



## Sport Law Policy

**“Organization” refers to: SWIMMING ROCKERS CLUB**

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Criminal Record Check (CRC)”* – A search of the RCMP National Repository of Criminal Records to determine whether the individual has a criminal record
  - b) *“Vulnerable Sector Verification (VSV)”* – a detailed check that includes a search of the RCMP National Repository of Criminal Records, local police information, and the Pardoned Sex Offender database

### Purpose

2. The Organization understands that screening personnel and volunteers is a vital part of providing a safe sporting environment. The Organization is responsible, by law, to do everything reasonable to provide a safe and secure environment for participants in its programs, activities, and events. The purpose of screening is to identify individuals involved with the Organization’s activities who may pose a risk to the Organization and its participants.

### Application of this Policy

3. This Policy applies to all individuals whose position with the Organization is one of trust or authority which may relate to, at a minimum, finances, supervision, young people, or people with a disability.
4. Not all individuals associated with the Organization will be required to obtain a CRC or submit a Screening Disclosure Form because not all positions pose a risk of harm to the Organization or to its participants. The Organization will determine which individuals will be subject to screening using the following guidelines (variations from the guidelines are at the sole discretion of the Organization):

Level 1 – Low Risk - Individuals involved in low risk assignments who are not in a supervisory role, not directing others, not involved with financial/cash management, and/or do not have access to minors or people with a disability. Examples:

- a) Parents, youth, or volunteers who are helping out on a non-regular informal basis

Level 2 – Medium Risk – Individuals involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with financial/cash management, and/or who may have limited access to minors or people with a disability. Examples:

- a) Assistant coaches or volunteer head coaches of a club
- b) Coaches who are typically under the supervision of another coach

Level 3 – High Risk – Individuals involved in high risk assignments who occupy positions of trust and/or authority, have a supervisory role, direct others, are involved with financial/cash management, and who have access to minors or people with a disability. Examples:

- a) Full time coaches with a private club that is affiliated with the Organization
- b) Coaches who travel with athletes
- c) Coaches who could be alone with athletes

### Policy

5. It is the Organization’s policy that:
  - a) Level 1 individuals will:
    - i. Complete a Screening Disclosure Form
    - ii. Complete an Application Form indicating that the individual has read and understands the Organization’s policies and procedures
    - iii. Provide one letter of reference related to the position sought
    - iv. Participate in orientation as determined by the Organization
  - b) Level 2 individuals will:
    - i. Complete and provide a CRC
    - ii. Complete a Screening Disclosure Form

- iii. Complete an Application Form indicating that the individual has read and understands the Organization's policies and procedures
  - iv. Provide one letter of reference related to the position sought
  - v. Participate in orientation as determined by the Organization
  - vi. Provide a driver's abstract, if requested
- c) Level 3 individuals will:
- i. Complete and provide a CRC and VSV
  - ii. Complete a Screening Disclosure Form
  - iii. Complete an Application Form indicating that the individual has read and understands the Organization's policies and procedures
  - iv. Provide one letter of reference related to the position sought
  - v. Participate in orientation as determined by the Organization
  - vi. Provide a driver's abstract, if requested
- d) Failure to participate in the screening process as outlined in this policy will result in the individual's ineligibility for the position sought.
- e) When the Screening Committee is of the opinion that, notwithstanding a conviction, a person can occupy a position within the Organization without adversely affecting the safety of the Organization, any individual, athlete, or member of the Organization through the imposition of such terms and conditions as are deemed appropriate, the Screening Committee may approve an individual's participation.
- f) If an individual subsequently receives a conviction for, or is found guilty of, an offense they will report this circumstance immediately to the Organization.
- g) If an individual provides falsified or misleading information, the individual will immediately be removed from his or her position and may be subject to further discipline in accordance with the Organization's *Discipline and Complaints Policy*.

### **Screening Committee**

6. The implementation of this policy is the responsibility of the Organization's Screening Committee which is a committee of three (3) to five (5) members appointed by the Organization. The Organization will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately assess CRCs, VSVs, and Screening Disclosure Forms and render decisions under this Policy. Quorum for the Screening Committee will be three members.
7. The Organization may remove any member of the Screening Committee. When a position on the Screening Committee becomes vacant, either because a member has been removed or because a member has resigned, the Organization will appoint a replacement member.
8. The Screening Committee will carry out its duties, in accordance with the terms of this policy, independent of the Board.
9. The Screening Committee is responsible for reviewing all CRCs, VSVs, and Screening Disclosure Forms and, based on such reviews, making decisions regarding the appropriateness of individuals filling positions within the Organization. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.

### **How to Obtain a Criminal Record Check or Vulnerable Sector Verification**

10. Although a CRC may be obtained online from a third-party provider, individuals may only obtain a VSV 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 and may be reimbursed by the Organization upon the submission of a legitimate receipt and volunteer expense form.
11. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.

**Procedure**

12. The Screening requirements defined in this policy will be submitted to the Organization in an envelope marked “Confidential”:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 13. If required, the Organization will provide a letter confirming the potential position within the Organization.
- 14. Individuals who do not undertake the screening requirements required by this policy will receive a notice to that effect and will be informed that their application and/or position will not proceed until such time as the screening requirements are followed.
- 15. The Screening Committee will review all submitted documents and determine if the individual has committed a relevant offense.
- 16. Subsequent to its’ review, the Screening Committee, by majority vote, will:
  - a) Approve an individual’s participation; or
  - b) Deny an individual’s participation; or
  - c) Approve an individual’s participation subject to terms and conditions as the Screening Committee deems appropriate
- 17. If an individual’s documents do not reveal a relevant offense, the Screening Committee will advise that the individual is eligible. If an individual’s documents reveal a relevant offense, the Screening Committee will render its decision and provide notice of its decision. After providing notice, the Screening Committee will return or destroy the CRC or VSV.
- 18. CRCs are valid for a period of three years, VSVs are valid forever (because no new names are being added to the database that the VSV searches), and Screening Disclosure Forms must be completed on an annual basis. However, the Screening Committee may request that an individual provide a CRC or a Screening Disclosure Form for review and consideration at any time. Such request will be in writing and reasons will be provided for such a request.

**Relevant Offenses**

- 19. Provided a pardon has not been granted, the following examples are considered to be relevant offenses:
  - a) If imposed in the last five years:
    - i. Any offense involving the use of a motor vehicle, including but not limited to impaired driving
    - ii. Any offense for trafficking and/or possession of drugs and/or narcotics
    - iii. Any offense involving conduct against public morals
  - b) If imposed in the last ten years:
    - i. Any crime of violence including but not limited to, all forms of assault
    - ii. Any offense involving a minor or minors
  - c) If imposed at any time:
    - i. Any offense involving the possession, distribution, or sale of any child-related pornography
    - ii. Any sexual offense
    - iii. Any offense involving theft or fraud

**Records**

20. 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.

**Criminal Convictions**

- 21. An individual’s conviction for any of the following *Criminal Code* offenses may result in expulsion from the Organization and/or removal from designated positions, competitions, programs, activities and events upon the sole discretion of the Organization:
  - a) Any offense of physical or psychological violence
  - b) Any crime of violence including but not limited to, all forms of assault

- c) Any offense involving trafficking of illegal drugs
- d) Any offense involving the possession, distribution, or sale of any child-related pornography
- e) Any sexual offense
- f) Any offense involving theft or fraud