

VERIFICATION OF JUDICIAL RECORDS

Information guide for applicants
for a teaching licence and teaching licence holders

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**Éducation,
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NOTICE

This guide is intended as a source of information only. It does not replace the official Acts and Regulations currently in force to which it refers.

The Ministère de l'Éducation, du Loisir et du Sport (MELS) is aware that this guide does not answer all possible questions concerning the verification of judicial records. Its aim is to inform people applying for the issue or renewal of a teaching licence about the new conditions for issue or renewal. The document will be supplemented with new information as required.

Note: Please note that the new legislative provisions covered in this information document will soon come into effect.

PART 1 – GENERAL INFORMATION

1.1 Introduction

Under the current legislation, a person wishing to teach in Québec must generally hold a teaching licence. This is true for teaching at the preschool, elementary and secondary levels in general education, and in adult education or vocational training, whether in a public or a private school. Each year, the MELS issues or renews a large number of teaching licences, and many others are currently in force.

Although schools in Québec are generally considered to be safe for students, some unfortunate incidents have come to light in recent years in which their physical integrity has been threatened. Until now, prospective teachers were not required to file a declaration concerning their judicial record when applying for the issue or renewal of a teaching licence. However, discussion of the incidents has led to a decision by the MELS to take action to increase the level of safety for students, and a verification of the judicial record of every teacher is a key step in this process.

The MELS is aware that various precautions must be taken when verifying the judicial records of people applying for the issue or renewal of a teaching permit. Steps have been taken to ensure that their fundamental rights are not infringed.

1.2 Objective of this guide

The main objective of this guide is to inform people applying for the issue or renewal of a teaching licence about the new legislative requirements concerning judicial records. It also reviews the new obligations of school boards or private school to verify the judicial records of people who work or are in regular contact with students of minor age.

Note: You can view the *Act to amend the Education Act and the Act respecting private education* on the Publications du Québec Web site at <<http://www.publicationsduquebec.gouv.qc.ca>>.

1.3 Who is required to file a declaration concerning a judicial record, and at what time?

The legislative provisions concerning judicial records and teaching licences require any person applying for the issue or renewal of a teaching licence in general education in the youth sector, general education in the adult sector or vocational training, to include a declaration concerning a judicial record with the application.

The Minister may also require a person holding a teaching licence to file a declaration concerning a judicial record if the Minister has reasonable grounds to believe that the person has a judicial record.

In addition, a person holding a teaching licence must, within 10 days of being informed of a change to his or her judicial record, declare the change to the Minister and to the employer, whether or not the person has previously filed a declaration concerning a judicial record.

1.4 Obligations of school boards and private schools with regard to judicial records

The legislative provisions concerning judicial records also impose obligations on school boards and private schools.¹ In particular, before hiring a person who would be required to work with minor students or be regularly in contact with them, a school board or private school must ensure that the person has no judicial record relevant to the functions that could be assigned to him or her. It may also ask a person who already works with minor students and or is regularly in contact with minor students to file a declaration concerning a judicial record. If the school board or school has reasonable grounds to believe that a person who works with minor students or is regularly in contact with them has a judicial record, it must require the person to send it a declaration concerning a judicial record.

Warning: School boards and private schools are required to inform the Minister in every case in which they conclude that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or could be assigned to that person.

1. School boards and private schools dispensing preschool education services, elementary school instructional services or secondary school instructional services in general or vocational education, including educational services for adults.

1.5 Form used to make a declaration concerning a judicial record

The form used to make a declaration concerning a judicial record, which is processed confidentially, is included here as Appendix I. It can also be obtained from the MELS regional office² in your region, universities, and the Web site of the Direction de la formation et de la titularisation du personnel scolaire at the MELS, at: <www.mels.gouv.qc.ca/dftps> click on the second tab “Autorisation d’enseigner”.

Students who are expected to graduate from a teacher training program in a Québec university will receive the form from the university at an appropriate time. It is recommended that the completed form **be sealed** in the envelope provided and returned to the university according to the procedure it has established. The MELS expects the declaration to be forwarded at the same time as the application for a teaching licence.

All other people should mail their declaration to the following address:

Direction de la formation et de la
titularisation du personnel scolaire
Ministère de l’Éducation, du Loisir et du Sport
1035, rue De La Chevrotière, 28^e étage
Québec (Québec) G1R 5A5

Warning: A declaration that is not signed, or on which one or more questions have not been answered, will be considered incomplete and returned to the sender. A failure to complete or forward the form could lead to a refusal to issue or renew a teaching licence.

². Appendix II lists all the MELS regional offices.

