

Living Sky School Division No. 202

Administrative Procedure (AP) Manual



Procedure Name: Reporting Criminal Charges

Procedure Type:	Human Resources	Implementation Date:	AUG 31, 2016
Procedure Number:	5.03	Last Approval Date:	MAY 21, 2024
AP Owner:	HR Administrator	Last Reviewed:	MAY 21, 2024
Legal Reference(s):	<i>Sections 85, 87, 109 The Education Act Controlled Drug and Substances Act; Criminal Records Act; Criminal Code of Canada Food and Drugs Act; Criminal Records Regulations</i>		

Background

Every individual (employee, person engaged in internship or field experience program, volunteer, or any other person with direct or sole responsibility for students) is required to report criminal charges as per the procedures below.

Scope

All employees of Living Sky School Division (LSKYSD), and all persons who have been required to provide criminal record checks.

Roles & Responsibilities

Principal

- The principal will ensure that volunteers or other persons working directly with students are aware of this procedure and have signed 5.05 or 5.03A.
- The principal will ensure that all existing employees sign the form 5.03A each new school year.

Human Resources

- Human Resources will be responsible for investigating the circumstances of new criminal charges.
- Human Resources will determine appropriate next steps as a result of the disclosure.

Employees/All Persons

- All individuals must report any new charges since the submission of their criminal record check within 2 business days.

Director or designate

- The director will handle any appeals submitted.

Procedures

All employees of Living Sky School Division, and all persons who have been required to provide criminal record checks, must sign a statement indicating that they have read this procedure and that they understand its provisions. Form 5.03A *Statement of Acknowledgement* will be provided in every employee's payroll package. Principals must ensure volunteers and other persons, other than employees of the division, are aware of this procedure and sign the statement of acknowledgment 5.03A or 5.05A.

1. No later than two working days after an employee, intern, practicum student, or any other person with direct or sole responsibility for students has been charged with an offense, he or she shall verbally, and



- subsequently in writing using the form 5.03B *Reporting Criminal Charges Form*, inform human resources or designate of all charges laid.
2. Upon receipt of this information, human resources or designate shall immediately inform the director.
 3. Volunteers shall inform the school principal, who will contact human resources or designate. The principal shall inform the volunteer that his or her services have been withdrawn until the information and written documentation (Form 5.03B) have been assessed.
 4. A submission, by the individual, outlining relevant circumstances may be attached to the written information.
 5. Upon receipt of the information, human resources or designate shall investigate the circumstances.
 6. Failure to disclose charges, provide a written statement, or submission of inaccurate, false, or misleading statements constitutes grounds for disciplinary action up to and including termination of employment in accordance with the provisions of the employee's contract of employment, or refusal of permission to serve as a volunteer, practicum student or intern.
 7. Subject to the provisions of The Education Act, 1995 and the provisions of the relevant collective agreement, conditions of employment or contract of employment, the division may, in its discretion, transfer, reassign, or terminate the employment of an employee who has reported or disclosed criminal charges.
 8. Any action taken is to be conveyed to the individual in writing, a copy of which is to be kept on file.
 9. Any appeal of the decision is to be made in accordance with the provisions of the employee's collective agreement, conditions of employment, or where no collective agreement applies, to the director within 15 working days of notification of the decision.
 10. If, at the conclusion of all proceedings, a criminal record check confirms no conviction(s) resulting from the incident giving rise to the original charge(s), any documentation that has been placed on file related to the charge(s) for which discipline has not been effected is, at the individual's request, to be removed and destroyed.
 11. Notwithstanding any of the above, an individual may, at any time, seek legal advice or counsel from his or her employee group or an independent source at his or her expense.
 12. Should the employee wish, he or she may be accompanied by an individual of choice, barring conflict of interest, or a representative of the employee or the appropriate employee group at any and all meetings that the employee attends regarding the process. Individuals who are not employees may arrange to be accompanied by persons of their choice, barring conflict of interest, at meetings they attend regarding matters pertaining to criminal charges.

Appendices

5.03A Statement of Acknowledgement – Reporting Criminal Charges

5.03B Reporting Criminal Charges Form

Related

5.02 Criminal Record Checks

5.05 Volunteers

5.05A Statement of Acknowledgment – Volunteer