

AP 410 Criminal Record Checks & Disclosure of Criminal Charges

CRIMINAL RECORD CHECK & DISCLOSURE OF CRIMINAL CHARGES

Background:

As a measure to enhance the safety of students and staff, all employees shall be required to supply information from a criminal records check, including the vulnerable sector check, and report any criminal charges as conditions of employment.

Procedures:

1. All persons offered employment with the Division shall be required to provide a criminal record check, including the vulnerable sector check, from a local law enforcement agency before commencing employment. This criminal record check is required to be one year old or less in order to be accepted.
2. If a criminal record check cannot reasonably be obtained before the expected start date of employment, the employee shall complete Form 410-1 which will be used in place until a criminal record check is supplied to the Director or designate. If the criminal record check is not satisfactory upon being supplied to the Director or designate, the individuals' employment will cease immediately.
3. The criminal record check shall refer to police information located on computer systems, e.g. Police Information Retrieval System (P.I.R.S., C.P.I.C.).
4. Where the criminal record check discloses possible criminal convictions, outstanding charges, or the suspicion of criminal activity:
 - the prospective employee will be given an opportunity to provide to the Director or designate further information or clarification concerning the information disclosed in the record.
 - the prospective employee may be required to provide to the Director details of the record as disclosed by a fingerprint search of the central registry before commencing employment.

5. Employment shall be contingent upon the receipt of results of the criminal record check satisfactory to the Director or designate.
6. Should the information revealed by the criminal record check, in the sole opinion of the Director or designate, not be satisfactory, the Director or designate may withdraw a pending offer of employment, or may terminate the employment of the individual who has been hired pending receipt of the criminal record check information.
7. Employees, contract employees, interns and practicum students shall be responsible for notifying the Director or designate, in writing, not later than two (2) days after having been charged with an offense under *the Criminal Code (Canada)*, *The Food and Drugs Act (Canada)* or *The Controlled Drugs and Substance Act (Canada)*.
8. Upon receipt of the information, the Director or designate shall investigate the circumstances.
9. 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 in accordance with the employee's contract.

10. Subject to the provisions of *The Education Act, 1995* and the provisions of the collective agreement or contract of employment, the Division may, in its discretion, transfer, reassign or terminate the employment of an employee following the investigation of the Director or designate.
11. All information obtained from any criminal record check or subsequent investigation shall be kept confidential
12. Any costs for obtaining these records will be borne by the individual seeking employment with the Division.

Reference:

Section 85, 87, 108, 109, Education Act

The Criminal Code Act of Canada

The Criminal Records Act

The Food and Drugs Act

The Controlled Drugs and Substances Act

Revised:

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