1.6 Verification of judicial records

The legislative provisions concerning judicial records state that the Minister may verify the declaration concerning a judicial record of a person applying for the issue or renewal of a teaching licence, or have it verified in particular by a Québec police force. The Minister may also communicate and receive any information needed for the purposes of the verification. It is important to note that such information may be gathered, used and kept only with a view to ensuring the safety and well-being of the students.

Warning: Even if a person applying for the issue or renewal of a teaching licence holds a certificate of good conduct or an attestation of a clean judicial record issued by a police force, the person must still complete and forward a declaration concerning a judicial record with the application.

PART 2 – LEGAL ASPECTS

2.1 What is included in a “judicial record”

The legislative provisions concerning judicial records and teaching licences refer to the following elements of a judicial record:

- any conviction for a criminal or penal offence committed in Canada or elsewhere, **unless a pardon has been obtained for that offence**
- any charge still pending for a criminal or penal offence committed in Canada or elsewhere
- any court order subsisting against the applicant in Canada or elsewhere.

2.2 Key definitions

Criminal offence

An offence created by a federal law to impose a sanction for grave misconduct that infringes the fundamental values of society. Laws that define criminal offences include the *Criminal Code*, and the *Controlled Drugs and Substances Act*.

Penal offence

An offence created by a federal or provincial law to impose a sanction for a particular type of conduct. For example, the *Employment Insurance Act* and the *Canadian Environmental Protection Act* include penal offences created by a federal law; the *Highway Safety Code* and the *Youth Protection Act* include penal offences created by a provincial law. A penal offence may also lead to a sanction imposed by municipal authorities (e.g. for an offence covered by a municipal by-law).

Charge still pending

A charge that has been laid in a case where the judicial or administrative court has not yet rendered a decision.

Court order

A decision by a judge requiring a person to respect certain conditions, such as a surety under section 810 of the *Criminal Code*, a probation order, an order of prohibition to drive or to possess firearms, a restitution order or an order prohibiting a person from contacting persons under age 14 or being in a place where such persons are likely to be encountered. This list is not comprehensive. Under the *Criminal Code*, a discharge is considered a court order.

2.3 Offences liable to attract the Minister's attention

The legislative provisions on judicial records do not list the offences that are incompatible with teaching. Instead, they give the Minister the power to determine, in every case in which a person has a judicial record, if the judicial record is relevant to the exercise of the teaching profession. The following offences are liable to attract the Minister's attention, but **the list is provided as a source of information only and is not all-inclusive; other offences may also be considered.**

Offences involving any form of violence, especially:

- homicide
- assault
- detention of a person
- intimidation
- robbery
- abduction
- uttering threats
- harassment

Sexual offences, especially:

- sexual assault
- soliciting or inducing prostitution
- indecent acts
- child pornography

Offences that by their nature constitute theft or fraud, especially:

- breaking and entering
- fraud
- personation
- theft
- corruption

Offences relating to the driving of a road vehicle, especially:

- impaired driving
- dangerous driving
- hit-and-run

Offences relating to drugs and other substances, especially:

- possession
- importing, exporting
- trafficking
- cultivation

Offences posing a risk for the integrity and security of minor students, especially:

- failure to provide the necessities of life
- offence carried out for a terrorist group
- criminal negligence
- criminal organization offence

Note: Since the analysis of whether an offence is relevant to the exercise of the teaching profession is not automatic, the Minister must rule on each case, taking into account many different factors including the nature and gravity of the offence, the time elapsed since the offence was committed, the risk of a repeat offence, and so on.

2.4 Criminal record, discharge and pardon³

Criminal record

When a person is found guilty of an offence, information about the offence, the sentence and the offender, including his or her photograph and fingerprints, are automatically sent to the Royal Canadian Mounted Police (RCMP) and put on file: in other words, the person has a criminal record.

Criminal records are accessible through the RCMP and various police databases until the person has obtained a pardon.

If the original sentence was a discharge, the information is forwarded to the RCMP to be added to the databases, but this information is struck from the record and cannot be disclosed after one year in the case of an absolute discharge, or three years in the case of a conditional discharge. Nevertheless, the person's contact information may be forwarded to the police in the context of a criminal investigation, for example.

Discharge

If a person has been convicted of a criminal offence, the court hands down a sentence such as a fine or a term of imprisonment.

One of the sentences the judge may impose is a discharge. A "conditional" discharge comes with a probation order stipulating certain conditions (such as requiring that a person not consume alcohol or communicate with a victim, or requiring a person to make a donation to a charity); otherwise, the discharge is "absolute".

3. This section is based on the Éducaloi Web site, and provides legal information of a general nature. More information can be found at <www.educaloi.qc.ca/en>.

