	<p align="center">EMPLOYEE SERVICES PROTOCOL</p> <p align="center">ISSUE DATE: SEPTEMBER, 2005</p>
<p>PROTOCOL NUMBER:</p> <p align="center">SR23</p>	<p>AUDIENCE:</p> <p align="center">ALL STAFF</p>
<p>CATEGORY:</p> <p align="center">STAFFING & RECRUITMENT</p>	


POLICE REFERENCE CHECKS

The Ontario government released *Regulation 521/01* (now 322/03) which states that School Boards must collect a police reference check on all existing and new Employees, and on service providers who come into direct contact with students on a regular basis. Once a record check has been collected under this Regulation, school boards are required to collect, on an annual basis, "Offence Declarations" (a form to update a person's information on file by declaring any new criminal code convictions). The intent of the legislation is to ensure that schools and classrooms are safe places for students.

Therefore, the Toronto District School Board will not knowingly employ or offer employment to any person with a record of criminal conviction for which a pardon has not been granted for the following types of offenses:

- a) any sexual offence under the Criminal Code of Canada, committed against a child under 16 year of age, including, but not limited to namely, sexual interference, invitation to sexual touching, incest, bestiality, parent/guardian procuring sexual activity, householder permitting sexual activity, corrupting children, indecent act, keeping common bawdy house, procuring, offense in relation to prostitution, or any other offences which may be created as a future date of a similar nature;
- b) sexual exploitation;
- c) sexual assault;
- d) trafficking in or importing for the purpose of trafficking a narcotic under the *Narcotic Control Act* or a controlled or restricted drug under the *Food and Drug Act* or any related criminal offence.

While the convictions above are an absolute bar to employment, the Toronto District School Board does recognize the principle of rehabilitation. Therefore, persons with records of criminal convictions for which a pardon has not been granted for other types of offences may be hired where there is no appreciable risk to the safety or security of Students, Employees, or Board property. Persons convicted of a crime of violence, especially when committed in a domestic situation or in the course of other criminal activity or person with a criminal history of theft, fraud, propagation of hate literature or incitement to hatred, or violence may, in the circumstances, present such a risk and therefore, should not be hired by the Board without evidence of a sustained intervening period of employment with a satisfactory record of performance. Where there is a question regarding the conviction as related to the right to be hired, the Principal/Chair of the hiring interview team should consult the appropriate Executive Officer - Employee Services prior to any decision to hire.

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A prospective Employee whose offer of employment is rescinded under this policy has the right to appeal the decision in writing to the Executive Officer – Employee Services.

Volunteers

We value the tremendous contributions of our parent and community volunteers who give so much of their time and effort to make our schools better places. It is our past practice to require police reference check on a particular group of volunteers who have regular and ongoing contact with students (such as those post secondary co-op students completing practicums, community-based coaches working with school teams and those individual seeking volunteer experience to assist their entry into faculties of education).

Cost - The Toronto District School Board has arranged with Toronto Police Services for a special rate for volunteer police reference checks of \$16.05. To obtain a “*Request Form for a Volunteer Police Reference Check*” please contact the Police Reference Check Office of Employee Services. All forms are to be completed at the school and forwarded to the Police Reference Check Office of Employee Services for processing (the volunteer does not report to Police Services). The police check is done once through the Board. Each year after, the volunteer would only need to complete an Offence Declaration. At the present time, the cost of the police reference check is at the volunteer’s expense, although principals have the discretion to assume the cost from their school budgets when they deem it appropriate.

Existing Police Reference Check Documents - If the volunteer has had a police check done through another agency within the last 12 months, a copy of it can be forwarded to the Police Reference Check Office.

Volunteers under the age of 18 do not require a police reference check.

Positive Police Reference Checks - If a current Employee receives a positive report, he/she will be required to attend an interview. If a prospective Employee receives a positive report he/she may be required to attend an interview.

Storage of Police Reference Checks – All police reference checks will be kept centrally in the Police Reference Check Office for one (1) year beyond completion date. Schools and central departments will be notified by email when an Employee/volunteer has cleared the process. For confidentiality reasons, schools must not keep any copies of police reference checks but should forward such copies to the Police Reference Check Office for storage.

If you require information regarding police reference checks, please call 416-393-0759.