



Policy Code – Version: H2 – V1	
Policy Name: Criminal Reference Checks and Offence Declarations	
Approved by motion of Board on	18/10/2010
Cross Reference T2 - Adult Passengers on Contract Vehicles	
Related Forms Offence Declaration	

Policy Statement

1. The Ottawa Student Transportation Authority is responsible for providing a safe and secure environment for students and employees. Therefore, the OSTA shall be compliant with relevant legislation regarding Criminal Reference Checks and Offence Declarations.
2. The Ottawa Student Transportation Authority shall not hire into its employ or continue to employ persons who will have direct and regular contact with students and/or staff who have police records and/or patterns of behavior that place students and/or staff at risk.
3. The Ottawa Student Transportation Authority shall collect, or cause to be collected in the case of contracted and/or subcontracted service providers or others who may come in contact with member school Ottawa Student Transportation Authority students, valid Vulnerable Sector (V.S.) Police Record Checks/Criminal Reference Checks (C.R.C.) and Offence Declarations as per established administrative procedures.
4. The Ottawa Student Transportation Authority shall develop a process to verify, to the best of the OSTA's ability, that all new or existing OSTA employees, contracted vehicle service providers, and/or subcontracted service providers do not pose a threat to students, other employees, or Ottawa Student Transportation Authority property or equipment. This process will be documented to protect the Ottawa Student Transportation Authority from future incrimination in this area.

Procedure

1. **Definitions**

Criminal Background Check means, in respect of the Ottawa Student Transportation Authority, a document concerning an individual that:

- a) was prepared by a police force or service from national data on the Canadian Police Information Centre database within six months before the day the Ottawa Student Transportation Authority collects the document; and
- b) contains information concerning the individual's personal criminal history.

Vulnerable Police Record Check, also referred to as a Criminal Reference Check (C.R.C.), means a document concerning an individual that:

- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (C.P.I.C.) database within six (6) months before date of hire; and
- b) provides information concerning the individual's police record including Criminal Code (Canada) convictions, pardoned sexual offences, records of convictions under the Controlled Drugs and Substances Act, Narcotic Control Act and, Food and Drugs Act, and all outstanding warrants and charges.

Vulnerable Sector (V.S.) means persons who, because of age, disability or other circumstances, whether temporary or permanent, are:

- a) in a position of dependence on others; or
- b) otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

Offence Declaration means, in respect of the Ottawa Student Transportation Authority, a written declaration signed by an individual listing all of the individual's convictions for offences under the Criminal Records Act (Canada) up to the date of the declaration:

- a) that are not included in a Police Record Check collected by contract service providers under licensing requirements or in the last criminal background check collected by the Ottawa Student Transportation Authority; and
- b) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

Service Provider means an individual who is not an employee of the Ottawa Student Transportation Authority and who comes into direct contact with member school board pupils on a regular basis at a school site or on vehicles under contract/subcontract to the Ottawa Student Transportation Authority in the normal course of providing goods or services out of his or her employment functions as an employee of a person who provides goods or services under contract with the Ottawa Student Transportation Authority.

Police Station Receipt means a receipt issued by a police station showing the employee or potential employee has paid for a Vulnerable Sector Police Record Check/Criminal Record Check.

R.C.M.P. Report means a document provided by the applicant or employee disclosing any Criminal Conviction(s) of Canada.

Disclosure of Personal Information means a police form that provides information about the nature, date, and role of contact with police.

Ontario Education Service Corporation (O.E.S.C.) means the corporation that the Ottawa Student Transportation Authority has contracted with to secure Vulnerable Sector Police Record Checks. The O.E.S.C. will produce an O.E.S.C. Identification Card as proof of a valid Vulnerable Sector Police Check/C.R.C.

