

Toronto District School Board

Operational Procedure PR747

Title: **POLICE RECORD CHECK**

Adopted: December 17, 2024

Effectuated: December 17, 2024

Revised: N/A

Reviewed: N/A

Authorization: Executive Council

1. RATIONALE

The Police Record Check Procedure (the “Procedure”) supports the TDSB’s legal responsibility to provide a safe and secure learning and working environment for students and employees.

The Procedure implements the Board’s obligations under the *Education Act*, *Ontario Regulation 521/01: Collection of Personal Information*, *Police Record Checks Reform Act*, *Human Rights Code*, *Ontario Regulation 347/18: Exemptions* and is aligned with the Caring and Safe Schools Policy (P051), the Human Rights Policy (P031) and the Freedom of Information and Protection of Privacy Policy (P094).

2. OBJECTIVE

- To outline requirements and criteria for collection, verification, review, and retention of Police Record Checks by the TDSB;
- To establish system-wide processes and consistent practices for implementation of Police Record Checks.

3. DEFINITIONS

Offence Declaration is a written declaration signed by an individual, listing all of the individual’s convictions for offences under the *Criminal Code of Canada* up to the date of the declaration, that are not included in a prior Police Record Check collected by the Board, and for which a pardon has not been issued or granted.

Personal Criminal History is information on an individual’s criminal offences of which the individual has been convicted under the *Criminal Code of Canada* and for which a pardon has not been issued or granted.

PRC is a Police Record Check. A PRC is a document that is provided by a police force or service following a search of the national Canadian Police Information Centre (CPIC) database that contains information concerning an individual's personal criminal history. There are three levels of PRCs that may be required by the TDSB.

- Criminal Record Check (CRC) (Level 1) indicates any criminal convictions.
- Criminal Record and Judicial Matters Check (CRJMC) (Level 2) indicates any criminal convictions as well as any outstanding entries and charges.
- Vulnerable Sector Check (VSC) (Level 3) indicates any criminal convictions, outstanding charges or warrants and certain pardoned offences.

Service Provider means an individual who comes into direct contact with students on a regular basis,

(a) at a school site of the Board in the normal course of,

- (i) providing goods or services under contract with the Board,
- (ii) carrying out his or her employment functions as an employee of a person who provides goods or services under contract with the Board, or
- (iii) providing services to a person who provides goods or services under contract with the Board, or

(b) at a school under the jurisdiction of the Minister of Education in the normal course of,

- (i) providing goods or services under contract with the Minister of Education,
- (ii) carrying out his or her employment functions as an employee of a person who provides goods or services under contract with the Minister of Education, or
- (iii) providing services to a person who provides goods or services under contract with the Minister of Education.

TDSB is the Toronto District School Board, which is also referred to as the "Board".

Volunteer is an individual who renders a service at no cost to the Board.

Vulnerable Sector Individuals refers to persons who are in a position of dependence on others or are otherwise at a greater risk than the general

population of being harmed by persons in authority or trust to them. A person's age, disability, or other circumstances may make them vulnerable.

4. RESPONSIBILITY

Associate Director, Organizational Transformation, Accountability and Legal, and Executive Officer, People and Culture.

5. APPLICATION AND SCOPE

This Procedure applies to current and prospective TDSB employees, service providers and volunteers who are, or will be turning, 18 years old in the year they are supplying services to the Board.

