


Windsor-Essex Catholic District School Board



Section: Human Resources

POLICY H: 04
Criminal Background Checks and Offence Declarations for Employees

NUMBER:	H: 04
EFFECTIVE:	June 23, 1998
AMENDED:	Feb. 23, 2010
RELATED POLICIES:	A: 24
REPEALS:	
REVIEW DATE:	2013 - 2014

1.0 OBJECTIVE:

- 1.1 The Windsor-Essex Catholic District School Board shall implement appropriate measures to ensure that the Board does not hire or continue to employ persons who have criminal records and/or exhibit patterns of behaviour which may place a student at risk.

2.0 GUIDING PRINCIPLES:

- 2.1 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.

3.0 SPECIFIC DIRECTIVES:

- 3.1 All offers of employment with the Board shall be conditional upon the receipt of an acceptable and comprehensive Criminal Background Check (including Vulnerable Sector Screening as required) and all candidates for employment will be required to provide, at their own expense, a current original Criminal Background Check.
- 3.2 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 exception is made, a binding agreement shall be entered into between the employee and the Board, ensuring that the Criminal Background Check will be provided without delay. This agreement will preserve the Board’s power 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 should the background check be determined unacceptable.
- 3.3 All Board employees must complete a standardized Offence Declaration by September 1st of each year in which the Board employs the individual.
- 3.4 Employees who fail to submit either a Criminal Background Check or an Offence Declaration by the required date may be subject to:
 - a) Suspension without pay until the Offence Declaration/ Criminal Background Check is received;

- b) Withdrawal of offer of employment; or
- c) Discharge from employment.

- 3.5 It is a serious employment offence to make a false statement on an Offence Declaration. Where an employee is found to have knowingly made a false statement on the Declaration, the Board will consider discipline up to and including discharge from employment.
- 3.6 Where evidence is received of a criminal conviction, the Superintendent of Human Resources, in consultation with the Director of Education, shall consider the circumstances surrounding the conviction when determining an appropriate course of action. The course of action may include dismissal and/or withdrawal of an employment offer.
- 3.7 Criminal Background Checks and Offence Declarations shall be maintained in a secure location with the utmost respect for the confidential nature of the material.

4.0 RESPONSIBILITY FOR IMPLEMENTATION:

- 4.1 The Superintendent of Human Resources shall be responsible for the implementation of this policy.

5.0 REVIEW AND EVALUATION:

- 5.1 The policy shall be reviewed during the 2013-2014 policy review cycle.

6.0 REFERENCES:

Education Act, section 315

Ontario Regulation 521/01 Collection of Personal Information

A:24 Criminal Background Checks for Service Providers and Others (Non-Employees)