

**ADMINISTRATIVE PROCEDURE
STUDENTS, PARENTS AND COMMUNITY**

Effective:	September 1, 2026
Last Revised:	August 31, 2026

POLICE RECORD CHECKS

1. PURPOSE

The Rainbow District School Board has established this administrative procedure to support Rainbow District School Board's legal responsibility to provide a safe and secure learning and working environment for students and employees.

This procedure also addresses the responsibilities that school administrators have to plan for the effective use of volunteers and to protect all students in their care.

This administrative procedure has been developed to describe the requirement for every prospective and current employee of the Board, trustees, service providers at a school site of the Board, and also anyone who has direct and regular contact with students (volunteers, those on educational placements, sport officials). This procedure also outlines the process to be followed when a current staff member or trustee has a criminal conviction or charge for offences under the Criminal Code.

2. DEFINITIONS

Police Record Check (PRC): In respect to a school Board, this means a document concerning an individual that was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database. The background check contains information concerning the individual's personal criminal history.

Criminal Record and Judicial Matters Check (CRJMC - Level 2): This is a Police Record Check that includes all information permitted to be disclosed in a basic criminal record check and includes additional information such as outstanding charges, warrants, certain judicial orders and absolute and conditional discharges.

Vulnerable Sector Check (VSC - Level 3): This is a Police Record Check that includes all information permitted to be disclosed in a CRJMC as well as applicable finding of not criminally responsible on account of mental disorder, record suspensions related to sexually-based offences, and non-conviction charges with related information in certain circumstances and when a strict test is met. Some police services require a letter from the agency indicating the reason for the request.

Offence Declaration: Offence declaration means a written declaration signed by an individual, listing all the individual's convictions, warrants, and charges for offences under the *Criminal Code (Canada)* up to the date of the declaration that are not included in a Police Record Check or the last offence declaration collected on behalf of the Board.

Volunteer: A volunteer is a person who chooses to give of their time to support staff and students to enhance learning activities. Volunteers receive no remuneration.

Service Provider:

A service provider is an individual who is not an employee of the Board and who comes into direct contact with students on a regular basis at a school site of the Board in the normal course of:

- a) Providing goods or services under contract with the Board
- b) Carrying out their employment functions as an employee of a person who provides goods or services under contract with the Board; or
- c) Providing services to a person who provides goods or services under contract with the Minister of Education.

3. APPLICATION

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

3.1 Employees and Trustees

3.1.1 All offers of employment with Rainbow District School Board will be conditional upon the applicant providing an acceptable Police Record Check, in accordance with the following:

- (a) Employees and trustees who do not work in school settings and do not have regular and direct contact with students are required to supply a Criminal Record and Judicial Matters Check (CRJMC - Level 2).
- (b) Employees who work in a school and/or have regular and direct contact with students are required to supply a Vulnerable Sector Check (VSC - Level 3).

3.1.2 If an individual's employment with the Board ceases and the individual is rehired within one (1) year of their original departure, RDSB will obtain an Offence Declaration upon the date of rehire. If the date of rehire occurs beyond one (1) year from the date of departure, the Board will collect an acceptable PRC before the day the individual commences employment with RDSB.

3.1.3 In exceptional circumstances, it may be necessary for an individual to begin employment with the Board before an acceptable police record check is collected. In such circumstances, the Board will require the individual to submit an employee offence declaration with proof of application of the PRC pending submission of the police record check. The Board will have the right to revoke the offer of employment, and dismiss the employee should the information provided by the employee on the declaration prove false or misleading in any respect once the police record check is received.

3.1.4 Employees and trustees will provide a signed offence declaration by September 1 each year listing all of the individual's convictions of offences under the *Criminal Records Act (Canada)* for which a pardon has not been issued or granted and that were not declared to the Board on a previous police record check or offence declaration.

3.2. Service Providers

3.2.1. All service providers, as defined by this Procedure, must provide the Board with an acceptable Police Record Check.

- (a) At minimum, service providers who provide services at school sites must provide Rainbow District School Board with a Criminal Record and Judicial Matters Check (CRJMC - Level 2).
- (b) Service providers who have contact with students and who are in positions of trust or authority will be required to supply the Board with a Vulnerable Sector Check (VSC - Level 3).
- (c) If a service provider's contract is completed and acquires another contract within one (1) year of their original departure, RDSB will obtain an Offence Declaration upon the date of the new contract. If the date of the new contract occurs beyond one (1) year from the date of departure, the Board will collect an acceptable PRC before the day the individual commences with RDSB.

3.2.2 In every year in which an individual continues to be a service provider or volunteer that is not a year in which the Board collects a PRC, the Board shall collect an offence declaration in respect of the individual by September 1.

3.3. Volunteers

The Board supports the effective use of volunteers in accordance with RDSB's Volunteers Administrative Procedure.

4. PROCEDURES**4.1 Requirements**

4.1.1. Employees, trustees, service providers, and volunteers are expected to provide a Police Record Check to the Board before the day each individual commences employment, provides services, or participates in events with the Board, subject to the provisions within this Procedure.

4.1.2. To be valid for Board use, all Police Record Checks must be prepared within six (6) months before the day the Board collects the document.

4.1.3. Employees, service providers and volunteers are required to immediately inform the Board of any new criminal convictions or charges that have not been disclosed in a PRC or annual Offence Declaration within seven (7) days of being criminally convicted or charged.