6. PROCEDURE

6.1. General Requirements

- 6.1.1. Employees, service providers, and volunteers are expected to provide a PRC to TDSB before the day each individual commences employment, provides services, or participates in events with the Board, subject to the provisions within this Procedure.
- 6.1.2. The type of PRC required will be determined by the Board through the PRC Office.
- 6.1.3. To be valid for Board use, all PRCs must be prepared within six (6) months before the day the Board collects the document.
- 6.1.4. TDSB requires employees, service providers and volunteers to submit an Offence Declaration by June 30 of each year in which the individual is employed by the Board or provides services for the Board. TDSB must also collect an Offence Declaration before an employee transfers to a different TDSB school site and before a service provider begins providing services at a different TDSB school site.
- 6.1.5. Employees, service providers and volunteers are required to immediately inform the Board of any new criminal convictions that have not been disclosed in a PRC or annual Offence Declaration. Employees, service providers and volunteers must complete and submit Form 747A (Appendix A) to the PRC Office within 7 days of being criminally convicted.
- 6.1.6. TDSB will not cover any cost associated with obtaining PRCs for employees/applicants and service providers. Individual schools or central departments may assume the costs for obtaining an authorized PRC for volunteers. Assumption of these costs will be at the discretion of the school principal or central department lead.

- 6.1.7. TDSB may conduct record audits. Information provided by individuals covered under this Procedure may be audited to ensure accuracy.
- (a) A signed consent form will be obtained from the individual(s) who are the subject of the audit before the audit is initiated. The cost of these audits will be covered by the Board.
- 6.1.8. The Executive Officer, People and Culture (or designate) may provide temporary clearance for individuals who submit a clear CRC (Level 1) and proof of a CRJMC (Level 2) or VSC (Level 3) search in progress by a police force or service.
- 6.1.9. Non-compliance may result in administrative and/or disciplinary action (see Section 6.8).

6.2. Privacy

- 6.2.1. The *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and the *Education Act* provide a strong framework within which to balance privacy within the Board. The Board will only collect, use, retain and disclose personal information in accordance with applicable legislation and the Board's policies and procedures.
- 6.2.2. A notice of collection will be provided to the individuals in order to collect, use, retain and disclose their personal information. The notice of collection will contain information about (1) the legal authority for the collection, (2) the purpose(s) for which the personal information is intended to be used; and (3) the contact information of the Board employee who is responsible for the collection of the information. The Board will include a notice of collection on the Board forms, including web-forms and other documents used for the collection of personal information. For more information about TDSB's protection of privacy practices see the Freedom of Information and Protection of Privacy Procedure (PR676).

6.3. Employees

- 6.3.1. All offers of employment with TDSB will be conditional upon the applicant providing an acceptable PRC, in accordance with the following:
- (a) Employees who do not work in school settings and do not have regular and direct contact with students are required to supply a CRJMC (Level 2).
- (b) Employees who work in a school and/or have regular and direct contact with students are required to supply a VSC (Level 3).
- 6.3.2. If an individual's employment with the Board ceases and the individual is rehired within 1 year of their original departure, TDSB
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will obtain an Offence Declaration upon the date of rehire. If the date of rehire occurs beyond 1 year from the date of departure, the Board will collect an acceptable PRC before the day the individual commences employment with TDSB.

- 6.3.3. All employees are required to provide an electronic Offence Declaration each year in which the employee is employed by the Board by June 30.

6.4. Service Providers

- 6.4.1. All Service Providers, as defined by this Procedure, must provide the Board with an acceptable PRC.
 - (a) At minimum, Service Providers who provide services at school sites must provide TDSB with a CRJMC (Level 2).
 - (b) Service Providers who have unsupervised contact with students as determined by the Principal in consultation with the Facilities and Police Reference Checks Office, will also be required to supply the Board with a VSC (Level 3).

6.5. Volunteers

- 6.5.1. The Board supports the effective use of volunteers in accordance with TDSB's policies and procedures. The nature of the activity being volunteered for, as determined by the PRC Office, will dictate the level of PRC required.
- 6.5.2. School Council members are not required to submit PRCs. If School Council members volunteer with students in a school setting, they will be required to comply with the following subsections.
- 6.5.3. All Volunteers who may have direct contact with students must provide the Board with an acceptable PRC.
 - (a) At minimum, Volunteers who participate in events or activities at school sites must supply the Board with a CRJMC (Level 2).
- 6.5.4. Volunteers who have regular and direct contact with students, as determined by the Principal in consultation with Facilities Services and the PRC Office, will be required to submit a VSC (Level 3) before being permitted to volunteer in that type of setting.
 - (a) Any volunteer who accompanies students on an overnight or multi-day excursion to assist with supervision must submit a VSC (Level 3).