When a court grants a discharge, no sanctions are imposed and the person is considered to have been found not guilty of the offence.

Pardon for a federal offence

When a pardon is granted for an offence under a federal law or regulation, the record of a person's conviction in this regard is kept separate and apart from other criminal records, and remains confidential.

Pardons are granted by the National Parole Board under the *Criminal Records Act*. The National Parole Board is under no obligation to grant a request for pardon.

Pardons may not be granted until the prescribed time has elapsed and the convicted person has completely served his or her sentence, has shown good conduct, and has not been convicted of another offence.

The prescribed time is either three or five years, depending on whether the offence was an offence punishable on summary conviction or an offence prosecuted by indictment.

A period of 12 to 18 months may elapse between the time when an application for pardon is made to the National Parole Board and the time when an answer is received, depending on the type of offence and the documents that must be submitted.

Note that once a person has been pardoned, and even acquitted, the information gathered during the police investigation and the legal proceedings may remain on file in the main databases at the courthouse or the police department. The person pardoned is responsible for contacting the authorities to have the information made confidential. In the case of an acquittal, it is even possible to request that the fingerprints and photographs held by the police be returned to that person or destroyed.

However, in spite of a pardon, a person's criminal record must contain an indication of whether he or she was convicted of a sexual offence. This information may be forwarded to an organization for the protection of children or of vulnerable people in order to verify whether a job applicant has a history of sexual offences. The job in question must place the applicant in a position of authority or confidence with respect to children or vulnerable people. The candidate must also give written consent of the verification, since an organization cannot disclose nominative information without the consent of the person concerned. However, the *Act respecting Access to documents held by public bodies and the Protection of personal information* and the *Act respecting the protection of personal information in the private sector* specify some exceptions to this general rule, in particular if the disclosure of the information is necessary under a statute in force in Québec.⁴

4. The *Act to amend the Education Act and the Act respecting private education* contains specific provisions in this area.

More information about the legal concepts outlined in this part of the guide, as well as other legal concepts, is available from various sources, including the Éducaloi Web site at <www.educaloi.qc.ca/en>.

Pardon for a provincial offence

An application for a pardon for an offence under a provincial law or regulation may be made under the *Executive Power Act*, which is a Québec statute. However, this procedure is used only under exceptional circumstances.

Any person wishing to obtain information on his or her criminal record may contact the nearest office of the Royal Canadian Mounted Police. The list of regional offices is available on the Web site <<http://www.rcmp-grc.gc.ca>>.

Note: An offence for which a pardon has been obtained does not need to be mentioned in a declaration concerning a judicial record. Information on obtaining a pardon is available from the National Parole Board at the Web site <<http://www.npb-cnrc.gc.ca>>.

PART 3 – DECISIONS ON JUDICIAL RECORDS

3.1 Decisions made by the Minister

3.1.1 Clean judicial record

When a person has a clean judicial record, the application for a teaching licence is processed as normal, and the licence issued or renewed if the applicant meets the requirements set by the Minister by regulation.

The current Regulation respecting teaching licences can be consulted on the Web site of the Direction de la formation et de la titularisation du personnel scolaire at the MELS at <<http://www.mels.gouv.qc.ca/dftps>> click on the second tab “Autorisation d’enseigner”.

3.1.2 Judicial record with offences

When a person has a judicial record that includes an offence, the Minister may decide to set up a committee of experts, made up of persons appointed by the Minister who have expertise, experience and a marked interest in the protection of minors. The committee advises the Minister on how to assess the relevance of a judicial record to the practice of the teaching profession. The committee takes many different factors into account, such as the **nature and gravity of the offence, the time elapsed since the offence was committed, the particular circumstances of the offence, whether or not it was an isolated occurrence, the risk of a repeat offence, whether or not the offence was committed while the person was working with children, the person’s subsequent conduct, and eligibility for pardon.**

Warning: The committee of experts is an advisory body that makes recommendations. The Minister retains final responsibility for determining whether a person’s judicial record is relevant to the exercise of the teaching profession, and for deciding whether to issue, renew, suspend, revoke or attach conditions to a teaching licence.

3.1.3 Types of decision made by the Minister

Concerning an application for a teaching licence

Refusal to issue a teaching licence:

The Minister may not issue a teaching licence if the applicant has been convicted of a criminal or penal offence committed in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession, **unless a pardon has been obtained for that offence.**

Examination of application for teaching licence deferred:

If a charge for a criminal or penal offence is still pending in Canada or elsewhere against the applicant for the issue of a teaching licence, or if the applicant is under a court order in Canada or elsewhere, the Minister shall defer the examination of the application if of the opinion that the offence or order is relevant to the practice of the teaching profession.