2. **Vulnerable Sector Police Record Checks**

- a) The Ottawa Student Transportation Authority will collect a Vulnerable Sector Police Record Check/C.R.C. for any applicants/new staff. The V.S. Police Record Check must be dated within six months of the hire date.
- b) All individuals being considered for employment with the Ottawa Student Transportation Authority will present proof that they do not have a criminal record before assuming a position with the Ottawa Student Transportation Authority, except as otherwise provided for in these procedures. Any cost associated with providing such proof will be borne by the applicant.
- c) If any applicant/staff member has a Vulnerable Sector Police Record Check that indicates possible or actual criminal conviction(s) and/or provides a Disclosure of Personal Information Form, the Ottawa Student Transportation Authority reserves the right to request:
 - an original Disclosure of Personal Information form; and/or
 - a letter explaining the information listed on the Disclosure of Personal Information; and/or
 - an original copy of the Police Report detailing the Disclosure of Personal information; and/or
 - the employee to follow the process outlined by the Police Service to obtain fingerprints to process a Royal Canadian Mounted Police report detailing the infraction(s); and/or
 - a Royal Canadian Mounted Police (R.C.M.P.) report detailing the infraction(s); and/or
 - a letter of explanation detailing the infraction(s) listed on the R.C.M.P. report; and/or
 - an original copy of the Police Report detailing the infraction(s); and/or
 - a written explanation detailing why they do not pose a safety risk to students and/or staff.

- d) The Ottawa Student Transportation Authority will review any records pertaining to the criminal conviction(s)/disclosure of personal information and may follow the adjudication guidelines to screen applicants/staff members, as required.
- e) Where a Vulnerable Sector Police Record Check/C.R.C. is delayed, and cannot be submitted prior to the start of employment, the Ottawa Student Transportation Authority requires a signed and completed Offence Declaration and a copy of the Police Station receipt.
- f) Staff who have been transferred to the Ottawa Student Transportation Authority from member school boards, and who have previously provided Vulnerable Sector Police Record Check/C.R.C. documentation to their former school board employer, will be considered to have met the requirements of this procedure.
- g) Staff who have a break in service with the Ottawa Student Transportation Authority of one year or more must provide a new V.S. Police Record Check/C.R.C. dated within the last six months of resuming employment.
- h) Ottawa Student Transportation Authority staff who resign or who are terminated must provide a new Vulnerable Sector Police Record Check/C.R.C. if they later re-apply for employment.
- i) Retired staff who are being considered for re-employment must submit a new V.S. Police Record Check/C.R.C. if it has been a year or more since they were last employed with the Ottawa Student Transportation Authority.
- j) Occasional/casual staff must provide a new V.S. Police Record Check/C.R.C. dated within six months of actual employment start date.
- k) The Ottawa Student Transportation Authority reserves the right to revoke an offer of employment in the event of the failure to provide required V.S. Police Record Check/C.R.C. within specified timeframes, or in the event that the employee has provided false or misleading information.
- l) Applicants or employees assume the cost of:
 - V.S. Police Record Check/C.R.C.; and/or
 - Police Report; and/or
 - Royal Canadian Mounted Police report; and/or
 - any required fingerprinting.

3. **Offence Declarations**

a) Existing Staff:

- i. All employees are required to provide an Offence Declaration by September 1 of each year in which the individual is employed by the Ottawa Student Transportation Authority.

- ii. Staff on an approved leave of a year or more must provide the Ottawa Student Transportation Authority an Offence Declaration upon their return.
- iii. Staff who have been retired for less than one year and are resuming employment with the Ottawa Student Transportation Authority are required to provide the Ottawa Student Transportation Authority with a signed and completed Offence Declaration upon their return.

b) New Hires:

In extenuating circumstances, a new hire/applicant must submit a signed and completed Offence Declaration pending receipt of V.S. Police Record Check/C.R.C.

4. **Criminal Conviction(s)/Possible Convictions**

Where the V.S. Police Record Check or the Offence Declaration indicates the applicant/employee may have a Criminal Conviction(s):

- a) The Ottawa Student Transportation Authority reserves the right to refuse an offer of employment or dismiss an employee if the Ottawa Student Transportation Authority feels there may be a safety risk to students and/or staff.
- b) The employee or applicant may be asked to:
 - follow the process outlined by the Police Service to obtain fingerprints to process a Royal Canadian Mounted Police report detailing the infraction(s); and/or
 - obtain a Royal Canadian Mounted Police (R.C.M.P.) report detailing the infraction(s); and/or
 - provide a letter of explanation detailing the infraction(s) listed on the R.C.M.P. report; and/or
 - obtain an original copy of the Police Report detailing the infraction(s); and/or
 - provide a written explanation detailing the information listed on the Police Report; and/or
 - provide a written explanation detailing why they do not pose a safety risk to students and/or staff.

