

administrative regulation

Administrative
Regulation No.
4029

Classification:
Staff

Effective Date:
November 10, 2022

Employee Police Information Check

1 | Purpose

The purpose of this administrative regulation is to:

- ensure clarity and understanding of requirements for a Police Information Check and Vulnerable Sector check;
- provide guidelines for the provision and use of police information checks for CBE employees; and
- comply with all legislative and regulated responsibilities.

2 | Scope

This administrative regulation applies to:

- all CBE employees.

This administrative regulation does not apply to CBE students under the age of 18 years who volunteer or employed in CBE schools.

3 | Compliance

All employees are responsible for knowing, understanding and complying with this administrative regulation.

4 | Principles

The following principles apply:

- CBE strives to ensure and maintain a safe and secure working and learning environment.
- Employees and potential employees are assured of CBE's obligation to secure their privacy.

5 | Definitions

CBE: means The Calgary Board of Education.

Criminal record: means a statement of all convictions registered under any federal, provincial or local indices, Act or regulation, including convictions for which no official pardon has been granted under section 3 of the *Criminal Record Act*,.

Police Information Check: means a document prepared by the police service identifying a criminal record resulting from a search of federal, provincial or local indices. It is also known as a police certificate,

background check, record check and may include a vulnerable sector check.

Vulnerable Sector Check: means a document containing the results of a criminal record search completed by the police service using local, provincial and federal databases that identify the existence of any criminal record that reflects a pattern of behaviour that may be harmful to vulnerable persons and may include a pardoned sexual offence.

6 | Regulation Statement

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| Conditions of Employment | 1) Employment with The Calgary Board of Education is conditional on a satisfactory Police Information Check and where necessary, a Vulnerable Sector Check. |
| Confidentiality | 2) All Police Information Checks and Vulnerable Sector Checks are considered personal information and will be treated in a manner consistent with CBE's Confidentiality Protocol and the <i>Freedom of Information and Protection of Privacy Act</i> . |

7 | Procedures

- 3) All successful applicants for positions of employment within CBE must obtain and provide the results of a Police Information Check to CBE Human Resources. These records checks will be at the expense of the prospective employee.
- 4) All teachers, teacher leaders and education superintendents are required to provide to CBE a Police Information Check and a Vulnerable Sector Check prior to commencement of their employment.
- 5) Updated Police Information Checks and Vulnerable Sector Checks for teachers, teacher leaders and education superintendents must be provided every five (5) years thereafter to maintain employment.
- 6) All other applicants or employees in a position responsible for vulnerable populations are directed by Human Resources to complete a Vulnerable Sector Check.
- 7) Prior to commencing employment with The Calgary Board of Education, the results of a Police Information Check and where necessary, the Vulnerable Sector Check must be provided and confirmed.
- 8) All applications for employment, job postings and advertisements for positions with The Calgary Board of Education must state that all applicants not currently employed by The Calgary Board of Education will be required to obtain and provide a Police

Information Check, and a Vulnerable Sector Check, where necessary, before employment is confirmed or commenced.

Internal Applicants

- 9) Existing employees who apply and are successful applicants to internal postings requiring a Police Information Check and/or a Vulnerable Sector Check will renew checks or re-submit current documents before starting their position, as required.
- 10) If the internal employee is the successful applicant in a position designated to require a Vulnerable Sector Check, and has not previously required a Vulnerable Sector Check, the employee will need to obtain one at the employee's expense.

Exceptional Circumstances

- 11) Notwithstanding the above, in rare circumstances, a new employee may be allowed to start their employment without a completed Police Information Check with the approval of the superintendent of Human Resources. Such permission may only be granted in exceptional circumstances and where the position does not require a Vulnerable Sector Check.

Criminal Record Declaration

- 12) All new applicants for employment or applicants for an internal position with The Calgary Board of Education must declare any criminal record to the superintendent of Human Resources

Superintendent Review

- 13) If the applicant described in section 12 or the results of a Police Information Check and/or a Vulnerable Sector Check discloses a criminal record:
 - a) the information must be forwarded to the superintendent of Human Resources to determine if the contents of the disclosure or record are considered incompatible for employment with the CBE;
 - b) the applicant may be offered the opportunity to explain the discrepancy; and
 - c) the offer of employment may be rescinded and/or employment of an employee may be terminated should they not be deemed suitable for employment due to a record incompatible with employment within CBE.

Suitability for Employment

- 14) The superintendent of Human Resources will review the applicant's record to determine if it affects the suitability of the applicant for employment based on the following factors:
 - a) type of charge or offence;
 - b) age of the charge or offence;
 - c) type of work the applicant is being considered for;
 - d) whether the criminal record impacts on the applicant's ability to perform those duties;

- e) whether the behaviour associated with the offence(s), if repeated, will pose a threat of physical or sexual abuse to children or others; and
 - f) any other factor which the superintendent of Human Resources, or designate determines to be relevant.
- 15) If after a review as outlined above, it is determined that the applicant is deemed unsuitable for employment, the employment offer and/or offer of the internal position will be rescinded or not offered at all.
- 16) Failure by an employee to undergo a Police Information Check or Vulnerable Sector Check, as required, or to notify the superintendent of Human Resources of a criminal record, as required under this Administrative Regulation or any other Administrative Regulation, may result in discipline including and up to termination of employment.

8 | History

Approval	November 10, 2022
Next Review	December 2027
Revision/Review Dates	February 15, 2003 July 1, 2006 November 2014

9 | Related Information

- *Alberta Student First Act, 2021*
- *Teaching Profession Act*
- *Education Act*
- B/CSR-4 | Authority of the Chief Superintendent