Concerning an application for the renewal of a teaching licence

Refusal to renew, suspension, revocation or attachment of conditions to a teaching licence:

The Minister may refuse to renew a teaching licence, or may suspend or revoke it or attach conditions to it if the licence holder:

- has been convicted of a criminal or penal offence committed in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession, **unless a pardon has been obtained for that offence**
- fails to provide a declaration concerning his or her judicial record or makes false statements on such a declaration
- fails to inform the Minister of a change in his or her judicial record
- admits to having committed a serious fault in the exercise of his or her functions, or an act derogatory to the honour or dignity of the teaching profession, or, in the opinion of the inquiry committee, has committed such a fault or act.

In addition, the Minister may revoke a teaching licence if the licence holder has failed to respect the conditions attached to it by the Minister.

Before making a decision, the Minister must notify the applicant or the licence holder in writing as prescribed by the *Act respecting administrative justice* and allow the applicant or licence holder at least 10 calendar days, or, in the case of a revocation for noncompliance with the conditions attached to a teaching licence, at least 30 days, to submit observations.

The Minister must also notify the applicant or the licence holder in writing of the decision, giving the reasons for it, and inform the applicant or licence holder of the right to contest the decision before the Administrative Tribunal of Québec, and of the applicable time limit. More information may be obtained from the Web site of the Administrative Tribunal of Québec at <www.taq.gouv.qc.ca>.

Warning: The case of a teaching licence holder against whom a charge for a criminal or penal offence is still pending in Canada or elsewhere or a court order that, in the Minister's opinion, is relevant to the practice of the teaching profession, will be submitted to the inquiry committee established under section 28 of the *Education Act*. The role of the committee is to assess whether the licence holder has committed a serious fault in the exercise of his or her functions, or an act derogatory to the honour or dignity of the teaching profession. The committee must forward its conclusions, and their justifications, to the Minister.

3.1.4 Procedure for reapplying for a teaching licence following a refusal

Any person whose application for a teaching licence has been refused may submit a new application to the Minister if the person considers that a significant change in his or her situation, such as a pardon for the criminal or penal offence that led to the refusal, could lead to a different decision by the Minister.

The new application must be made to the Minister in writing, and must include the declaration concerning a judicial record and proof of the pardon obtained, along with all the documents required by the Minister.

3.1.5 Procedure for reapplying for a teaching licence following a revocation

Any person whose teaching licence has been revoked because of the person's conviction for an offence that, in the Minister's opinion, is relevant to the exercise of the teaching profession, or because of a serious fault in the exercise of his or her functions, or an act derogatory to the honour or dignity of the teaching profession, may submit a new application to the Minister if

- the person has obtained a pardon for the criminal or penal offence that led to the revocation; or
- two years have elapsed since the date of the revocation, if the person has been of good conduct since that time.

The new application must be made to the Minister in writing, and must include the declaration concerning a judicial record and proof of the pardon obtained and, if two years have elapsed since the revocation, all the documents required by the Minister.

Warning: All new applications to the Minister will be analyzed.

PART 4 – FREQUENTLY ASKED QUESTIONS

Which elements of a judicial record are targeted by the Act?

The legislative provisions concerning judicial records refer to the following elements:

- any conviction for a criminal or penal offence committed in Canada or elsewhere, **unless a pardon has been obtained for that offence**
- any charge still pending for a criminal or penal offence committed in Canada or elsewhere
- any court order subsisting against the applicant in Canada or elsewhere

What is meant by criminal offence, penal offence, charge still pending and court order?

Criminal offence

An offence created by a federal law to impose a sanction for grave misconduct that infringes the fundamental values of society. Laws that define criminal offences include the *Criminal Code*, and the *Controlled Drugs and Substances Act*.

Penal offence

An offence created by a federal or provincial law to impose a sanction for a particular type of conduct. For example, the *Employment Insurance Act* and the *Canadian Environmental Protection Act* include penal offences created by a federal law; the *Highway Safety Code* and the *Youth Protection Act* include penal offences created by a provincial law. A penal offence may also lead to a sanction imposed by municipal authorities (e.g. for an offence covered by a municipal by-law).

Charge still pending

A charge that has been laid in a case where the judicial or administrative court has not yet rendered a decision.

Court order

A decision by a judge requiring a person to respect certain conditions, such as a surety under section 810 of the *Criminal Code*, a probation order, an order of prohibition to drive or to possess firearms, a restitution order or an order prohibiting a person from contacting persons under age 14 or being in a place where such persons are likely to be encountered. This list is not comprehensive. Under the *Criminal Code*, a discharge is considered a court order.