The Ottawa Student Transportation Authority will review any records pertaining to the criminal convictions information and may follow the adjudication guidelines to screen applicants/staff members as required.

5. **Non-compliance**

- a) Employees who fail to provide a valid V.S. Police Record Check/C.R.C. within specified timelines may be suspended without pay until the V.S. Police Record Check/C.R.C. is received.

- b) Employees who fail to provide a signed Offence Declaration form by the date prescribed by the Ottawa Student Transportation Authority may be suspended without pay until the form is received.
- c) The Ottawa Student Transportation Authority will not consider any applicant who fails to provide a V.S. Police Record Check/C.R.C. within specified timelines.
- d) The Ottawa Student Transportation Authority will not consider any applicant who fails to provide an Offence Declaration upon request.

6. Service Providers and the Ontario Education Services Corporation

- a) Where the Ottawa Student Transportation Authority has contracted with the Ontario Education Services Corporation (O.E.S.C.) to collect and adjudicate V.S. Police Record Checks on all Service Providers and employees/contractors or sub-contractors of Service Providers who are identified by the Ottawa Student Transportation Authority as potentially coming into direct and regular contact with students and who do not receive V.S. Police Record Checks as part of their licensing requirements, the following conditions will apply:
 - i. the Service Provider is required to carry a valid O.E.S.C. Identification Card and photo identification while on school property or while providing contract services to the Ottawa Student Transportation Authority and its member school boards; and/or
 - ii. Service Providers are expected to renew their identification card prior to expiry, by contacting the O.E.S.C.; and/or
 - iii. Services Providers are not required to provide an Offence Declaration; and/or
 - iv. Service Providers who fail to produce valid identification upon request by an Ottawa Student Transportation Authority or school administration official will be refused entry into member school board property and will be removed from contracted vehicle route services.
- b) Where the Ottawa Student Transportation Authority has contracted the O.E.S.C., the Ottawa Student Transportation Authority will direct any new or potential Service Provider to the O.E.S.C. to apply and obtain their police check and O.E.S.C. identification card.

7. Adjudication Guidelines

Where evidence is received of a criminal conviction, the designated Ottawa Student Transportation Authority contact will consider the following factors in determining an appropriate course of action:

- a) the length of time since offence(s);

- 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 towards offence(s);
- e) any treatment, counseling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) any likelihood offence(s) will be repeated, in the OSTA's opinion;
- h) if alcohol or illegal drugs were a factor in commission of offence(s);
- i) the degree of cooperation with this investigation;
- j) if the offence(s) was committed while employed by the Ottawa Student Transportation Authority;
- k) relevance of offence(s) to her/his employment duties;
- l) the risk posed to students, employees, and Ottawa Student Transportation Authority property and equipment.

The course of action may include disciplinary action up to and including dismissal, and/or withdrawal of offer, and shall be in compliance with other Ottawa Student Transportation Authority policies, collective agreements, and legislation.

The Ottawa Student Transportation Authority reserves the right to terminate any application/new hire/employee based on the information disclosed. The General Manager of the Ottawa Student Transportation Authority will inform the employee/applicant/new hire of the outcome of the decision made.

The Ottawa Student Transportation Authority reserves the right to revoke an offer of employment and dismiss the employee should the information provided be false, or misleading in any aspect, or if the V.S. Police Record Check/R.C.M.P. report is determined to be unacceptable. The General Manager, or designate, will make a recommendation for final decision by the Board of Directors or designate.

8. Retention of V.S. Police Record Checks/C.R.C. and Offence Declarations

The Ottawa Student Transportation Authority shall retain an original or true copy taken from the original by the Ottawa Student Transportation Authority designated contact or designate. Completed V.S. Police Record Check/C.R.C. and Offence Declarations will be filed in a separate and secure location, in accordance with the Ottawa Student Transportation Authority's Records Management Program retention schedule.