

	Administrative Procedure	
	Subject	Criminal Record Checks
	AP Code	406

Background

As a measure to enhance the safety of students and staff, all employees shall be required to supply information from a criminal record check prior to commencing employment.

Procedures

1. The Saskatoon Police Service or RCMP require a letter from the division to complete a Volunteer Criminal Record check for free.
2. An original, current (within one year) criminal records check, including a vulnerable sector check, is required from:
 - 2.1. Any successful applicant being recommended for employment with the division.
 - 2.2. Volunteers involved in any activities involving direct, unsupervised contact with students are to be required to submit to a police criminal records check, the results of which must be acceptable to the director.
 - 2.3. Once a person has submitted their criminal record check and has been approved as an unsupervised volunteer, s/he will be informed that they will be accountable to the reporting procedures outlined in AP407 - Reporting Criminal Charges.
 - 2.4. The director may choose to reimburse the volunteer for the cost of the criminal record check.
 - 2.5. Should a school need a volunteer immediately, division administration should create a "declaration respecting criminal record" form. This form will then be used to allow a volunteer to participate until their criminal record check is submitted, which must be received within two (2) weeks of submission of the declaration.
3. The criminal record check as it pertains to recommendations for suitability of employment or volunteerism includes:
 - 3.1. All criminal convictions, held by the Criminal Records Information Management System. Conviction means the final judgment on a verdict or a finding of guilty, or a plea of guilty. Conviction does not include a final judgment which has been reversed, set aside, or otherwise rendered invalid.
 - 3.2. 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 a pardon for, any of the offences that are listed in the schedule to the *Criminal Records Act* and the *Youth Criminal Justice Act*, and ministerial directives.
4. Failure to cooperate in providing a criminal record check, or submission of an inaccurate, false, misleading, or incomplete criminal record check, constitutes grounds for termination of employment, refusal to offer employment, or withdrawal of any offer of employment, or volunteerism.

5. Applicants may attach a statement of explanation to the criminal record check submitted outlining relevant circumstances.
6. Criminal record checks submitted, which include convictions, will be assessed by the director, taking into consideration matters such as:
 - 6.1. The nature of particulars of the criminal conviction;
 - 6.2. The age of the individual when the events in question occurred;
 - 6.3. Any extenuating circumstances as provided by the applicant;
 - 6.4. The time that has elapsed between the conviction and the employment application, and the activities of the individual during that interim period;
 - 6.5. The relationship of the conviction to the position for which the person is applying.
7. Any appeal of the decision of the director is to be made in writing to the board of trustees within the 15 days of the notification of the termination of employment or volunteerism, the refusal to offer employment, or the withdrawal of any offer of employment.
8. Results of the criminal record check are to be kept in the employee's personnel file.
9. The applicant is responsible for any costs associated with obtaining the criminal record check.
10. Any employee who receives a pardon, or who is successful in having a criminal conviction expunged, may submit a new criminal records check. In such cases, the previously submitted criminal record check is to be returned to the employee upon request.
11. The following question and statements are to be included on all application forms utilized for the recruitment of staff:

Have you ever been convicted of an offence, or do you currently have any charges pending, under Criminal Code of Canada, Narcotics Control Act, Controlled Drugs and Substances Act, 1996, or Food and Drugs Act, 1985, or have any records held by the Criminal Records Information Management System? Conviction means the final judgment on a verdict, or a finding of guilty, or a plea of guilty. Conviction does not include a final judgment which has been reversed, set aside, or otherwise rendered invalid.

_Yes_No

If yes, please indicate the nature of the offence(s), the date(s), and place(s) of the sentence(s) imposed (if applicable). I will provide the results of a criminal record check (including a vulnerable sector check).

Signature:

12. In situations where the applicant has submitted the original criminal record search form completed by the local city police or the RCMP, which indicates that a request for a criminal record search by fingerprints has been made and that the applicant has provided a satisfactory explanation of the need for the fingerprint verification, and if the automated criminal records check system identifies that a person requires a fingerprint examination to determine if a criminal record exists, a "declaration respecting criminal record" form may be completed. Completion of this sworn

statement is sufficient to allow the person to commence work for up to six months while the parties await the results.

13. In situations where the applicant is requesting casual employment or volunteer placement, the results of the criminal records search are to be submitted before any employment or placement.

References

The Education Act, 1995 – sections 85, 87
Controlled Drugs and Substances Act
Criminal Code of Canada
Criminal Records Act
Food & Drugs Act

Date Adopted

September 1, 2024

Revised