Will the legislative provisions concerning judicial records make it longer to obtain or renew a teaching licence?

Unless the situation requires the Minister to consult the committee of experts, the legislative provisions concerning judicial records should not create any extra delays.

Students graduating from a teacher training program:

Applications for a teaching licence are only processed after a student's file has been recommended by a university, in other words once the university has forwarded a complete file on the student to the MELS. This process normally extends from May to August. The Minister can only verify the declaration concerning a judicial record, or have it verified, after receiving a recommendation from a university, and then issue a teaching licence if applicable.

Other applicants:

The processing of an application begins when the MELS receives a complete file. Only after receiving a complete file can the Minister verify the declaration concerning a judicial record, or have it verified, and if applicable issue or renew a teaching licence.

Do student teachers also have to complete and forward a declaration concerning a judicial record?

Student teachers must complete and forward a declaration concerning a judicial record if so required by the school board or private school.

What happens to people who refuse to comply with the Minister's request to complete or forward a declaration concerning a judicial record, as required by law?

Since this is, by law, one of the conditions on which a teaching licence is issued or renewed, the Minister cannot process an application from a person who refuses to complete the declaration concerning a judicial record or to provide all the information indicated on the form.

Does the declaration need to mention an offence for which the applicant has obtained a pardon?

No, an offence for which the applicant has received a pardon need not be mentioned.

What are the conditions for obtaining a pardon?

Information on applications for a pardon can be obtained from the Web site of the National Parole Board at <<http://www.npb-cnrc.gc.ca>>.

How will the Minister react when informed by a school board or private school that a person has a judicial record that the school board or private school considers to be relevant to the exercise of the teaching profession?

The Minister will analyze the case submitted by the school board or private school, and may consult a committee of experts who will advise the Minister on how to assess the relevance of the judicial record to the exercise of the teaching profession. Before making a decision, the Minister will notify the applicant or the licence holder in writing as prescribed by the *Act respecting administrative justice* and allow the applicant or licence holder at least 10 calendar days, or, in the case of a revocation for noncompliance with the conditions attached to a teaching licence, at least 30 days, to submit observations. The Minister will also notify the applicant or the licence holder in writing of the decision, giving the reasons for it, and inform the applicant or licence holder of the right to contest the decision before the Administrative Tribunal of Québec, and of the applicable time limit.

Will all declarations of judicial record be systematically verified?

The legislative provisions concerning judicial records stipulate that the Minister may verify all declarations concerning a judicial record, or have them verified.

Will some applicants have to complete and forward more than one declaration concerning a judicial record at the same time, or within a short period of time?

Yes, because the provision concerning judicial records allows both the Minister and a school board or private school to request a declaration. As a result, an applicant may have to complete and forward more than one declaration at the same time, or within a short period of time, to the Minister and to a school board or private school.

Can a school board or private school refuse to hire a teacher simply because the teacher has a judicial record that is not relevant to the exercise of the functions that could be assigned to that teacher?

According to section 18.2 of the *Charter of human rights and freedoms*, no one may dismiss, refuse to hire or otherwise penalize a person in his or her employment owing to the mere fact that he or she was convicted of a penal or criminal offence, if the offence was in no way connected with the employment or if the person has obtained a pardon for the offence.

PART 5 – RESOURCES

The legal aspects outlined in this guide can be studied in more detail on the Web site Éducaloi at <<http://www.educaloi.qc.ca/en>>.

Barreau du Québec

Maison du Barreau
445, boulevard Saint-Laurent
Montréal (Québec) H2Y 3T8
Phone: (514) 954-3400
Toll-free: 1-800-361-8495
<www.barreau.qc.ca>
<information@barreau.qc.ca>

Commission d'accès à l'information du Québec (Head office)

575, rue Saint-Amable, bureau 1.10
Québec (Québec) G1R 2G4
Phone: (418) 528-7741
Fax: (418) 529-3102
<www.cai.gouv.qc.ca>
<cai.communications@cai.gouv.qc.ca>

Commission des normes du travail (Head office)

400, boulevard Jean-Lesage
Hall Est, 7^e étage
Québec (Québec) G1K 8W1
Phone: (418) 644-0817
Toll-free: 1-800-563-9058
Fax: (418) 643-5132
<www.cnt.gouv.qc.ca>

National Parole Board

National Office
410 Laurier Avenue West
Ottawa (Ontario) K1A 0R1
Phone: 1-613-954-7474
Toll-free: 1-800-874-2652
Fax: 1-613-995-4380
<<http://www.npb-cnrc.gc.ca>>
<info@npb-cnrc.gc.ca>