4.1.4. RDSB will not cover any cost associated with obtaining PRCs for employees/applicants and service providers.

4.1.5. RDSB may conduct record audits. Information provided by individuals covered under this Procedure may be audited to ensure accuracy.

4.1.6. Non-compliance may result in administrative and/or disciplinary action.

5. BOARD EXPECTATIONS

- 5.1 A new Police Record Check will be required for employees, trustees, service providers and volunteers every five (5) years in accordance with O. Reg. 521/01.
- 5.2 It is the responsibility of the volunteer or service provider to provide a new record check as soon as possible, any time they are charged with, or convicted of, an offence under the Criminal Code of Canada.

6. CRIMINAL CONVICTIONS/INVESTIGATION GUIDELINES

- 6.1. Where a CRJMC (Level 2), VSC (Level 3) or offence declaration indicates the applicant/employee/trustee/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, reputational, safety or security risk to the Board, students or staff.
- 6.2. Where a CRJMC (Level 2), VSC (Level 3) or offence declaration indicates the applicant/employee/trustee/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 Chief Executive Officer, Senior Administrator of Human Resources or designate to discuss the details of the offence(s) and potential risk to students and/or staff.
- 6.3. Any costs associated with the steps in 6.2.(a-g) will be at the expense of the applicant/employee/service provider.
- 6.4. The Chief Executive Officer, Senior Administrator of Human Resources or designate will review any records pertaining to the criminal offence(s)/conviction(s) information and may follow the adjudication guidelines (in 6.5. below) to screen applicants/staff members as required.

6.5. Adjudication Guidelines:

Where evidence of a criminal conviction or charge is received, the designated contact from Executive Council and/or Human Resources 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 the offence(s);
- (e) any treatment, counselling or other services received since the offence(s);
- (f) other steps taken to rehabilitate;
- (g) any likelihood the offence(s) will be repeated;
- (h) if alcohol or illegal drugs were a factor in the commission of the offence(s);
- (i) the degree of co-operation with this or any other investigation;
- (j) if the offence(s) was/were committed while employed by the Board;
- (k) if the employee is a teacher, relevance of the offence(s) to their employment duties;
- (l) if the employee is not a teacher, relevance of the offence(s) to their employment duties;
- (m) whether the offence(s) require(s) 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. 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 procedures, collective agreements and legislation.

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

- (a) The Chief Executive Officer, Superintendent and/or Senior Administrator of Human Resources (or designate) will make decisions regarding sections 6.5. to and including 6.7.

7. REQUIREMENT FOR CONFIDENTIALITY

7.1. 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.

7.2. A notice of collection will be provided to the individuals in order to collect and retain 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.

8. RECORDS MANAGEMENT

8.1. RDSB will retain an original or true copy of the original PRC for the purpose of review and approval. Current completed police record checks and annual offence declarations will be filed in the human resources file for employees and trustees. Completed PRCs and offence declarations for service providers will be filed in a confidential manner in a separate and secure location for 30 days, pending the results of the review. Service providers will submit record checks via a dedicated email for collection.

8.2. Access to PRCs and offence declarations will be restricted to the Chief Executive Officer, Superintendent, Senior Administrator of Human Resources and/or designate and the individual whose information was collected, unless otherwise directed by the Chief Executive Officer, Senior Administrator of Human Resources and/or designate, in accordance with applicable privacy legislation.

9. CONSEQUENCES OF NON-COMPLIANCE

9.1. Applicants who fail to provide a valid PRC, as required by the Board, will no longer be considered for employment.

9.2. 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.

9.3. Employees who fail to provide a signed annual Offence Declaration by the date prescribed may be disciplined for non-compliance which could include suspension without pay and/or termination of employment.

9.4. 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 provide service or attend the school site until the documents are submitted, and may be removed from the provider list.

9.5. 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.

REFERENCE DOCUMENTS

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).

- *Education Act, section 169.1 Board Responsibility for Student Well-Being*
- *Education Act, subsection 171 (1) Powers of Boards: Voluntary Assistants*
- *Education Act, section 265 Duties of Principal: Care of Pupils*
- *Child and Family Services Act - Duty to Report*
- *Municipal Freedom of Information and Protection of Privacy Act*
- Ontario Regulation 474/00 Access to School Premises
- Ontario Regulation 521/01 - Collection of Personal Information
- PPM No. 128 The Provincial Code of Conduct and School Board Codes of Conduct
- Board Policy No. GOV-01 Vision, Mission, and Values
- Board Policy No. GOV-03 Role of the Board of Trustees
- Board Policy No. GOV-06 Role of the Director of Education
- Board Policy No. GOV-12 Learning and Working Environment: Safe Schools
- Board Policy No. GOV-14 Parent/Guardian and Community Relations
- Rainbow District School Board *Code of Conduct*
- Toronto District School Board Procedure PR747 - Police Record Check
- Supporting Children and Students Act, 2025

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

Appendix A - Sample Letter Requesting Vulnerable Sector Check for Service Providers

Place on appropriate letterhead

<DATE>

To whom it may concern,

Please accept this letter as a request for a vulnerable sector check for <INSERT NAME OF VOLUNTEER> in order to allow them to provide service at/for <SCHOOL NAME>/<ROLE e.g. sport officiating> . As a service provider, their duties will include:

- _____
- _____
- _____
- _____

Thank you for your attention to this matter.

If you have any questions, please feel free to contact me directly.

Sincerely,

<NAME>