

## **Background Screening Policy**

### **Definitions**

1. The following terms have these meanings in this Policy:
  - a. “Criminal Record Check (CRC)” – A search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions
  - b. “Local Police Information (LPI)” – additional conviction and selected non-conviction information in national and local police data sources which may be relevant to the position sought
  - c. “Enhanced Police Information Check (E-PIC)” – a Criminal Record Check plus a search of local police information, available from SterlingBackcheck
  - d. “Vulnerable Sector Check (VSC)” – a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, local police information, and the Pardoned Sex Offender database
  - e. “Vulnerable Participants” – A person under the age of 18 years old and/or a person who, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority

### **Preamble**

2. MENA Basketball Foundation (the club) understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the community.

### **Application of this Policy**

3. This Policy applies to all individuals whose position with the club is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Participants.
4. Not all individuals associated with the club will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to the club or to its participants. The club will determine which individuals will be subject to screening using the following guidelines (The club may vary the guidelines at its discretion):
  - a. Level 1 – Low Risk - Participants involved in low risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Participants. Examples:
    - i. Parents, youth, or volunteers who are helping out on a non-regular or informal basis
  - b. Level 2 – Medium Risk – Participants involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Participants. Examples:
    - i. Athlete support personnel
    - ii. Non-coach employees or managers
    - iii. Directors
    - iv. Officials
    - v. Coaches who are typically under the supervision of another coach

- c. Level 3 – High Risk – Participants involved in high risk assignments who occupy positions of trust and/or authority, have a supervisory role, direct others, are involved with finances, and who have frequent or unsupervised access to Vulnerable Participants.

Examples:

- i. Full time coaches
- ii. Coaches who travel with athletes
- iii. Coaches who could be alone with athletes

### **Screening Committee**

5. The implementation of this policy is the responsibility of the club's Screening Committee or other club designates such as a club president/board members if the club's size warrants this.
6. The Screening Committee is responsible for reviewing all documents submitted and, based on the review, making decisions regarding the appropriateness of individuals filling positions within the club. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, provincial/territorial sport organization, or any other person.
7. Nothing in this Policy restricts or limits the Screening Committee from requesting that the individual attend an interview with the Screening Committee if the Screening Committee considers that an interview is appropriate and necessary to screen the individual's application.
8. Nothing in this Policy restricts or limits the Screening Committee from requesting the individual's authorization to contact any professional, sporting or other organization in order to assess the individual's suitability for the position that they are seeking.
9. Nothing in this Policy restricts or limits the Screening Committee from requesting further information from the individual on more than one occasion, subject to the individual's right to insist that the Screening Committee make a decision on the basis of the information before it.
10. The Screening Committee may, where appropriate, draw an adverse inference from an individual's failure to provide information or answer queries.
11. When assessing an individual's screening application, the Screening Committee shall determine whether there is reason to believe that the individual may pose a risk to the club, or to another individual.
12. An individual having been previously penalized for a prior offence shall not prevent the Screening Committee from considering that offence as part of the individual's screening application.
13. If the Screening Committee determines on the basis of the individual's screening application, in addition to any further material received by it, that the individual does not pose a risk to the members of the club, the Screening Committee shall approve the individual's application, subject to the Screening Committee's right to impose conditions.
14. In the case of a decision denying an application or approving an application with conditions, a copy of the decision shall be provided to the applicant and to the Board of Directors of the club which may disseminate the decision as they see fit in order to best fulfil the mandate of the club.
15. A Participant whose screening application has been denied or revoked may not re-apply to participate in the programs or activities of the club for two (2) years from the date the rejected application was made Screening Requirements
16. It is the club's policy that when an individual is first engaged by the club:
  - a. Level 1 individuals will:

- i. Complete a Screening Disclosure Form (Appendix A)
  - ii. Participate in training, orientation, and monitoring as determined by the club
- b. Level 2 individuals will:
  - i. Complete a Screening Disclosure Form
  - ii. Complete and provide an E-PIC
  - iii. Participate in training, orientation, and monitoring as determined by the club
  - iv. Provide a driver's abstract, if requested
- c. Level 3 individuals will:
  - i. Complete a Screening Disclosure Form
  - ii. Complete and provide an E-PIC
  - iii. Participate in training, orientation, and monitoring as determined by the club
  - iv. Provide a driver's abstract, if requested
- d. If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to the club. Additionally, the individual will inform the club of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
- e. If the club learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with club policy.

### **Young People**

- 17. The club defines a young person as someone who is younger than 18 years old. When screening young people, the club will:
  - a. Not require the young person to obtain a VSC or E-PIC; and
  - b. In lieu of obtaining a VSC or E-PIC, require the young person to submit up to two (2) letters of reference.
- 18. Notwithstanding the above, the club may ask a young person to obtain a VSC or E-PIC if the club suspects the young person has an adult conviction and therefore has a criminal record. In these circumstances, the club will be clear in its request that it is not asking for the young person's youth record. The club understands that it may not request to see a young person's youth record.

