

## **3070 Criminal Record Review**

Policy 3070

STATUS: ADOPTED

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### *CRIMINAL RECORD REVIEW*

Adopted: June 26, 1996

Last Revised: June 19, 2013; March 11 2015

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#### Description:

The Board of Education believes that one of the fundamental obligations of society is the protection of children from physical, emotional and sexual abuse. In keeping with the provisions of the Criminal Records Review Act a mandatory criminal record check for volunteers and employees within School District #59 (Peace River South) will be undertaken.

The purpose of the Criminal Records Review Act is the protection of children from persons whose criminal record indicates that they present a risk of physical, emotional or sexual abuse to children.

School District #59 (Peace River South) will comply with the Criminal Records Review Act as amended from time to time.

*CRIMINAL RECORDS REVIEW*

Adopted: June 26, 1996

Last Revised: June 19, 2013; March 11, 2015

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Description:

**Obtaining Authorization for a Criminal Record Check****Applicants (not registered in a governing body)**

A successful job applicant for a position within School District 59 must provide the District with a signed criminal record check Authorization Form. If the successful applicant does not provide a signed criminal record check Authorization Form, he/she will not be hired

**Applicants and Employees Registered in a Governing Body**

Applicants and employees who are members of the Teacher Regulation Branch (TRB) or any other person who is registered in a governing body will have to provide his/her criminal record check Authorization Form to the TRB or other governing body as requested.

**Volunteers**

A volunteer must provide the District with a signed criminal record check Authorization Form. If a volunteer does not provide a signed criminal record check Authorization Form, when requested, the services of the volunteer will be denied.

**When Someone is a Risk**

An individual is considered at risk when he/she has been found by an adjudicator to present a risk of physical, emotional or sexual abuse to children. If the individual is an applicant for employment or volunteer duties with the District, the individual will not be considered for employment or volunteer duties.

If the individual is an employee or volunteer and found to be considered a risk, the employment of the employee will be terminated, and the services of a volunteer will be terminated.

If the individual is a member of a governing body, and the District is notified by the governing body that the employee has been found by an adjudicator to present a risk of physical, emotional or sexual abuse to children. The employment of the employee will be terminated.

**New Convictions or Outstanding Charges**

If an employee or volunteer is charged with or convicted of a relevant offense subsequent to a criminal record check, the employee or volunteer must promptly report the charge or conviction to the District and provide the District with a signed criminal record check Authorization Form for a further criminal record check. If the employee is a member of the TRB or other governing body, she/he must promptly report new charges or convictions to the

TRB or other governing body. Any costs associated with this process will be the responsibility of the employee or volunteer.

If the District becomes aware that an employee or volunteer has an outstanding charge for, or has been convicted of, a relevant offense, the District must require the employee to provide a signed criminal record check Authorization Form for a further criminal record check. Any costs associated with this process will be the responsibility of the employee or volunteer.

If the employee is also a registered member of a governing body, the District must take reasonable steps to notify the registered member's governing body that it is taking action.

## **APPENDIX 1**

### **RELEVANT OFFENCES**

The following sections of the Criminal Code (Canada) are designated as, but not limited to, the following relevant offences:

- section 151: (Sexual Interference)
- section 152: (Invitation to Sexual Touching)
- section 153: (Sexual Exploitation)
- section 155: (Incest)
- section 159: (Anal Intercourse)
- section 160: (Bestiality)
- section 161: (Order of Prohibition)
- section 163.1: (Child Pornography)
- section 170: (Parent or Guardian Procuring Sexual Activity)
- section 171: (Householder Permitting Sexual Activity)
- section 172: (Corrupting Children)
- section 173 (1): (Indecent Acts)
- section 173 (2): (Exposure)
- section 177: (Trespassing at Night)
- section 179: (Vagrancy)
- section 212 (1): (Procuring a Person for the Purposes of Prostitution)
- section 212 (2): (Living Off Avails of Child Prostitution)
- section 212 (4): (Attempting to Obtain the Sexual Services of a Child)
- section 215: (Duties of Persons to Provide Necessities)
- section 218: (Abandoning Child)
- section 220: (Causing Death by Criminal Negligence)
- section 221: (Causing Bodily Harm by Criminal Negligence)
- section 229: (Murder)
- section 235: (Punishment for Murder)
- section 236: (Punishment for Manslaughter)
- section 237: (Punishment for Infanticide)
- section 238: (Killing Unborn Child in Act of Birth)
- section 239: (Attempt to Commit Murder)
- section 240: (Accessory after Fact to Murder)
- section 242: (Neglect to Obtain Assistance in Child Birth)
- section 243: (Concealing Body of Child)

- section 244: (Causing Bodily Harm with Intent)
- section 245: (Administering Noxious Thing)
- section 246: (Overcoming Resistance to Commission of Offence)
- section 264: (Criminal Harassment)
- section 264.1: (Uttering Threats)
- section 266: (Assault)
- section 267: (Assault with a Weapon or Causing Bodily Harm)
- section 268: (Aggravated Assault)
- section 269: (Unlawfully Causing Bodily Harm)
- section 271: (Sexual Assault)
- section 272: (Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm)
- section 273: (Aggravated Sexual Assault)
- section 273.3: (Removal of Child from Canada)
- section 279: (Kidnapping/Forcible Confinement)
- section 279.1: (Hostage Taking)
- section 280: (Abduction of Person under Sixteen)
- section 281: (Abduction of Person under Fourteen)
- section 282: (Abduction in Contravention of Custody Order)
- section 283: (Abduction)
- section 372: (False Messages/Indecent Telephone Calls/Harassing Telephone Calls);
- section 810: (Where Injury or Damage Feared)
- section 810.1: (Where Fear of Sexual Offence)

The following sections of the Food and Drugs Act (Canada) are designated as relevant offences:

- section 39: (Trafficking in Controlled Drug)
- section 48: (Trafficking in Restricted Drug)

The following sections of the Narcotic Control Act (Canada) is designated as a relevant offence:

- section 4: (Trafficking)