

**POLICY**

SECTION:	HUMAN RESOURCES - GENERAL	POLICY:	<b>E-06</b>
TOPIC:	<b>POLICE CRIMINAL RECORD CHECK - POLICE VULNERABLE SECTOR CHECK AND OFFENCE DECLARATION</b>	PAGE:	1 of 2
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REVIEW DATE:	November 2019	REVISED:	

**PROVISION OF INFORMATION****New Employees**

The District School Board of Niagara (DSBN) has the responsibility, under law, to provide a safe and secure working and learning environment for students and employees. Therefore, all new employees are required to provide a recent (executed within the past six {6} months) satisfactory Police Criminal Record Check – Police Vulnerable Sector Check as a condition of employment. This documentation is to be obtained by the prospective employee at his/her own expense and presented to the appropriate DSBN official(s) and subsequently retained in the employee's personnel file in the Human Resources department.

**Existing Employees**

Regulation 521/01 of the Safe Schools Act requires Boards of Education to collect Offence Declarations on an annual basis from all employees. An Offence Declaration must be completed electronically through the HR/Payroll Portal prior to July 31<sup>st</sup> each year. The purpose of the Offence Declaration is to determine whether a person has been charged or convicted of an offence within the previous twelve month period which would make them unsuitable as an employee.

**ELIGIBILITY FOR EMPLOYMENT**

- (a) The purpose of the requirement to obtain a Police Criminal Record Check - Police Vulnerable Sector Check is to determine whether a person has a record of offences which would make them unsuitable as an employee. To further specify, but not to limit this purpose, the DSBN will not knowingly employ any person with a record of criminal conviction for which a pardon has not been granted for the following offences but not limited to:
- Any sexual offence under the Criminal Code of Canada
  - Any violations under the Narcotic Control Act or the Food and Drug Act
  - Any criminal offence which relates directly or indirectly to a person who is less than 18 years of age, or in the case of a person who has Special Needs, 21 years old or less
  - Crimes of violence which include, but are not limited to, threats, assaults, use, possession or concealment of a weapon or imitation of a weapon
  - Propagation of hate literature or incitement to hatred
  - Possession, distribution or sale of any pornographic or violent material
- Note: This list is not exhaustive
- (b) The appropriate DSBN personnel will examine the Police Criminal Record Check - Police Vulnerable Sector Check to identify areas of concern. Persons with a criminal record who are otherwise suitable shall not be automatically disqualified. Mitigating circumstances will be assessed before a final decision with respect to suitability is made. The following factors shall be considered, where applicable:
- The risk posed to students, employees and DSBN property and equipment
  - The specific duties and responsibilities of the position in question and the relevance of the criminal charge(s)/conviction(s) to that position
  - The length of time since the conviction(s)
  - Rehabilitative or other efforts undertaken
- (c) The DSBN will not employ persons who have criminal records and/or patterns of behaviour that may place students or other employees at risk.

Note: In some circumstances, only the Police Criminal Record Check may be required for immediate employment. However, a Police Criminal Record Check - Police Vulnerable Sector Check is still required. The ongoing employment is contingent on a satisfactory Police Criminal Record Check - Police Vulnerable Sector Check.

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**ELIGIBILITY FOR CONTINUING EMPLOYMENT/EXISTING EMPLOYEES**

- (a) All employees must make their Offence Declaration electronically prior to July 31<sup>st</sup> each year.
- (b) The DSBN will not continue to employ, persons who have criminal records and/or patterns of behaviour that may place students or other employees at risk.

**CONSEQUENCES OF NON-COMPLIANCE**

- (a) Employees who fail to provide a Police Criminal Record Check - Police Vulnerable Sector Check, in compliance with the Provincial Regulation and this Policy, will not be employed by the DSBN
- (b) Employees who fail to complete and submit an Offence Declaration by the date prescribed in this Policy, or otherwise established, will be suspended without pay until the Offence Declaration is completed and submitted or otherwise established.
- (c) If the employee fails to provide the necessary documentation within a reasonable amount of time, the DSBN reserves the right to take such steps as it deems appropriate.

**Reference**

Administrative Procedure 5-08: Police Criminal Record Check - Police Vulnerable Sector Check and Offence Declaration