### **Renewal**

- 19. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit an E-PIC, Screening Disclosure Form, VSC, or Screening Renewal Form, are required to submit the documents as follows:
  - a. An E-PIC every three years
  - b. A Screening Disclosure Form every three years
  - c. A Screening Renewal Form (Appendix B) every year
  - d. A Vulnerable Sector Check once every three years
- 20. At any time, including after either the submission of an individual's application or its approval (with or without conditions), the Screening Committee may re-open an individual's file for additional screening if it is advised of new information that, in the discretion of the club, could affect the assessment of the individual's suitability for participation in the programs or activities of the club, or the individual's interactions with other individuals involved with the club.

### **Orientation, Training, and Monitoring**

21. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the club's discretion.
22. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
23. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback. Courses may include:
  - a. Respect in Sport for Activity Leaders
  - b. CAC Safe Sport Training
  - c. Commit to Kids
24. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form (Appendix D), that they have received and completed the orientation and training.
25. Monitoring may include but is not limited to: written or oral reports, observations, tracking, electronic surveillance (e.g., facility security cameras), and site visits.

### **How to Obtain an E-PIC or VSC**

26. Canada Basketball has joined the Coaching Association of Canada's Responsible Coaching Movement and therefore has access to the E-PIC at a discounted rate. Participants can obtain an E-PIC via [https://www.sterlingtalentsolutions.ca/landing-pages/c/cac\\_ace/](https://www.sterlingtalentsolutions.ca/landing-pages/c/cac_ace/)
27. In Ontario, it is understood that the Police Record Checks Reform Act, 2015 requires the individual to consent in writing before requesting a criminal record check (such as an E-PIC). The Act also requires the individual to consent in writing for any disclosure of the results to the requesting organization.
28. In BC, the process for obtaining a Criminal Record Check is different than in other provinces and territories and sections of this policy relating to obtaining a Criminal Record Check may not apply. In such cases, the Screening Committee will provide individuals with directions pursuant to the following website: <https://www.viasport.ca/free-criminal-records-checks>
29. Participants may only obtain a VSC by visiting an RCMP office or police station, submitting two pieces of government-issued identification (one of which must have a photo), and completing any required paperwork. Fees may also be required.
30. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
31. The club understands that it may be required to assist an individual with obtaining a VSC. The club may need to submit a Request for VSC (Appendix C) or complete other documentation describing the nature of the organization and the individual's role with vulnerable individuals.

### **Procedure**

32. Screening documents must be submitted to the Screening Committee.
33. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer or apply for the position sought. The individual will be informed that their application and/or position will not proceed until such time as the screening documents are submitted.

34. The club understands that there may be delays in receiving the results of an E-PIC or a VSC. At its discretion, the club may permit the individual to participate in the role during the delay. The club may withdraw this permission at any time and for any reason.
35. The club recognizes that different information will be available depending on the type of screening document that the individual has submitted. For example, an E-PIC may show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted and may request further screening documents if deemed necessary.
36. Following the review of the screening documents, the Screening Committee will decide:
  - a. The individual has passed screening and may participate in the desired position;
  - b. The individual has passed screening and may participate in the desired position with conditions;
  - c. The individual has not passed screening and may not participate in the desired position;or
  - d. More information is required from the individual.
37. In making its decision, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought.
38. The Screening Committee may decide that an individual has not passed screening if the screening documentation reveals any of the following:
  - a. If imposed in the last ten years:
    - i. Any offense involving the use of a motor vehicle, including but not limited to impaired driving
    - ii. Any offense involving conduct against public morals
    - iii. Any offense involving theft or fraud
  - b. If imposed at any time:
    - i. Any offense involving a Minor or Minors
    - ii. Any offense of assault, physical or psychological violence
    - iii. Any offense involving trafficking or possession of illegal drugs
    - iv. Any offense involving the possession, distribution, or sale of any child-related pornography
    - v. Any sexual offense

### **Conditions and Monitoring**

39. Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with conditions imposed. The Screening Committee may apply and remove conditions at its discretion and will determine the means by which adherence to conditions may be monitored.

### **Records**

40. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings.

41. The records kept, which will be stored in a secure area, by the club as part of the screening process include but are not limited to:
- a. An individual's Vulnerable Sector Check
  - b. An individual's E-PIC (for a period of three years)
  - c. An individual's Screening Disclosure Form (for a period of three years)
  - d. An individual's Screening Renewal Form (for a period of one year)
  - e. Records of any conditions attached to an individual's registration by the Screening Committee
  - f. Records of any discipline applied to any individual by the club or by another sport organization

## **Appendix A – Screening Disclosure Form**

**NAME:**

\_\_\_\_\_

First Middle Last

**OTHER NAMES YOU HAVE USED:** \_\_\_\_\_

**CURRENT PERMANENT ADDRESS:**

\_\_\_\_\_

Street City Province Postal

**DATE OF BIRTH:** \_\_\_\_\_ **GENDER IDENTITY:** \_\_\_\_\_

Month/Day/Year

**CLUB (if applicable):** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

*Note: Failure to disclose truthful information below may be considered an intentional omission and the loss of volunteer responsibilities or other privileges*

