

CRIMINAL RECORD CHECK

Background

The Division believes that providing a safe environment for students and staff requires the utmost diligence on its part. To that end the Division requires that all persons being recommended for employment, prospective interns, supervising volunteers and third-party service providers with unsupervised access undergo a criminal record check. A condition of employment with the Northwest School Division is a satisfactory Criminal Record Check and will be requested upon hiring. Persons must present this information prior to their first day of work.

There are two types of criminal records; a basic Criminal Record Check (CRC) which is a name based query with a list of criminal convictions, and a Criminal Record Check with Vulnerable Sector (VSC) which includes a query to confirm the applicant does not have a record suspension for a sexual offence.

A VSC will be requested of an employee/volunteer if they are in a position of decision-making power, unsupervised access, closeness inherent in the relationship or the personal nature of the activity itself with a person who is less than 18 years of age or other vulnerable persons. The decision to request a VSC will be based on the position not on the employee or applicant.

A clear check is not a guarantee of character and only indicates the person does not have a record. It is only one element in the process of determining the suitability of the employee, volunteer and a third-party service provider. Interviews, references and former employers checked back as far as possible will also be used in choosing the successful candidates.

Procedures

1. This check must be original and completed within the last six months.
2. The Criminal Record Check is to include:
 - 2.1 All criminal convictions. Conviction means 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 reversed, set aside, or otherwise rendered invalid.
 - 2.2 A search of the automated criminal records retrieval system to determine if the applicant has been convicted of, and has been granted pardon for, any of the offences that are listed in the schedule to the Criminal Records Act.
3. The Criminal Records Check with Vulnerable Sector is to include:

- 3.1 Vulnerable sector check.
 - 3.2 All criminal convictions. Conviction means 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 reversed, set aside, or otherwise rendered invalid.
 - 3.3 A search of the automated criminal records retrieval system to determine if the applicant has been convicted of, and has been granted pardon for, any of the offences that are listed in the schedule to the Criminal Records Act.
 - 3.4 A search of the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police 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.
4. If a Record of Convictions /police records check cannot reasonably be obtained before the expected start date of employment or the activity, employment (temporary approval) may be offered. The offer shall be made on the condition that the employment will be contingent on satisfactory review by the Superintendent of Human Resources of the Record of Convictions /police records check. An affidavit must also be signed.
 5. Failure to provide the above requirements or submitting an inaccurate, false, misleading criminal record check constitutes grounds for dismissal or refusal to offer employment or placement. The Division retains the right to make a hiring or appointment decision based on the accurate information as disclosed in the criminal record check.
 6. If an individual submits a criminal record/vulnerable sector check, based on name and date of birth only, that indicates that a record “may or may not” exist, the individual will be required to provide a criminal record/vulnerable sector check supported by a fingerprint analysis. The individual must provide proof that a fingerprint analysis has been requested and is currently being processed. If sufficient proof is obtained, and an affidavit regarding the status of a criminal record is signed, then the individual may be permitted to work/volunteer during the processing period.
 7. A criminal record check which indicates a conviction, pending charges or pardon for any offence listed in the Criminal Records Act shall be assessed by the Superintendent of Human Resources or designate through an interview process. This shall take into account:
 - 7.1 The nature and particulars of the criminal conviction.
 - 7.2 The age of the individual when the event in question occurred.
 - 7.3 The time elapsed between the charge, conviction or pardon.
 - 7.4 The rehabilitative measures undertaken by the individual.
 - 7.5 The relationship of the conviction, charges or pardon to the position which the person is applying for.

After the interview process is complete, the Superintendent of Human Resources or designate will make a recommendation to the Director as to whether or not the individual is suitable for employment.

8. In the case of applications for employment, the Superintendent of Human Resources shall inform those individuals who are unsuccessful with their application due to criminal record considerations.
9. Individuals may appeal in writing to the Director within fifteen (15) days of being notified their employment has been terminated or an offer of employment has been withdrawn.
10. Negative results from Record of Convictions/criminal record checks shall be returned to individuals who provided such documentation.
11. When information from a Record of Convictions/criminal record check prevents the hiring of an individual, those documents shall be returned.
12. When the Superintendent of Human Resources, in consultation with the Director, determines that it is appropriate to hire an individual with a record, the individual will be required to submit a Record of Convictions. This file shall be reviewed annually by the Superintendent of Human Resources to determine which records, if any, may be destroyed. The Superintendent will be guided by this principle – the more serious the offense, the longer the record will be kept.
13. Any individual who receives a pardon, or who is successful in having a criminal record expunged, may submit a current criminal record check. A previously submitted criminal record check shall be returned to the individual upon request.
14. Individuals will be responsible for any costs associated with obtaining a Record of Convictions and/or a criminal record check.

Reference: Sections 85, 87 Education Act
Controlled Drug and Substance Act
Criminal Code of Canada
Criminal Records Act
Criminal Records Regulations

Approved: October 27, 2023