Commission d'accès à l'information du Québec

480, boulevard Saint-Laurent, bureau 501
Montréal (Québec) H2Y 3Y7
Phone: (514) 873-4196
Fax: (514) 844-6170
<www.cai.gouv.qc.ca>
<cai.communications@cai.gouv.qc.ca>

Commission des droits de la personne et des droits de la jeunesse (Head office)

360, rue Saint-Jacques, 2^e étage
Montréal (Québec) H2Y 1P5
Phone: (514) 873-5146
Toll-free: 1-800-361-6477
Fax: (514) 873-6032
<www.cdpcdj.qc.ca>

National Parole Board

Quebec Regional Office
200, boulevard René-Lévesque Ouest
Tour Ouest, 10^e étage, bureau 1001
Montréal (Québec) H2Z 1X4
Phone: (514) 283-4584
Toll-free: 1-800-874-2652
Fax: (514) 283-5484

Ministère de l'Éducation, du Loisir et du Sport

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Fax: (418) 643-2149
<<http://www.mels.gouv.qc.ca/dftps>>
<louise.beaudoin@mels.gouv.qc.ca>

Ministère de la Sécurité publique
2525, boulevard Laurier, 5^e étage
Tour du Saint-Laurent
Sainte-Foy (Québec) G1V 2L2
Phone: (418) 644-6826
Toll-free: 1-866-644-6826
Fax: (418) 643-3194
<<http://www.msp.gouv.qc.ca>>
<infocom@msp.gouv.qc.ca>

Ministère de la Justice
Édifice Louis-Philippe-Pigeon
1200, route de l'Église
Sainte-Foy (Québec) G1V 4M1
Phone: (418) 643-5140
Toll-free: 1-866-536-5140
Fax: (418) 646-4449
<<http://www.justice.gouv.qc.ca>>
<communications.justice@justice.gouv.qc.ca>

Tribunal administratif du Québec
Montréal région
500, boulevard René-Lévesque Ouest, 21^e étage
Montréal (Québec) H2Z 1W7
Phone: (514) 873-7154
Toll-free: 1-800-567-0278
Fax: (418) 873-8288

Ministère du Travail du Québec
Service d'aide à la clientèle
200, chemin Sainte-Foy, 6^e étage
Québec (Québec) G1R 5S1
Phone: (418) 643-4817
Toll-free: 1-800-643-4817
Fax: (418) 528-0559
<<http://www.travail.gouv.qc.ca>>
<service_clientèle@travail.gouv.qc.ca>

Tribunal administratif du Québec
Québec City region
575, rue Saint-Amable
Québec (Québec) G1R 5R4
Phone: (418) 643-3418
Toll-free: 1-800-567-0278
Fax: (418) 643-5335
<<http://www.taq.gouv.qc.ca>>
<tribunal.administratif@taq.gouv.qc.ca>

APPENDIX I

Declaration concerning a judicial record



DECLARATION CONCERNING A JUDICIAL RECORD

For applicants for a teaching licence and teaching licence holders
(Education Act, section 25.1)

Under the legislative provisions of the *Education Act* dealing with judicial records, a judicial record must mention:

- any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;
- any charge still pending for a criminal or penal offence committed in Canada or elsewhere;
- any court order subsisting against the applicant in Canada or elsewhere.

Definitions and information

Criminal offence

An offence created by a federal law to impose a sanction for grave misconduct that infringes the fundamental values of society. Laws that define criminal offences include the *Criminal Code*, and the *Controlled Drugs and Substances Act*.

Penal offence

An offence created by a federal or provincial law to impose a sanction for a particular type of conduct. For example, the *Employment Insurance Act* and the *Canadian Environmental Protection Act* include penal offences created by a federal law; the *Highway Safety Code* and the *Youth Protection Act* include penal offences created by a provincial law. A penal offence may also lead to a sanction imposed by municipal authorities (e.g. for an offence covered by a municipal by-law).

Charge still pending

A charge that has been laid in a case where the judicial or administrative court has not yet rendered a decision.

Court order

A decision by a judge requiring a person to respect certain conditions, such as a surety under section 810 of the *Criminal Code*, a probation order, an order of prohibition to drive or to possess firearms, a restitution order or an order prohibiting a person from contacting persons under age 14 or being in a place where such persons are likely to be encountered. This list is not comprehensive. Under the *Criminal Code*, a discharge is considered a court order.

Conviction for an offence for which a pardon has been obtained

An offence for which a pardon has been obtained need not be mentioned in the declaration. For more information on applications for pardon, see the National Parole Board Web site at <<http://www.npb-cnrc.gc.ca>>.

