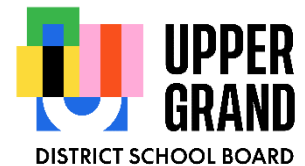


Recruitment and Selection - Criminal Record Check/Offence Declaration Procedures 420-B



Category:	Human Resources
Administered by:	Superintendent of People, Leadership and Culture
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1. General

As part of the commitment of the Upper Grand District School Board (UGDSB) to provide and maintain a safe and secure working and learning environment for students and employees, the board will not employ or continue to employ persons who have criminal records that may place students at risk. In adherence to the legislation, these procedures outline the requirement of a criminal record check prior to commencing employment with the UGDSB and the responsibility of employees to annually complete and provide an offence declaration.

2. Definitions

Candidate

A candidate is an applicant who is engaged in the selection process for a position. This may include an existing employee or external applicant.

Criminal Record and Judicial Matters Check

This check refers to a collection of offence information (including convictions, outstanding warrants, charges, and judicial orders) available from a local police agency's records management system and other systems/records where authorized.

Offence Declaration

An offence declaration, in respect of the board, is a written declaration signed by an individual listing all of the individual's convictions for offences under the *Criminal Records Act* (Canada) up to the date of the declaration that:

1. are not included in a criminal record check collected by the Ontario College of Teachers after December 31, 1998 or in the last criminal record check collected by the board under [Ontario Regulation 521/01](#); and

2. for which a pardon under Section 4.1 of the *Criminal Records Act* (Canada) has not been issued or granted.

Vulnerable Sector Check

A vulnerable sector check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons in Canada only. It is a collection of offence information, including convictions, outstanding warrants, charges, judicial orders and sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness. Non-conviction information shall be released only when it meets the criteria for exceptional disclosure under the [Police Record Checks Reform Act](#).

3. Candidates for Employment

- 3.1 In compliance with [Ontario Regulation 521/01](#), candidates for employment are required to provide a Criminal Record and Judicial Matters Check or a Vulnerable Sector Check (VSC) that has been carried out at the candidate's local police service at the candidate's expense.

- 3.1.1 The type of record check required will be determined by the People, Leadership and Culture department.

- 3.1.2 A criminal record check should be no more than six (6) months old.

- 3.1.3 The record check must be acceptable to the board and provided within the timeline specified.

3.2 Adjudication

Where evidence is received of a criminal conviction, the board's contact or designate will consider at least the following factors in determining an appropriate course of action:

- 3.2.1 length of time since offence(s)

- 3.2.2 did the offence(s) involve children and/or sexual activity and/or violence and/or acts of dishonesty

- 3.2.3 employment history

- 3.2.4 employee's attitude towards offence(s)

- 3.2.5 treatment, counselling or other services received since offence
 - 3.2.6 other steps taken to rehabilitate
 - 3.2.7 likelihood offence(s) will be repeated
 - 3.2.8 was alcohol or illegal drugs a factor in commission of offence(s)
 - 3.2.9 degree of co-operation with this investigation
 - 3.2.10 was offence(s) committed while employed by the board
 - 3.2.11 if employee is a teacher, relevance of offence(s) to teacher duties as set out in the [Education Act](#) and its regulations
 - 3.2.12 if employee is not a teacher, relevance of offence(s) to their employment duties
 - 3.2.13 does offence(s) require any action pursuant to the [Protecting Students Act, 2016](#) including notification of the Ontario College of Teachers
- 3.3 Current employees of the board who are candidates or who have left the employ of the board and return to employee status within one (1) year may be exempt from the requirement in 3.1 at the discretion of the People, Leadership and Culture department. An offence declaration will be required when prompted by email to do so.
- 3.4 **Emergency Provision**
- In exceptional circumstances, if it is approved by the Superintendent of People, Leadership and Culture or designate, it may be necessary for an individual to begin employment with the board before the appropriate criminal record check is collected. In such circumstances, the board will require the individual to submit an offence declaration, within the board specified timeline, pending submission of the appropriate acceptable check.
- 3.4.1 The board retains the right to revoke the offer of employment, and dismiss the employee, should the employee fail to provide the criminal record check within the requested timeline, or if the information provided by the employee proves to be false or misleading in any respect, or if the criminal record check is determined to be unacceptable.

3.5 Retention

The board shall retain an original or a true copy, in print or electronic form, taken from the original criminal record check by the board's contact or designate. Completed criminal record checks and offence declarations will be filed in a separate and secure location, in accordance with the board's Records Management Manual.

4. Employees

- 4.1 Each year, every employee must submit an offence declaration.
 - 4.1.1 Notification including instructions on how to complete the annual offence declaration will be sent out through the board's email system.
 - 4.1.2 The offence declaration will be completed electronically by accessing the self-service portal. Employees who do not have access to the self-service portal will be provided with hard copy documents to be completed, signed, and returned by the timelines indicated on the form.
 - 4.1.3 An employee who fails to provide the board with an offence declaration by the required deadline date will initially be suspended without pay until the form is submitted. Continued failure to provide the offence declaration may result in termination of employment.
- 4.2 It would be an expectation that an employee reports any criminal conviction that may impact their ability to continue in their employment to the Superintendent of People, Leadership and Culture or designate immediately following any legal proceedings where convicted of an offence. This is in accordance with any professional designation, Professional Code of Conduct and *Education Act*.
- 4.3 The board, in its discretion, may require an employee to submit an updated criminal record check if the board has reason to believe that there may have been a change to the last record on file, or if the employee changes from a position where a Vulnerable Sector Check was not required to one where a Vulnerable Sector Check is required (i.e. to a position of trust or authority relative to children or vulnerable persons). This would be at the cost of the employer.