6.6. Criminal Convictions/Investigation Guidelines

- 6.6.1. Where a CRC (Level 1), CRJMC (Level 2), VSC (Level 3) or Offence Declaration indicates the applicant/employee/service provider may have a criminal conviction, the Board may refuse an

offer of employment or terminate an employee if the Board believes there may be a financial, safety or security risk to the Board, students or staff.

- 6.6.2. Where a CRC (Level 1), CRJMC (Level 2), VSC (Level 3) or Offence Declaration indicates the applicant/employee/service provider/volunteer may have a criminal conviction, they may be required, but not limited to:
- (a) follow the process outlined by the Police Service to obtain fingerprints to process a Royal Canadian Mounted Police (RCMP) report detailing the offence(s); and/or
 - (b) obtain a RCMP report detailing the offence(s); and/or
 - (c) provide a letter of explanation detailing the offence(s) listed on the RCMP report; and/or
 - (d) obtain an original copy of the Police Report detailing the offence(s); and/or
 - (e) provide a written explanation detailing the information listed on the Police Report; and/or
 - (f) provide a written explanation detailing why they do not pose a safety risk to students and/or staff; and/or
 - (g) attend an in-person or virtual interview with the Executive Officer, People and Culture (or designate) to discuss the details of the offence(s) and potential risk to students and/or staff.
- 6.6.3. Any costs associated with the steps in 6.6.2.(a-g) will be at the expense of the applicant/employee/service provider.
- 6.6.4. The Executive Officer, People and Culture (or designate) will review any records pertaining to the criminal offence(s)/conviction(s) information and may follow the adjudication guidelines (in 6.6.5. below) to screen applicants/staff members as required.
- 6.6.5. Adjudication Guidelines:
- Where evidence of a criminal conviction is received, the designated contact from People and Culture may consider factors when determining an appropriate course of action. These factors include, but are not limited to:
- (a) the length of time since offence(s) occurred;
 - (b) any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
 - (c) the employment history;
 - (d) the employee's attitude/perspective towards offence(s);

- (e) any treatment, counseling or other services received since offence(s);
- (f) other steps taken to rehabilitate;
- (g) any likelihood offence(s) will be repeated;
- (h) if alcohol or illegal drugs were a factor in commission of offence(s);
- (i) the degree of cooperation with this or any other investigation;
- (j) if the offence(s) was committed while employed by the Board;
- (k) if the employee is a teacher, relevance of offence(s) to their employment duties;
- (l) if employee is not a teacher, relevance of offence(s) to their employment duties;
- (m) whether the offence(s) requires any action pursuant to the *Student Protection Act*, including notification to the Ontario College of Teachers; and
- (n) the risk posed to students, employees, Board property and equipment.

6.6.6. The course of action may include disciplinary action up to and including termination, and/or withdrawal of employment offer, and will be in compliance with other Board policies, collective agreements and legislation.

6.6.7. Applicants/Employees who provide false, misleading information, or whose PRC is determined to be unacceptable by the TDSB may have their offer of employment revoked or employment terminated.

- (a) The Executive Officer/Superintendent of the hiring department, in conjunction with Executive Officer, People and Culture (or designate) will make decisions regarding sections 6.6.5. – 6.6.7.

6.7. Records Management

6.7.1. TDSB will retain an original or true copy of the original PRC. Completed PRCs and Offence Declarations will be filed in a confidential manner in a separate and secure location, in accordance with the Board's Records and Information Management Policy (P097) and records retention schedule.