Other information:

The information document *Verification of judicial records—Information guide for applicants for a teaching licence and teaching licence holders* is available on the Web site of the Direction de la formation et de la titularisation du personnel scolaire at <<http://www.mels.gouv.qc.ca/dftps>>.

The *Act to amend the Education Act and the Act respecting private education* (Statutes of Québec, 2005, chapter 16) which, among other things, makes the declaration concerning a judicial record compulsory, can be viewed on the Publications du Québec Web site at <<http://www.publicationsduquebec.gouv.qc.ca>>.

For more information:

Ministère de l'Éducation, du Loisir et du Sport
Direction de la formation et de la
titularisation du personnel scolaire
1035, de la Chevrotière, 28^e étage
Québec (Québec) G1R 5A5
Phone: (418) 646-6581

ATTENTION – PLEASE COMPLETE THIS DECLARATION LEGIBLY USING BLOCK LETTERS

Reserved for the Ministère
File No.

DECLARATION CONCERNING A JUDICIAL RECORD
For applicants for a teaching licence and teaching licence holders
(Education Act, section 25.1)

SECTION 1			PERSONAL INFORMATION		
LAST NAME (if you have more than one last name, please enter them in the usual order)					
FIRST NAME			MIDDLE NAME		
DATE OF BIRTH (yyyy-mm-dd)		SEX <input type="checkbox"/> Male <input type="checkbox"/> Female		PHONE NUMBER	
CURRENT ADDRESS (number, street, apartment)					
CITY		PROVINCE		POSTAL CODE	
PREVIOUS ADDRESS (number, street, apartment) (if you have been at your current address for less than five years)					
CITY		PROVINCE		POSTAL CODE	

✓ **Check the appropriate boxes in each of the following sections. If you need more space to provide all the information requested, continue on a separate sheet and enclose it with this form. Enter your name at the top of any additional sheet.**

SECTION 2			CONVICTION(S)		
A – CRIMINAL OFFENCE(S)					
<input type="checkbox"/> I have not been convicted of a criminal offence in Canada or elsewhere or, if I have been convicted of a criminal offence, I have obtained a pardon.					
Or					
<input type="checkbox"/> I have been convicted, in Canada or elsewhere, of the following criminal offence(s):					
Offence		Date		Location of court	
B – PENAL OFFENCE(S)					
<input type="checkbox"/> I have not been convicted of a penal offence in Canada or elsewhere or, if I have been convicted of a penal offence, I have obtained a pardon.					
Or					
<input type="checkbox"/> I have been convicted, in Canada or elsewhere, of the following penal offence(s):					
Offence		Date		Location of offence and, where applicable, of court	

Reserved for the Ministère
File No.

DECLARATION CONCERNING A JUDICIAL RECORD
For applicants for a teaching licence and teaching licence holders
(Education Act, section 25.1)

SECTION 3 CHARGE(S) STILL PENDING

A – CRIMINAL OFFENCE(S)

I am not subject to any pending charges for a criminal offence in Canada or elsewhere.

Or

I am subject to one or more pending charges, in Canada or elsewhere, for the following criminal offence(s):

<i>Offence</i>	<i>Date</i>	<i>Location of court</i>

B – PENAL OFFENCE(S)

I am not subject to any pending charges for a penal offence in Canada or elsewhere.

Or

I am subject to one or more pending charges, in Canada or elsewhere, for the following penal offence(s):

<i>Offence</i>	<i>Date</i>	<i>Location of offence and, where applicable, of court</i>

SECTION 4 COURT ORDER(S)

I am not subject to any court order made against me in Canada or elsewhere.

Or

I am subject to the following court order(s) made against me in Canada or elsewhere.

<i>Order</i>	<i>Date</i>	<i>Place of order</i>

Reserved for the Ministère
File No.

DECLARATION CONCERNING A JUDICIAL RECORD
For applicants for a teaching licence and teaching licence holders
(Education Act, section 25.1)

This declaration form is submitted with (please check the box that best describes your situation and provide the requested information):

- An application for the issue of a teaching licence**
- For graduates of a teacher training program at a Québec university, ***please indicate the university where you completed your program.*** _____
 - For graduates of a teacher training program outside Québec, ***please indicate the country and the state or province where you completed your program.*** _____
 - For people applying for a temporary teaching licence, ***please indicate the regional office of the Ministère de l'Éducation, du Loisir et du Sport where you sent your application and your employer.*** _____
- An application for the renewal of a teaching licence**
- For people applying for the renewal of a teaching licence, ***please indicate the regional office of the Ministère de l'Éducation, du Loisir et du Sport where you sent your renewal application.*** _____
- Not applicable**

The Education Act specifies that:

- This form must be sent to the Ministère de l'Éducation, du Loisir et du Sport when submitting a request for a teaching licence or its renewal;
- A teaching licence holder must, within 10 days of being notified of a change in his or her judicial record, inform the Minister of Education, Recreation and Sports of the change, regardless of whether the person has already filed a declaration concerning the person's judicial record;
- The Minister of Education, Recreation and Sports may verify the declaration or have it verified, in particular by a Québec police force, and may communicate or receive any information for the purposes of the verification.

