

CRIMINAL RECORDS REVIEW

BACKGROUND

The Criminal Records Review Act requires that criminal record reviews be conducted on all existing and new employees and persons contracted to provide services, who work with students or have the potential to work with students.

The Greater Victoria School District considers all of its employees and persons contracted to provide specified services to be in positions of trust with regard to the safety and security of students. To comply with the Act, all persons in the employ of the District on or after January 1, 1996 shall undergo a criminal record check as a condition of employment. The requirement to undergo a criminal records review shall be met by the processes established in the regulation.

PROCEDURES

1. The requirements of the Criminal Records Review Act and Board Policy will be met as follows:
 - 1.1. The College of Teachers will conduct criminal record reviews for all current and future employees who possess a teaching certificate. The College will notify the school district by double registered mail of the names of any member identified as posing a risk to children.
 - 1.2. The Human Resource Services Department will conduct criminal records reviews for ALL other employees, and for persons engaged in service contracts where the nature of the service contract will require working with children directly or having or potentially having unsupervised access to children.
2. It is a condition of employment, and continuing employment, and a condition of contracted services (as per B above), to comply with the requirement to undergo a criminal record review and to meet the requirements of the Criminal Records Review Act.

NEW EMPLOYEES (OTHER THAN CERTIFIED TEACHERS)

3. When an individual is offered employment they shall be advised that the offer is conditional upon the result of the criminal record review. A new employee may commence work if they have signed and submitted a criminal record check authorization to Human Resource Services. If the individual is found through the review process to be a risk to children the offer of employment is cancelled.

CURRENT EMPLOYEES (AS AT JANUARY 1, 1996)

4. A current employee will sign a criminal record check authorization as a condition of continuing employment. If a current employee is declared through the review process to be a risk to children the current employee will no longer meet the qualifications for employment with the School District and employment will be terminated.

5. If an employee is charged with or convicted of a relevant offence (see Schedule 1) subsequent to

a criminal record check, the employee must within seven (7) days report in writing the charge or conviction to the Human Resource Services Department, and provide the Human Resource Services Department with a signed criminal record check authorization. If the employee is a certified teacher the teacher shall report the charge or conviction and provide a signed criminal record check authorization directly to the British Columbia College of Teachers.

Excerpted from the Criminal Records Review Act

SCHEDULE 1

(Section 1, definition of “relevant offences”)

RELEVANT OFFENCES

6. The following sections of the Criminal Code (Canada) are designated as relevant offences:

- 1.1. section 151: (Sexual Interference);
- 1.2. section 152: (Invitation to Sexual Touching);
- 1.3. section 153: (Sexual Exploitation);
- 1.4. section 155: (Incest);
- 1.5. section 159: (Anal Intercourse);
- 1.6. section 160: (Bestiality);
- 1.7. section 161: (Order of Prohibition);
- 1.8. section 163.1: (Child Pornography);
- 1.9. section 170: (Parent or Guardian Procuring Sexual Activity);
- 1.10. section 171: (Householder Permitting Sexual Activity);
- 1.11. section 172: (Corrupting Children);
- 1.12. section 173 (1): (Indecent Acts);
- 1.13. section 173 (2): (Exposure);
- 1.14. section 177: (Trespassing at Night);
- 1.15. section 179: (Vagrancy);
- 1.16. section 212 (1): (Procuring a Person for the Purposes of Prostitution);
- 1.17. section 212 (2): (Living Off Avails of Child Prostitution);
- 1.18. section 212 (4): (Attempting to Obtain the Sexual Services of a Child);
- 1.19. section 215: (Duties of Persons to Provide Necessities);
- 1.20. section 218: (Abandoning Child);
- 1.21. section 220: (Causing Death by Criminal Negligence);
- 1.22. section 221: (Causing Bodily Harm by Criminal Negligence);
- 1.23. section 229: (Murder)
- 1.24. section 235: (Punishment for Murder);
- 1.25. section 236: (Punishment for Manslaughter);
- 1.26. section 237: (Punishment for Infanticide);
- 1.27. section 238: (Killing Unborn Child in Act of Birth);
- 1.28. section 239: (Attempt to Commit Murder);
- 1.29. section 240: (Accessory after Fact to Murder);
- 1.30. section 242: (Neglect to Obtain Assistance in Child Birth);
- 1.31. section 243: (Concealing Body of Child);
- 1.32. section 244: (Causing Bodily Harm with Intent);
- 1.33. section 245: (Administering Noxious Thing);
- 1.34. section 246: (Overcoming Resistance to Commission of Offence);

- 1.35. section 264: (Criminal Harassment);
- 1.36. section 264.1: (Uttering Threats);
- 1.37. section 266: (Assault);
- 1.38. section 267: (Assault with a Weapon or Causing Bodily Harm);
- 1.39. section 268: (Aggravated Assault);
- 1.40. section 269: (Unlawfully Causing Bodily Harm);
- 1.41. section 271: (Sexual Assault);
- 1.42. section 272: (Sexual Assault with A weapon, Threats to a Third Party or Causing Bodily Harm);
- 1.43. section 273: (Aggravated Sexual Assault); section 273.3: (Removal of Child from Canada);
- 1.44. section 279: (Kidnapping/Forcible Confinement);
- 1.45. section 279.1: (Hostage Taking);
- 1.46. section 280: (Abduction of Person under Sixteen);
- 1.47. section 281: (Abduction of Person under Fourteen);
- 1.48. section 282: (Abduction in Contravention of Custody Order);
- 1.49. section 283: (Abduction);
- 1.50. section 372: (False Messages/Indecent Telephone Calls/Harassing Telephone Calls);
- 1.51. section 810: (Where Injury or Damage Feared);
- 1.52. section 810.1: (Where Fear of Sexual Offence);

7. The following sections of the Food and Drugs Act (Canada) are designated as relevant offences:

- 7.1. section 39: (Trafficking in Controlled Drug);
- 7.2. section 48: (Trafficking in Restricted Drug).

8. The following section of the *Narcotic Control Act* (Canada) is designated as a relevant offence:

- 8.1. section 4: (Trafficking).

Reference: (TBD)

Adopted: March 7, 2022

Revised: (TBD)