



BACKGROUND CHECK POLICY

Adopted March 14, 2008

BACKGROUND CHECK POLICY

ARTICLE 1 – PURPOSE

1.1 On September 1st, 2006, the Act amending the Education Act and the Act respecting Private

- 2.2 Although this is no guarantee against criminal acts, it does reduce the likelihood of crime and may reduce the Board's liability in the event a crime occurs.
- 2.3 The Board recognizes that its need to verify the criminal background of these individuals must be balanced with the need to protect their privacy. Therefore, in determining if a criminal background check is required (if a position falls within the determined criteria) and in conducting these verifications, the Board will act in accordance with the different laws and rights including the Charter of Human Rights which specifically protects the right to privacy.
- 2.4

persons have no judicial record relevant to their functions within that Board. To that end, the Board will act on the strength of that declaration until it has been verified according to the calendar provided in Annex 1.

- c) If the Board has reasonable grounds to believe that a person working in a position targeted by this policy has a judicial record, it must require that the person complete a declaration concerning his judicial record.

The Board must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person's functions within the Board.

- d) The Board, represented by at least two of the following people (Director General, Assistant Director General and Director of Human Resources), must render the decision with regard to

3.3 Senior Staff (Board Office, Schools & Centre):

- a) These above mentioned individuals must collaborate with Human Resources to optimise and facilitate the application and respect of this policy.
- b) As part of the selection committee for the hiring of employees for their own school, centre or service, the people mentioned above must ensure that all interviewed candidates complete the form entitled “Declaration Concerning the Judicial Background” and that the completed declaration be sent to Human Resources.
- c) They must also ensure that individuals subject to temporary assignment such as supply teaching, short-term replacement, or volunteers have had their background check completed and verified before they start working. To do so they should make sure that these individuals are selected within the list of “approved” candidates provided by the Board or, if not possible, they must take the necessary steps to have the individual complete the declaration and send it to Human Resources. Thus, they cannot use the services of these individuals until they have received proper authorization from Human Resources.
- d) They must also ensure that there is adequate supervision of individual contractors who come in from time from time to do repairs or any other type of work.

3.4 Senior Staff & Management Personnel:

- a) When entering into a contract with a self-employed individual or a contractor, the competent authority representing the Board must make sure that the contract contains the necessary clause related to the background verification. It should state that the self-employed individual must provide a recent proof of their background verification, and in the case of contractors, that they declare that the employee or employees provided to the Board have no judicial records relevant to the task they are required to perform (including being in the presence of minors). It should also state that contractors agree that the Board may request, from time to time, proof that the background verification has been done for these employees. If this obligation is not met, the contract will be terminated with due notice.

3.5 Current Board Employees, volunteers, commissioners, members of management:

- a)

b) Regular hiring

Before hiring any person, the Board must ensure that the applicant has no judicial record relevant to the functions that could be assigned to them within that Board if these functions are within the scope of this policy. To do so, the Board must request a completed declaration upon which it is to verify the declaration or have it verified. The Board will not consider applicants who are unwilling to complete or have not completed the form.

c) Emergency Provision

- i) In exceptional circumstances, it may be necessary for an individual to begin employment with the Board before an official criminal background check is obtained

- b) In the presence of a judicial record, the initial analysis will be conducted by Human Resources to establish if the judicial record is relevant to the functions or the tasks to be performed by the individual. The criteria used for the analysis are the ones listed in Annex II
- c) If it is determined that the judicial record is not relevant to the functions or tasks to be performed, Human Resources shall inform the Board (represented by one of the following persons: Director General, Assistant Director General, Director of Human Resources) of its recommendation so that it can take the proper decision. Human Resources will then inform the individual and the Director of Service or the Principals of school and center (see exception for volunteers) of the Board's decision.
- d) If it is determined that an individual's judicial record may be relevant to his duties, the individual will be notified by phone that his file will be further analyzed. He will also be informed that he may provide additional relevant information within a reasonable timeframe (in writing, by the phone or in person). Human Resources may contact the police as the case may be for more information on the incident reported.
- e) Upon reception of additional information from the individual, and if it is determined that an individual's judicial record has a bearing on his duties, Human Resources shall inform the Board (represented by at least two of the following persons: Director General, Assistant Director General, Director of Human Resources) of its recommendation so that it can take the proper decision.
- f) The Board's decision is provided to the individual in writing. If the decision is not favourable to the individual, the letter will inform him of the possibility to request in writing (within 10 working days) the transfer of his file to the review committee. If the file is not transferred, the decision becomes final. Human Resources will then inform the individual, the Director of Service and Principals of schools & centre (see exception for volunteers) of the Board's decision.
- g)

In all cases, the volunteer does not have to divulge the information related to the judicial record. The simple mention of the fact that he will not volunteer at the school until further notice is sufficient.

j) **Review committee**

- i) The file is transferred to the review committee anonymously. Therefore, the committee has no knowledge of the identity of the person subject to the review; they only get the information necessary to analyse the file.
- ii) The Review Committee will consist of one lawyer, one psychologist and three other members to be named by Human Resources :
- iii) The review committee may base their analysis strictly on the file or request additional information either from the individual or the police (via the person in charge in HR) or any other source that they would deem relevant.
- iv) Once their analysis is final, the Committee should send its recommendation to Human Resources

Annex I

Calendar for the verification of Background Check Declaration of employees hired before September 1st, 2006

As stated in the Background Check Policy, the Board will request of any persons working in a position targeted by the policy that they complete a declaration concerning their judicial record so that the Board may ensure that these persons have no judicial record relevant to their functions within that Board.

Therefore, within 60 days of the adoption of the Background Check Policy, the Board will proceed to request from all its employees, hired before September 1st, 2006, that they complete a Background check declaration and send it back to the Board within 20 days.

The Board will then proceed to have these background Declarations verified within a 5 year period. Any declaration containing a judicial background will be dealt with as a priority. Subsequently, the order in which the declaration will be sent to the police for verification will follow the level of risk associated with each position. The board will proceed with the highest level position first and proceed toward the lowest level up until everyone has been verified. The level of risk has been evaluated according to the following criteria:

- level of authority
- isolation of work area
- access to the school
- student vulnerability
- size of student group (one on one vs. classroom)
- access to financial information and material assets

Based on these criteria, these are the potential order in which the Board would proceed with verifications:

- Commissioners
- Directors and Coordinators of service
- School/Center Administration (Principal & Vice-Principal)
- Caretakers
- Professionals (ex. Psychologist, Speech Language Pathologist, Guidance Counsellor, etc.)
- Attendants

Annex II

Criteria used for analyzing Background files

These criteria will be used as a guideline for each analysis. They are in no way restrictive and every case will be analyzed individually upon its own merit and in accordance with the philosophy behind the Background Check Policy.

1. Conviction or accusation
2. Nature of the conviction or accusation
3. Circumstances leading to the infraction
4. Length of time since the last infraction
5. Nature of the infraction
6. Number of infractions
7. Position of the person
8. The “Human resources file” of the person at the Board
9. Admissibility to a pardon