Halton District School Board
Operational Policies/Procedures

NUMBER:	*To be determined*
TOPIC:	**Criminal Background Checks-Employees**
EFFECTIVE:	**September 2003**
CROSS-REFERENCE:	**Education Act-Regulation 521/01**
REVISION DATE:	***To be determined***
RESPONSIBILITY:	**Executive Officer of Human Resources**

POLICY STATEMENT:
The Halton District School Board has the responsibility, under the Education Act, to provide a safe and secure working and learning environment for students and employees. The Board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental, and emotional well-being. The Halton District School Board will not employ or continue to employ persons who have criminal records and/or patterns of behaviour that may place students at risk.

PREAMBLE / INTRODUCTION:
All current employees will provide a Criminal Background Check in accordance with Regulation 521/01.

All new employees will be required to provide, at their own expense, an original Criminal Background Check prior to commencing employment. The date of the Criminal Background Check must be no more than six (6) months prior to the date of commencement of employment.

Definitions:
"Criminal Background Check" means, in respect of the Board, a document concerning an individual:

a) that was prepared by a police force or service from the national data on the Canadian Police Information Centre (CPIC) database with six (6) months before the date the Board collects the document; and
b) that contains information concerning the individual's *Personal Criminal History*.

"Offence Declaration" means, in respect of the Board, 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:

a) that are not included in a criminal background check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last criminal background check collected by the Board under this regulation; and
b) for which a pardon under Section 4.1 of the **Criminal Records Act (Canada)** has not been issued or granted.

"Personal Criminal History" means, in respect of an individual, 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.

PROCEDURE:
The Collection of Personal Information Regulation (521/01) requires the Halton District School Board to do the following:

Current Employees

a) If the employee became a member of the Ontario College of Teachers (OCT) after December 31, 1998 and commenced employment with the Board before April 1, 2002, the Board shall collect an Offence Declaration from the individual by September 1 of each year in which the individual is employed by the Board after that day, commencing in 2002.

b) If the individual commenced employment with Board prior to April 1, 2002 and is not an individual described in paragraph (a), the Board shall collect:
   i. A Criminal Background Check (CPIC) by July 31, 2003 if the individual continues to be employed by the Board after July 31, 2003.
   ii. An Offence Declaration from the individual by September 1 of each year in which the individual is employed by the Board, commencing in 2004.

New Employees

If the individual commences employment after March 31, 2002, the Board shall collect an acceptable Criminal Background Check before the day the individual commences employment with the Board. All offers of employment with the Board shall be conditional upon the applicant supplying an acceptable criminal background check. The Board shall obtain an Offence Declaration from the individual by September 1 of each year in which the Board employs the individual after the year employment was commenced.

Rehiring Employees

If an individual terminates their employment with the Board and is then rehired within 1 year of their original termination, the Board shall obtain an Offence Declaration upon the date of rehire. If the date of rehire occurs beyond 1 year from the date of termination, the Board shall collect an acceptable Criminal Background Check before the day the individual commences employment with the Board.

Emergency Provisions

In exceptional circumstances it may be necessary for an individual to begin employment with the Board before an acceptable criminal background check is collected. In such circumstances, the Board will require the individual to submit an Offence Declaration, pending submission of the acceptable criminal background check.

Before any agreement is made, the approval of the Executive Officer of Human Resources is required and a binding agreement shall be entered into between the employee and the Board, ensuring that the verification will be provided without delay. The agreement will preserve the Board's right to revoke the offer of employment, and dismiss the employee, should the information provided by the employee prove to be false or misleading in any respect, or if the background check is determined to be unacceptable.

Retention of Documents

The Board shall retain an original or a true copy taken from the original criminal background check. Completed criminal background checks and offence declarations will be filed in a separate and secure location in accordance with Regulation 521/01.

Adjudication

Where evidence is received of a criminal conviction, the Director of Education or designate, in consultation with the Executive Officer of Human Resources, will consider at least the following factors in determining the appropriate course of action:

a) length of time since offence(s);
b) did the offence involve children and/or sexual activity and/or violence and/or acts of dishonesty;
c) employment history;
d) employee's attitude towards offence(s);
e) treatment, counselling or other services received since offence;
f) other steps taken to rehabilitate
g) likelihood offence(s) committed while employed by the Board;
h) was alcohol or illegal drugs a factor in commission of offence(s);
i) degree of co-operation with this investigation;
j) was offence(s) committed while employed by the Board;
k) if employee is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;
l) if employee is not a teacher, relevance of the offence(s) to their employment duties; and
m) does offence(s) require any action pursuant to the Student Protection Act (including notification of the Ontario College of Teachers).

The course of action may include action up to and including dismissal, and/or withdrawal of offer of employment and shall be in compliance with other Board policies, collective agreements and legislation.

Consequences of Non-Compliance

Employees who fail to provide a Criminal Background Check by July 31, 2003 in compliance with Regulation 521/01 will be suspended without pay pending submission of the Criminal Background Check. Continued non-compliance will result in termination of employment.

Employees who fail to provide a signed Offence Declaration form by the date prescribed will be suspended without pay until the form is submitted. Continued failure to submit a signed Offence Declaration will result in termination of employment.