REFERENCE CHECKS

Scope

This policy applies to all current and prospective employees recommended for employment with the Cape Breton-Victoria Regional School Board, who: a) are considered regular or long term; b) are responsible for individual students or groups of students without direct supervision of staff; and others at the discretion of the principal. This policy also applies to individuals doing practicum placements/work-terms.

Purpose

The purpose of this policy is to provide for reference checks for all current and prospective employees.

Definition

Criminal Charges and Convictions

For the purpose of this policy “Criminal Charges and Convictions” is defined as:

(a) a conviction for which a pardon has not been granted;

(b) a conditional discharge within three years from the date on which the offender was discharged on the conditions prescribed in a probation order;

(c) an absolute discharge within one year from the date on which the offender was discharged absolutely;

(d) stays of proceedings within one year from the date the stay was entered;

(e) a conviction for which a pardon has been granted where the offence is listed in the Criminal Records Act [sexual offences] and the person works with vulnerable people;

(f) a conviction which resulted in a sentence under the Youth Criminal Justice Act (Canada) for which an adult sentence was imposed, and a conviction which resulted in a disposition, made before April 1, 2003 under the Young Offenders Act (Canada) as it then was, for which an adult sentence was imposed;
(g) for external applicants, a conviction which resulted in a sentence under the *Youth Criminal Justice Act* (Canada), and a conviction which resulted in a disposition, made before April 1, 2003 under the *Young Offenders Act* (Canada) as it then was;

(h) an order under sections 810, 810.1 and 810.2 of the *Criminal Code*, commonly known as peace bonds;

(i) a charge pending disposition.

### Policy Statement

The Cape Breton-Victoria Regional School Board recognizes its responsibility to ensure that students attending schools and employees under its jurisdiction are protected by taking reasonable precautions to screen prospective (new) employees and current employees who might pose a risk to students.

### Cross Reference

CBVRSB Hiring Policy HR 304  
CBVRSB Sexual Misconduct Between Staff and Students Policy HR 311

### Authorization

The policy has been authorized by the Board under motions number 2002-08-05.

### Responsibility

It is the responsibility of the Director of Human Resources to ensure that this policy and administrative procedures are implemented.

### Implementation

The Director of Human Resources or designate will implement the policy and administrative procedures.
1. All applicants for employment with the Board will include with their application the name, address and telephone number of at least three (3) references, one of which may be a character reference.

2. Current employees with the Board will be required to complete: i) Department of Community Services, Form XIII, Child Abuse Register - Request for Search; and, ii) provide the Board with a Criminal Records check every five years. Any fee charged for this check shall be the responsibility of the Board.

3. The completed Child Abuse Register Search and Criminal Records Check will be retained until they are replaced with updated versions. If there is a concern, these concerns may be noted and stored in the employee’s confidential file.

4. All information collected in reference to this policy will be held in the strictest confidence and only accessible by the Human Resources Department.

5. Training for staff to explain the abuse prevention policies will be held and training will include recognizing inappropriate behavior.

6. Each employee will provide a signed acknowledgement of sexual abuse prevention policies and an agreement to comply with them.

7. In an instance where an offer of employment has been given and the Criminal Records Check and/or Child Abuse Registry Check document outstanding criminal charges and/or prior convictions (as defined in this policy) which indicate that the person could pose a risk to students, the offer of employment shall be withdrawn.

8. An offer of employment prior to the completion and verification of the Criminal Record Check and/or Child Abuse Registry Check shall be conditional upon there being no outstanding criminal charges and/or prior convictions (as defined in this policy) which indicate that the person could pose a risk to students.

9. A condition of employment for persons hired following the adoption of this policy shall be to self-declare any criminal charges and/or conviction(s) to the Director of Human Resources that occur subsequent to their hiring.

10. Prospective employees shall self-declare any criminal charges and/or convictions (as defined in this policy) to the Department of Human Resources of the Board prior to accepting a position with the Board.

11. Prospective employees will initiate the Criminal Records Check and shall provide the documentation to the Department of Human Resources of the Board. The Department of Human Resources of the Board may direct the applicant to initiate the check through a specific criminal station or agency. Any fee charged for this check shall be the responsibility of the applicant.
12. Prospective employees will initiate the process of the Child Abuse Registry Check and shall provide the documentation to the Department of Human Resources of the Board. Any fee charged for this check shall be the responsibility of the applicant.

13. The Human Resources Department of the Board will be responsible for insuring that references are checked, prior to making an offer of employment, for all prospective employees recommended for appointment to positions with the Board.

14. The Human Resources Department of the Board will initiate a process to identify staff who have not had a Criminal Records Check and/or child Abuse Registry Check done, and ensure that they are included for this reference check within a reasonable time frame.

15. Prospective employees found to have criminal charges and/or convictions (as defined in this policy) for acts of child abuse or found to be on the Child Abuse Registry will be denied employment. In all other cases, where there are criminal charges and/or convictions, the Director of Human Resources shall, while assessing the risk posed to students and employees, review the circumstances surrounding the criminal record and consider the following non-exhaustive list of factors when applicable:

   a. The specific duties and responsibilities of the position in question and the relevance of the criminal charge(s) or conviction(s) to that position;
   b. The length of time since the charge(s) and/or conviction(s);
   c. Rehabilitative or other efforts undertaken by the applicant; and,
   d. Such other factors as are deemed appropriate under the circumstances;
   e. The individual’s age at the time of the offence;
   f. The individual’s employment history, including his or her work record and accomplishments since the time of the offence.

16. Where areas of concern are identified, the final decision(s) concerning suitability of employment shall be made jointly by the Director of Human Resources and appropriate Board staff in consultation with legal counsel. Refusal by the prospective employee to provide information regarding any concerns when requested by the Director of Human Resources will be grounds for denial of employment.

17. To further ensure the safety of all students, the Board recognizes its obligation to report to the Department of Education any person who has been refused employment as a result of this policy. Prior to offering employment to a prospective employee, the Board will check with the Department of Education to ensure that the prospective employee has not been refused employment as a result of reference, criminal records or Child Abuse Registry Checks, or any other criminal charges and/or convictions.
18. Employees will be given one-year notice of implementation of the policy.

**Policy Review**

This policy will be reviewed by the Director of Human Resources and/or designate within three years from this authorization date.

**Distribution**

Board Members and all Policy Manual Holders