6.7.2. Access to PRCs and Offence Declarations will be restricted to the Executive Officer, People and Culture and/or designate and the individual whose information was collected, unless otherwise directed by the Executive Officer, People and Culture and/or designate, in accordance with applicable privacy policy and legislation.

6.8. Consequences of Non-Compliance

- 6.8.1. Applicants who fail to provide a valid PRC, as required by the Board, will no longer be considered for employment.
- 6.8.2. Employees who fail to provide a valid PRC, as required by the Board, within specified timelines may be disciplined for non-compliance which could include suspension without pay and/or termination of employment.
- 6.8.3. Employees who fail to provide a signed annual Offence Declaration by June 30 may be disciplined for non-compliance which could include denied school site transfer, suspension without pay and/or termination of employment.
- 6.8.4. Service Providers who fail to provide a valid PRC (including CRJMC (Level 2) or VSC (Level 3) where required) or Offence Declaration within specified timelines, will be deemed in breach of contract and not permitted to attend the school site until the documents are submitted, and may be removed from the provider list.
- 6.8.5. Volunteers who fail to provide a valid PRC (including a VSC (Level 3) where required) or Offence Declaration within specified timelines, will not be permitted to participate in their volunteer activities until the documents are submitted.

7. EVALUATION

This Procedure will be reviewed as required, but at a minimum every five (5) years after the effective date.

8. APPENDICES

- Form 747A – Criminal Conviction Disclosure

9. REFERENCE DOCUMENTS

Legislation

- *Criminal Records Act*
- *Education Act*
 - *O. Reg. 521/01: Collection of Personal Information*
- *Human Rights Code*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Police Record Checks Reform Act, 2015*
 - *O. Reg. 347/18: Exemptions*
- *Student Protection Act*

Policies

- Caring and Safe Schools (P051)
- Freedom of Information and Protection of Privacy Policy (P094)
- Human Rights Policy (P031)

- Records and Information Management (P097)

Procedures

- Freedom of Information and Protection of Privacy (PR676)

APPENDIX A DECLARATION OF A CONVICTION

Employee Number	Date of Birth (Year/Month/Day)	
Surname	Given Name	Middle Name(s)
Position	School/Department	Location

I have been convicted of the following criminal offences under the Criminal Code of Canada for which a pardon under the Criminal Records Act (Canada) has not been issued or granted:

CONVICTION(S):

Date of Conviction: (when were you convicted)	Conviction(s) (what is the charge(s) that you were convicted of)	Additional pertinent details (i.e., were you incarcerated, released on recognizance/conditions, court date/location)

I CERTIFY that all information given in this Declaration is true, correct and complete to the best of my knowledge.

DATED at Toronto, this _____ day of _____, 20_____

Employee Signature: _____

Please email the completed Declaration Form to:
PoliceReferenceCheckOffice@tdsb.on.ca or mail to:

Toronto District School Board, Police Reference Check Office
17 Fairmeadow Ave., Room 107, Toronto, Ontario. M2P 1W6

Notice of Collection and Use of Personal Information

The information you provide is collected under the authority of sections 58.5(1), 169.1-173, 265 of the Education Act, R.S.O. 1990, c.E.2, as amended (the "Education Act"), Ontario Regulation 521/01: Collection of Personal Information under the Education Act, Criminal Records Act (RSC, 1985, c. C-47), and Police Record Checks Reform Act, 2015, S.O. 2015, c. 30. The information will be used by Toronto District School Board ("TDSB") to adhere to TDSB's statutory requirements under the Education Act, ensure the safety and well-being of TDSB's students and staff and determine the suitability for employment with TDSB. The information is retained in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56 and will only be disclosed to authorized TDSB and school staff in order to administer the above purposes. Questions regarding this collection should be directed to Manager, TDSB Labour Relations Svs-Employee Assistance, or designate at TDSB Police Reference Check Office

PoliceReferenceCheckOffice@tdsb.on.ca