**1. Do you have a criminal record? If so, please complete the following information for each conviction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Year Convicted: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**2. Have you ever been disciplined or sanctioned by a sport governing body or by an independent body (e.g., private tribunal, government agency, etc.) or dismissed from a coaching or volunteer position? If so, please complete the following information for each disciplinary action or sanction. Attach additional pages as necessary.**

Name of disciplining or sanctioning body: \_\_\_\_\_

Date of discipline, sanction or dismissal: \_\_\_\_\_

Reasons for discipline, sanction or dismissal: \_\_\_\_\_

Penalty or Punishment Imposed: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**3. Are criminal charges or any other sanctions, including those from a sport body, private tribunal or government agency, currently pending or threatened against you? If so, please complete the following information for each pending charge or sanction. Attach additional pages as necessary.**

Name or Type of Offense: \_\_\_\_\_

Name and Jurisdiction of Court/Tribunal: \_\_\_\_\_

Name of disciplining or sanctioning body: \_\_\_\_\_

Further Explanation: \_\_\_\_\_

**PRIVACY STATEMENT**

By completing and submitting this Screening Disclosure Form, I consent and authorize **INSERT CLUB NAME** (the club) to collect, use and disclose my personal information, including all information provided on the Screening Disclosure Form as well as my Enhanced Police Information Check and/or Vulnerable Sector Check (when permitted by law) for the purposes of screening, implementation of the club's Screening Policy, administering membership services, and communicating with National Sport Organizations, Provincial Sport Organizations, Sport Clubs, and other organizations involved in the governance of sport. The club does not distribute personal information for commercial purposes.

**CERTIFICATION**

I hereby certify that the information contained in this Screening Disclosure Form is accurate, correct, truthful and complete. I further certify that I will immediately inform the club of any changes in circumstances that would alter my original responses to this Screening Disclosure Form. Failure to do so may result in the withdrawal of volunteer responsibilities or other privileges and/or disciplinary action.

NAME (print): \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



**Appendix B – Screening Renewal Form**

**NAME:**

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First	Middle	Last
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**CURRENT PERMANENT ADDRESS:**

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Street	City	Province	Postal
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**DATE OF BIRTH:** \_\_\_\_\_  
Month/Day/Year

**GENDER IDENTITY:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

By signing this document below, I certify that there have been no changes to my criminal record since I last submitted an Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to **INSERT CLUB NAME**. I further certify that there are no outstanding charges and warrants, judicial orders, peace bonds, probation or prohibition orders, or applicable non-conviction information, and there have been no absolute and conditional discharges.

I agree that any Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I would obtain or submit on the date indicated below would be no different than the last Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form that I submitted to the club. I understand that if there have been any changes, or if I suspect that there have been any changes, it is my responsibility to obtain and submit a new Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form to the club's Screening Committee instead of this form.

**I recognize that if there have been changes to the results available from the Enhanced Police Information Check and/or Vulnerable Sector Check and/or Screening Disclosure Form, and that if I submit this form improperly, then I am subject to disciplinary action and/or the removal of volunteer responsibilities or other privileges at the discretion of the Screening Committee.**

**NAME (print):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

## **Appendix C – Request for Vulnerable Sector Check**

Note: Club will be required to modify this letter to adhere to any requirements from the VSC provider

### **INTRODUCTION**

**INSERT CLUB NAME** is requesting a Vulnerable Sector Check for \_\_\_\_\_ **INSERT INDIVIDUAL'S FULL NAME** who identifies as a \_\_\_\_\_ **INSERT GENDER IDENTITY** and who was born on \_\_\_\_\_ **INSERT BIRTHDATE**.

### **DESCRIPTION OF ORGANIZATION**

**INSERT BRIEF DESCRIPTION OF CLUB**

### **DESCRIPTION OF ROLE**

\_\_\_\_\_ **INSERT INDIVIDUAL'S NAME** will be acting as a \_\_\_\_\_ **INSERT INDIVIDUAL'S ROLE**. In this role, the individual will have access to vulnerable individuals.

**INSERT ADDITIONAL INFORMATION re: type and number of vulnerable individuals, frequency of access, etc.**

### **CONTACT INFORMATION**

If more information is required from Canada Basketball, please contact the Screening Committee Chair:

**INSERT INFORMATION FOR SCREENING COMMITTEE CHAIR / CLUB PRESIDENT**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix D – Orientation and Training Acknowledgement Form**

1. I have the following role(s) with Canada Basketball (circle as many as apply):

Parent / Guardian

Coach

Director / Volunteer

Athlete

Official

Committee Member

2. As an individual affiliated with Canada Basketball, I acknowledge I have received completed the following orientation and training:

**Name of Training or Orientation:**

\_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

**Name of Training or Orientation:**

\_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

**Name of Training or Orientation:**

\_\_\_\_\_

Instructor: \_\_\_\_\_ Date Completed: \_\_\_\_\_

\_\_\_\_\_

Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date