	Administrative Procedure **Criminal Record and Vulnerable Sector Check**
	Department: Corporate Services
	Approved by:
	Date Approved:
	Revision Date(s):
	Review Date:
	External References • *The Education Act, 1995* • *Controlled Drugs and Substances Act* • *Criminal Code of Canada* • *Criminal Records Act* • *Foods and Drugs Act* • *Narcotics Control Regulations* • *Criminal Records Regulations*
	Internal References • Reporting Criminal Charges AP • Volunteers AP • Form – Volunteer Criminal Records and Vulnerable Sector Checks Request Letter

Purpose

- This administrative procedure establishes guidelines and steps for obtaining and reviewing criminal record and vulnerable sector checks prior to commencing employment or volunteer services at Saskatchewan Distance Learning Centre (Sask DLC).

Scope

- This administrative procedure applies to all individuals, including employees, practicum students and volunteers, who are associated with Sask DLC.

Policy Statement

- Sask DLC protects students and the public interest in the delivery of education services by requiring all employees to provide satisfactory criminal record and/or vulnerable sector checks upon initial employment and as required thereafter.

Procedures:

1. Criminal Record Check: An original, current (within six months) criminal record check is required from any successful applicant being recommended for employment with Sask DLC or any person acting as a volunteer for school-sponsored activities in Sask DLC.

2. Vulnerable Sector Check:
   a. All school-based staff working at Sask DLC or any person acting as a volunteer for school-sponsored activities in Sask DLC that involve interacting directly with students must undergo a vulnerable sector check in addition to the criminal record check.
   b. The Campus Principal will provide a completed Volunteer Criminal Record Vulnerable Sector Checks Request Letter to volunteers interacting directly with students. The form must be completed and signed prior to providing it to the volunteer.
   c. The volunteer is responsible for submitting the letter to their local police or RCMP and returning a copy of the Criminal Records/Vulnerable Sector Check to the Campus Principal.

3. The applicant will provide the results of a criminal record check, (including a vulnerable sector check, if required) at their own expense.

4. Sask DLC has defined the scope of criminal record and vulnerable sector checks for assessing the suitability of employment or volunteerism. The check includes:
   a. All criminal convictions under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, the *Narcotics Control Regulations*, and the *Food and Drugs Act*. A conviction refers to the final judgment on a verdict, a finding of guilt, or a plea of guilt. However, it does not include a final judgment that has been reversed, set aside, or otherwise invalidated.
   b. A search of the automated criminal records retrieval system maintained by the local police or RCMP 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*.

5. Failure to cooperate in providing a criminal record and vulnerable sector checks, or submission of an inaccurate, false, misleading, or incomplete criminal record and vulnerable sector checks, constitutes grounds for termination of employment, refusal to offer employment, or withdrawal of any offer of employment, or volunteerism.

6. All applicants being recommended for employment will be required to disclose if they have been charged or convicted of an under the *Criminal Code of Canada*, the *Controlled Drug and Substances Act*, the *Narcotics Control Regulations* and the *Food and Drugs Act*. If an applicant has been charged or convicted of an offence, they will be asked to disclose the nature of the offence(s), the dates(s), the applicant's age at the time of the offence, the location(s) and the sentence(s) imposed.

7. Criminal record and vulnerable record checks submitted, which include conviction will be assessed by the Director of Human Resources, taking into consideration matters such as:
   a. the nature and particulars of the criminal conviction;
   b. the repetitive patterns of the criminal conviction;
   c. the age of the individual when the events in question occurred;
   d. any extenuating circumstances as provided by the applicant;
   e. the time that has elapsed between the conviction and the employment application, and the activities of the individual during the interim period;
   f. the rehabilitative measures undertaken by the individual since the conviction and the commitment the individual has to rehabilitation and to refraining from criminal activities; and,

g. the relationship of the conviction to the position for which the person is applying.

8. Upon completion of the review process, the Director of Human Resources will furnish a recommendation to the Chief Executive Officer (CEO). The CEO will then make the ultimate decision, and the Director of Human Resources will convey the decision in written form to the individual.

9. Results of the criminal records check are to be kept in the employee's personnel file and stored in a confidential place. It is the responsibility of the individual to act in accordance with Administrative Procedures for Reporting Criminal Charges should a charge be laid after the provision of the initial criminal record and vulnerable sector checks.

10. Any employee who receives a pardon, or who is successful in having a criminal conviction record expunged, may submit a new criminal record check. In such cases, the previously submitted criminal record check is to be returned to the employee upon request.

11. When necessary, applicants who have not submitted criminal record and vulnerable sector checks may be placed in employment for up to seven (7) days on a temporary basis, pending Sask DLC's receipt of the results of their criminal records check. That time may be extended in exceptional circumstances by the CEO.
    a. Failure to provide the results of a criminal record and vulnerable sector checks within the specified period of time shall result in the termination of employment of the temporary employee.

12. In situations where the applicant has submitted the original criminal record and vulnerable sector checks search form completed by the local police or RCMP, which indicates that a request for a criminal record search by fingerprints has been made, and that the applicant has provided satisfactory explanation of the need for the fingerprint verification, an extension of time may be granted.

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

14. Any employee or volunteer who is charged with a criminal offence during the course of their employment or engagement with Sask DLC must immediately disclose the charge in accordance with the Reporting Criminal Charges AP. Failure to disclose may result in disciplinary action up to and including termination for employees, and refusal of permission to act as a volunteer for campus-sponsored activities.