



# TLICHO COMMUNITY SERVICES AGENCY

## Criminal Records Check (CRC) Guidelines

The Government of the Northwest Territories provides programs to children and other vulnerable people therefore must take reasonable measures to protect them and eliminate as much risk as possible in ensuring a safe and healthy learning environment for our children. Hence, in May 2006 the requirement to include criminal record checks as part of the recertification process for teachers in the NWT was developed. That directive directly guides our hiring practices for all positions within the school community.

### Relevant Criminal Offences

Schedule 1 will serve as a guideline for those individuals who have been found to have relevant offences when applying for a position within the school community / education program. Relevant criminal offences may include, but are not limited to:

1. Any criminal offence of a sexual nature.
2. Any criminal offence involving a minor.
3. Assault (with or without weapons).
4. Drug trafficking.
5. Hate crime.

### Offences not relevant to the protection of children

For those offences not relevant to the protection of children see Schedule 2. These offences will be considered on a case-by-case basis and will not automatically exclude an individual from obtaining a teaching certificate in the NWT.

### Guidelines

- A criminal record check must be current (within the past three months).
- A candidate may not be hired if they have been convicted of an offence in Canada or an equivalent conviction in a jurisdiction outside of Canada.
- If an applicant does not provide a criminal record check as required by the application / hiring process, they will not be hired to work within the school community / education program.
- If an individual does not comply with the request to have their fingerprints taken in order to get a Certified Criminal Record Check, it is equivalent to withdrawing from the criminal record check process and will jeopardize their eligibility to work in a school.
- Pardoned offences do not appear on a criminal record check, so generally, the employer would not be aware of pardoned offences.
- School boards are responsible for obtaining criminal record checks from teachers as part of the hiring process. This includes substitute teachers and other non-teaching personnel who work within the school.

### Procedure

1. Once a criminal record check has been received, **if no record exists**, then the applicant may continue through the hiring process.



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### Procedure (con't)

2. ***If a record exists***: if the criminal record check form indicates that a record “may or may not” exist, a “*Certified Criminal Record Check*” will have to be obtained. A Certified Criminal Records Check is an additional search that is performed against the central repository of Canadian criminal records managed by the RCMP in Ottawa and provides detail of a criminal record. Fingerprints must accompany the application for a Certified Criminal Records Check.
3. If the School Principals determines that the individual who is the subject of the criminal record check has been convicted of an offence, then the Superintendent / Director of Education must determine whether the conviction is a relevant offence or not and if the individual presents a risk to the children:
  - a) If the nature of the conviction is a relevant office as listed on Schedule 1, the Director will notify the School Principal, who will notify the individual, the hiring process has been completed and the applicant cannot work in the school as per the results of the criminal records check.
  - b) If the nature of the conviction was not relevant to the protection of children and it was determined that the individual does not pose a risk to children then the Director of Education, with the School Principal, will:
    - i. Examine each situation and determine appropriate action to proceed or not, with the hiring process.
    - ii. Consider whether the behavior associated with the offence would, if repeated, pose a threat of physical or sexual abuse to children.
    - iii. Examine the circumstances of the offence include the age of the individual at the time of the offence and the existence of any extenuating circumstances
    - iv. Consider any past decisions regarding similar offences and evaluate on a consistent basis.
    - v. Any other factors that the employer considers relevant include, without restriction, the time elapsed since the occurrence of the offence, subsequent actions of the individual, the likelihood of the individual repeating a similar kind of behavior and any attempts at rehabilitation.

### Cost

Obtaining a Criminal Record Check during the hiring process is free of charge, by the RCMP, since this is a request made by another Government Agency. Subsequent charges for fingerprinting service may be required for which the individual will be responsible.



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### Schedule 1 Relevant Offences

The following are designated as relevant offences:

- Abandoning a Child
- Abduction
- Abduction in Contravention of Custody Order
- Abduction of Person under Fourteen
- Abduction of Person under Sixteen
- Accessory after Fact to Murder
- Administering Noxious Thing
- Advocating Genocide
- Aggravated Assault
- Aggravated Sexual Assault
- Anal Intercourse
- Arson
- Assault with a Weapon or Causing Bodily Harm
- Assaulting a Peace Officer
- Attempt to Commit Murder
- Attempting to Obtain the Sexual Services of a Child
- Bestiality
- Bigamy
- Causing Bodily Harm by Criminal Negligence
- Causing Bodily Harm with Intent
- Causing Death by Criminal Negligence
- Child Pornography
- Concealing Body of a Child
- Corrupting Children
- Counseling or Aiding Suicide
- Counterfeiting
- Criminal Harassment
- Duties of a Person to Provide Necessities
- Exposure
- Extortion
- Homicide
- Hostage Taking
- Household Permitting Sexual Activity
- Impaired Driving Causing Bodily Harm / Death
- Improper/indecent interference with or Offering an Indignity to a Dead Human Body
- Incest
- Indecent Acts
- Infanticide
- Invitation to Sexual Touching
- Keeping a Common Bawdy House



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### Schedule 1 Relevant Offences (con't)

- Kidnapping / Forcible Confinement
- Killing Unborn Child in Act of Birth
- Living Off Avails of Child Prostitution
- Luring a Child
- Manslaughter
- Murder
- Neglect to Obtain Assistance in Child Birth
- Order of Prohibition
- Overcoming Resistance to Commission of Offence
- Parent or Guardian Procuring Sexual Activity
- Polygamy
- Procuring a Person for the Purpose of Prostitution
- Public Incitement of Hatred
- Removal of a Child from Canada
- Robbery
- Sexual Assault
- Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm
- Sexual Exploitation
- Sexual Interference
- Torture
- Trafficking
- Trafficking in Controlled Drug
- Trafficking in Restricted Drug
- Unlawfully Causing Bodily Harm



# **TLICHO COMMUNITY SERVICES AGENCY**

## **Criminal Records Check (CRC) Guidelines**

### **Schedule 2**

#### **Offences which may or may not be relevant**

1. The following are designated as offences which may or may not be relevant:
  - Assault
  - Break and Enter
  - Criminal Breach of Trust
  - Cruelty to Animals
  - False Messages / Indecent Telephone Calls / Harassing Telephone Calls
  - Forgery
  - Fraud
  - Impaired Driving
  - Leaving the Scene of Accident
  - Narcotics – Conspiracy to import
  - Narcotics – Cultivation
  - Narcotics – Possession
  - Substance Abuse
  - Theft
  - Trespassing at Night
  - Uttering Threats
  - Vagrancy
  - Where Fear of Sexual Offence
  - Where Injury or Damage Feared
2. Sufficient cause to believe that the applicant has provided incorrect information to the Employer for the purpose of getting a job.
3. The above list is not comprehensive and the Employer may include others at his/her discretion.