



**POLICY NO. 4103**

**CRIMINAL RECORD REVIEW**

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**PREAMBLE**

“The purpose of the B.C. Criminal Records Review Act is to help protect children from physical and sexual abuse”.

**(Implementation Guide - Criminal Records Review Act)**

**POLICY:**

In compliance with the Criminal Records Review Act and its Implementation Guidelines, no individual who is found to have a criminal record for a relevant offence (that has not been pardoned) as listed in the Criminal Records Review Act will be permitted to work for School District No.6 (Rocky Mountain) either as an employee, a contractor, or as a volunteer, subject to the guidelines in the following policy regulations.

Reference: Criminal Records Review Act  
Implementation Guide - Criminal Records Review Act

ADOPTED: June 24, 1997  
Amended: September 12, 2006, April 10, 2012



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#### REGULATIONS

- 1.1 All present employees and applicants for employment, contractors, and volunteers (subject to the terms under 1.2 below), must be informed of the requirement to undergo Criminal Record searches.
- 1.2 The Board of Education is committed to ensuring that all its employees, and contractors/volunteers as applicable have complied with the requirement to provide the Board with a signed criminal record Authorization Form by the following time lines:
  - a. all new successful job applicants to all School District No.6 (Rocky Mountain) positions prior to ratifying their appointments;
  - b. all incoming exchange teachers prior to the start of their exchange;
  - c. all families providing school district arranged home stay prior to a student being placed in their home;
  - d. all volunteers who will have or will potentially have unsupervised access to children in the ordinary course of carrying out their duties as a volunteer prior to commencing those duties;
  - e. all contractors and any of their employees who will have or will potentially have unsupervised access to children in the ordinary course of carrying out their duties prior to commencing those duties.
- 1.3 The Criminal Records Review Act defines “work with children” as: “working with children directly or having or potentially having unsupervised access to children in the ordinary course of employment or in the practice of an occupation”. In concert with this definition, the Board of for School District No.6 (Rocky Mountain) has determined that all positions within its employ are designated as “work with children”.

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**REGULATIONS - CONT.**

- 1.4 It is the duty of an employee, contractor or volunteer who is charged with or convicted of a relevant offense subsequent to a criminal record check, to promptly report the charge or conviction to the Superintendent of Schools and to provide a signed criminal record check Authorization Form.
- 1.5 When the Board becomes aware that an employee, contractor or volunteer has an outstanding charge for, or has been convicted of a relevant offense, the Board must require that individual to provide a signed criminal record check Authorization Form for further criminal record checks.
- 1.6 The Criminal Record Check Process and appeal process will be followed as outlined in the Criminal Records Review Act.

Excerpted from the *Criminal Records Review Act*

**SCHEDULE 1**

(Section 1, definition of "relevant offences")

**RELEVANT OFFENCES**

1. The following sections of the *Criminal Code* (Canada) are designated as relevant offences:

- section 151: (Sexual Interference);
- section 152: (Invitation to Sexual Touching);
- section 153: (Sexual Exploitation);
- section 155: (Incest);
- section 159: (Anal Intercourse);
- section 160: (Bestiality);
- section 161: (Order of Prohibition);
- section 163.1: (Child Pornography);
- section 170: (Parent or Guardian Procuring Sexual Activity);
- section 171: (Householder Permitting Sexual Activity);
- section 172: (Corrupting Children);
- section 173 (1): (Indecent Acts);
- section 173 (2): (Exposure);
- section 177: (Trespassing at Night);
- section 179: (Vagrancy);
- section 212 (1): (Procuring a Person for the Purposes of Prostitution);
- section 212 (2): (Living Off Avails of Child Prostitution);
- section 212 (4): (Attempting to Obtain the Sexual Services of a Child);
- section 215: (Duties of Persons to Provide Necessities);
- section 218: (Abandoning Child);
- section 220: (Causing Death by Criminal Negligence);
- section 221: (Causing Bodily Harm by Criminal Negligence);
- section 229: (Murder);
- section 235: (Punishment for Murder);
- section 236: (Punishment for Manslaughter);
- section 237: (Punishment for Infanticide);
- section 238: (Killing Unborn Child in Act of Birth);
- section 239: (Attempt to Commit Murder);
  
- section 240: (Accessory after Fact to Murder);
- section 242: (Neglect to Obtain Assistance in Child Birth);

- section 243: (Concealing Body of Child);
- section 244: (Causing Bodily Harm with Intent);
- section 245: (Administering Noxious Thing);
- section 246: (Overcoming Resistance to Commission of Offence);
- section 264: (Criminal Harassment);
- section 264.1: (Uttering Threats);
- section 266: (Assault);
- section 267: (Assault with a Weapon or Causing Bodily Harm);
- section 268: (Aggravated Assault);
- section 269: (Unlawfully Causing Bodily Harm);
- section 271: (Sexual Assault);
- section 272: (Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm);
- section 273: (Aggravated Sexual Assault);
- section 273.3: (Removal of Child from Canada);
- section 279: (Kidnapping/Forcible Confinement);
- section 279.1: (Hostage Taking);
- section 280: (Abduction of Person under Sixteen);
- section 281: (Abduction of Person under Fourteen);
- section 282: (Abduction in Contravention of Custody Order);
- section 283: (Abduction);
- section 372: (False Messages/Indecent Telephone Calls/Harassing Telephone Calls);
- section 810: (Where Injury or Damage Feared);
- section 810.1: (Where Fear of Sexual Offence).

2. The following sections of the *Food and Drugs Act* (Canada) are designated as relevant offences:

- section 39: (Trafficking in Controlled Drug);
- section 48: (Trafficking in Restricted Drug).

13. The following section of the *Narcotic Control Act* (Canada) is designated as a relevant offence:

- section 4: (Trafficking).