by Regulation 322/03
Police Record Checks Reform Act, 2015
NCDSB Policy
- P-5 Criminal Background Checks
- P-9 Recruitment and Selection
- E-31 Volunteers in Schools

DEFINITIONS

Criminal Background Check
A document concerning an individual which is prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six months before the day the Board collects the document and contains information concerning the individual's personal criminal history.

Offence Declaration
A written declaration signed by an individual listing all the individual's convictions, warrants and charges that are not included in the Criminal Background Check or the last Offence Declaration collected at the time of hire and for which a pardon has not been issued or granted.

Personal Criminal History
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.

Service Provider
An individual who is not an employee of the Board and who comes in direct contact with students on a regular basis in their position to provide goods or service under contract with the NCDSB.

Vulnerable Sector Screening

A document concerning an individual that:

a) Is 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 months before the day the Board collects the document; and

b) Contains information concerning the individual's personal criminal history; and

c) 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.

PROCEDURES

1.0 EMPLOYEES

1.1 Process and Responsibilities

1.1.1 The Manager of Human Resources shall ensure that a satisfactory vulnerable sector search (where applicable) and criminal background check is requested upon offer of employment and received prior to the commencement of work with the NCDSB.

1.1.2 The Manager of Human Resources shall ensure that all employees complete an Offense Declaration Form prior to the first day of school each year thereafter.

1.1.3 The Manager of Human Resources shall ensure overall compliance with the Regulations.

1.2 Emergency Provisions

1.2.1 Subject to the authorization of a Supervisory Officer, in exceptional circumstances it may be necessary for an individual to begin employment with the NCDSB before an acceptable Criminal Background Check is provided.

1.2.2 In such situations, the individual shall submit an Offence Declaration Form, pending submission of the acceptable Criminal Background Check.

1.2.3 If any exception is made, a binding agreement shall be entered into between the employee or authorized representative of the employee and the NCDSB ensuring that the verification will be provided immediately. This agreement will preserve the NCDSB's right to revoke the offer of employment and dismiss the employee, should the information provided prove to be false or misleading in any respect, or if the Criminal Background Check is deemed unacceptable.

1.3 Retention

1.3.1 An original or a true copy will be filed in the Human Resources Department.

1.3.2 Criminal Background Checks and Offence Declaration forms will be filed in a separate and secure location in accordance with Regulation 521/01.

1.4 Adjudication

1.4.1 Where evidence is received of a criminal conviction, the Manager of Human Resources in consultation with a Supervisory Officer, will consider the following factors surrounding the conviction in determining an appropriate course of action:

i) the length of time since the offence(s);
ii) any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
iii) the employment history;
iv) the employee's attitude towards the offence(s);
v) any treatment, counselling or other services received since offence;
vi) other steps taken to rehabilitate;
vii) any likelihood the offence(s) will be repeated;
viii) if alcohol or illegal drugs were a factor in committing the offence(s);
ix) the degree of co-operation committed while employed by the NCDSB;
x) if the employee is a teacher, relevance of the offence(s) to their employment duties; and
xi) whether the offence(s) require any action pursuant to the Ontario College of Teachers, the Ontario College of Early Childhood Educators, or other professional associations accordingly.

1.4.2 Subsequent to the review of factors, decisions will be applied accordingly including action up to and including dismissal, and/or withdrawal of offer of employment, and shall comply with other NCDSB policies, collective agreements and legislation.

1.5 Consequences of Non-Compliance

1.5.1 Employees who fail to provide a Criminal Background Check in compliance with the regulations, may be suspended without pay pending submission, may be dismissed, and/or have a withdrawal of offer of employment as noted above.

1.5.2 Employees who fail to provide a signed Offence Declaration form by the date prescribed may be suspended without pay until the form is submitted.

2.0 SERVICE PROVIDERS

2.1 Every Superintendent of Education and Manager who administers a department, which provides services to school sites by individuals other than employees, will be responsible for the identification, notification, and collection of Criminal Background checks and/or Vulnerable Sector Checks of Service Providers.

2.2 The central board office staff noted above will confirm the collection of this information with Principals of schools impacted by such service providers.

2.3 Copies of the criminal background checks will be filed in a secure location in the Human Resources Department.

2.4 Where a criminal background check or an offence declaration results in a finding of an offence, the Superintendent of Education and/or Manager noted above will consult with the Manager of Human Resources to ensure consistency in interpretation and application.

2.5 The Managers responsible for new Requests for Proposal/Tender/Quotation will include language that addresses the need to submit criminal background checks and/or vulnerable sector checks as required, prior to the commencement of work or service, should the provider be selected.

2.6 For the purpose of the Request for Proposal/Tender/Quotation, the NCDSB shall determine in its sole and unfettered discretion whether an individual or employee of the successful Bidder may come into contact with pupils on a regular basis.

2.7 The successful Bidder further acknowledges and agrees that the contract between the Board and the successful Bidder shall include provisions allowing the Board to terminate the agreement in the event the successful Bidder fails to provide the Board with a Criminal Background Check for every individual or employee who may come into direct contact with students on a regular basis at a school site of the Board, prior to the occurrence of such possible direct contact.

3.0 VOLUNTEERS IN SCHOOLS

3.1 All volunteers who come in direct contact with students on a regular basis are expected to provide a Vulnerable Sector Screening Check conducted by the local police force, the Ontario Provincial Police Force or a Ministry approved Third Party provider as well as an Annual Offence Declaration. The cost of the Vulnerable Sector Screening Check is at the expense of the volunteer; however, the Principal has the discretion to assume the cost when deemed appropriate.

3.2 The Principal shall ensure that the proper documents are collected prior to the commencement of volunteering in a school.

3.3 Once a Vulnerable Sector Screen has been provided, the volunteer will complete an Annual Offence Declaration in every subsequent school year.

4.0 OTHERS HAVING DIRECT AND REGULAR CONTACT WITH STUDENTS

4.1 Individuals identified by the Board as potentially coming into direct and regular contact with students include but is not limited to:

i) Public Health Departments;
ii) Community Care Access Centres;
iii) Child Care Facilities;
iv) Students attending university or college programs which require practicum or cooperative placements in schools;

v) Parish Priests and other parish personnel.

4.2 The Superintendent of Education or Director of Education will be responsible for the identification, notification, and collection of criminal background checks or Offence Declaration forms for others having direct and regular contact with students.

4.3 Parish priests and other parish personnel will provide confirmation from the Bishop that an acceptable criminal background check is on file with the Diocese. This will be facilitated by the Director of Education.

5.0 BOARD OF TRUSTEES

5.1 The Director of Education will be responsible for the collection of criminal background checks or Offence Declaration forms for all trustees.

5.2 New Trustees will be required to provide a Criminal Background Check at the start of their term.

5.3 Every year thereafter, trustees of the Board will be responsible to submit an Offence Declaration form to the Director of Education at the Inaugural/Annual Meeting.

6.0 RELATED FORMS AND DOCUMENTS

FORM: Offence Declaration

Director of Education: *Tricia Stefanic Weltz*
Date: June 2024