NOTICE

- A declaration form will be considered incomplete and will be returned to the sender if: it is not signed, or if one or more questions remain unanswered;
- A false declaration may lead to the rejection of the application for a teaching licence;
- The full judicial record must be declared. However, only the offences that, in the opinion of the Minister, are relevant to the exercise of the teaching profession will be considered.

I certify that all the information provided in this declaration form is accurate and complete.

Signature

Date

If you expect to graduate from a teacher training program, send this declaration to your university according to the procedure established by the university.

In other cases, mail this declaration form to:

Direction de la formation et de la
titularisation du personnel scolaire
Ministère de l'Éducation, du Loisir et du Sport
1035, rue De La Chevrotière, 28^e étage
Québec, (Québec) G1R 5A5

APPENDIX II

Regional offices of the Ministère de l'Éducation, du Loisir et du Sport

**DIRECTION RÉGIONALE
DU BAS-SAINT-LAURENT ET DE LA
GASPÉSIE- ÎLES-DE-LA-MADELEINE**
355, boulevard Saint-Germain Ouest, 2^e étage
Rimouski (Québec) G5L 3N2
Phone: (418) 727-3600
Fax: (418) 727-3557

**DIRECTION RÉGIONALE
DU SAGUENAY- LAC-SAINT-JEAN**
Édifice Marguerite-Belley
3950, boulevard Harvey, 2^e étage
Jonquière (Québec) G7X 8L6
Phone: (418) 695-7982
Fax: (418) 695-7990

**DIRECTION RÉGIONALE
DE LA CAPITALE-NATIONALE ET
DE LA CHAUDIÈRE-APPALACHES**
1020, route de l'Église, 3^e étage
Sainte-Foy (Québec) G1V 3V9
Phone: (418) 643-7934
Fax: (418) 643-0972

**DIRECTION RÉGIONALE
DE LA MAURICIE ET DU CENTRE-DU-QUÉBEC**
Édifice Capitanal, bureau 213
100, rue Laviolette, 2^e étage
Trois-Rivières (Québec) G9A 5S9
Phone: (819) 371-6711
Fax: (819) 371-6075

**DIRECTION RÉGIONALE
DE L'ESTRIE**
200, rue Belvédère Nord, bureau 3.05, 3^e étage
Sherbrooke (Québec) J1H 4A9
Phone: (819) 820-3382
Fax: (819) 820-3947

**DIRECTION RÉGIONALE
DE LAVAL, DES LAURENTIDES ET DE LANAUDIÈRE**
300, rue Sicard, bureau 200, 2^e étage
Sainte-Thérèse (Québec) J7E 3X5
Phone: (450) 430-3611
Fax: (450) 430-4005

**DIRECTION RÉGIONALE
DE LA MONTÉRÉGIE**
Édifice Montval
201, Place Charles-Le Moyne, 6^e étage
Longueuil (Québec) J4K 2T5
Phone: (450) 928-7438
Fax: (450) 928-7451

**DIRECTION RÉGIONALE
DE MONTRÉAL**
600, rue Fullum, 10^e étage
Montréal (Québec) H2K 4L1
Phone: (514) 873-4630
Fax: (514) 873-7281

**DIRECTION RÉGIONALE
DE L'OUTAOUAIS**
170, rue de l'Hôtel-de-Ville, 4^e étage
Gatineau (Québec) J8X 4C2
Phone: (819) 772-3382
Fax: (819) 722-3955

**DIRECTION RÉGIONALE
DE L'ABITIBI-TÉMISCAMINGUE
ET DU NORD-DU-QUÉBEC**
215, boulevard Rideau, 2^e étage
Rouyn-Noranda (Québec) J9X 5Y6
Phone: (819) 763-3001
Fax: (819) 763-3017

**DIRECTION RÉGIONALE
DE LA CÔTE-NORD**
Édifice Paul-Provencher
625, boulevard Laflèche, bureau 1.812
Baie-Comeau (Québec) G5C 1C5
Phone: (418) 295-4400
Fax: (418) 295-4467

**DIRECTION RÉGIONALE
DE LA CÔTE-NORD**
106, rue Napoléon, 2^e étage
Sept-Îles (Québec) G4R 3L7
Phone: (418) 964-8420
Fax: (418) 964-8504