



CANADA BASKETBALL 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 Individuals”* – 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. Canada Basketball 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 Canada Basketball is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Individuals.
4. Not all individuals associated with Canada Basketball will be required to obtain a criminal record check or submit screening documents because not all positions pose a risk of harm to Canada Basketball or to its participants. Canada Basketball will determine which individuals will be subject to screening using the following guidelines (Canada Basketball may vary the guidelines at its discretion):

Level 1 – Low Risk - Individuals 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 Individuals. Examples:

- a) Parents, youth, or volunteers who are helping out on a non-regular or 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 finances, and/or who may have limited access to Vulnerable Individuals. Examples:

- a) Athlete support personnel
- b) Non-coach employees or managers
- c) Directors
- d) Officials

- e) 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 finances, and who have frequent or unsupervised access to Vulnerable Individuals. Examples:

- a) Full time coaches
- b) Coaches who travel with athletes
- c) Coaches who could be alone with athletes

Screening Committee

- 5. The implementation of this policy is the responsibility of Canada Basketball's Screening Committee which is a committee of three (3) members appointed by Canada Basketball. Canada Basketball will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately assess screening documents and render decisions under this Policy.
- 6. The Screening Committee will carry out its duties, in accordance with the terms of this policy, independent of the Board.
- 7. 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 Canada Basketball. 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.

Screening Requirements

- 8. It is Canada Basketball's policy that when an individual is first engaged by Canada Basketball:
 - a) Level 1 individuals will:
 - i. Complete a Screening Disclosure Form (**Appendix A**)
 - ii. Participate in training, orientation, and monitoring as determined by Canada Basketball
 - 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 Canada Basketball
 - 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 Canada Basketball
 - 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 Canada Basketball. Additionally, the individual will inform Canada Basketball of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
 - e) If Canada Basketball 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 Canada Basketball's *Discipline and Complaints Policy*.

Young People

9. Canada Basketball defines a young person as someone who is younger than 18 years old. When screening young people, Canada Basketball 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.
10. Notwithstanding the above, Canada Basketball may ask a young person to obtain a VSC or E-PIC if Canada Basketball suspects the young person has an adult conviction and therefore has a *criminal record*. In these circumstances, Canada Basketball will be clear in its request that it is not asking for the young person's *youth record*. Canada Basketball understands that it may not request to see a young person's youth record.

Renewal

11. 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
12. The Screening Committee may request that an individual provide any of the above documents at any time. Such request will be in writing and reasons will be provided for the request.

Orientation, Training, and Monitoring

13. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at Canada Basketball's discretion.
14. 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.
15. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
16. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form, that they have received and completed the orientation and training.
17. 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

18. 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. Individuals can obtain an E-PIC via https://www.sterlingtalentsolutions.ca/landing-pages/c/cac_ace/

19. In Ontario, Canada Basketball understands 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.
20. 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>
21. Individuals 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.
22. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
23. Canada Basketball understands that it may be required to assist an individual with obtaining a VSC. Canada Basketball 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

24. Screening documents must be submitted to the department in which you will be working.
25. 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.
26. Canada Basketball understands that there may be delays in receiving the results of an E-PIC or a VSC. At its discretion, Canada Basketball may permit the individual to participate in the role during the delay. Canada Basketball may withdraw this permission at any time and for any reason.
27. Canada Basketball 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.
28. 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.
29. 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.
30. The Screening Committee must decide that an individual has not passed screening if the screening documentation reveals any of the following:
 - a) If imposed in the last three 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. An individual's conviction for any of the following *Criminal Code* offenses:
 - 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

Conditions and Monitoring

31. 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

32. 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.
33. The records kept, which will be stored in a secure area, by Canada Basketball 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 Canada Basketball or by another sport organization

APPROVAL

34. This Policy was last reviewed and approved by the Canada Basketball Board of Directors on the 11th day of December 2019.

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 Canada Basketball 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 Canada Basketball'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. Canada Basketball 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 Canada Basketball 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: _____
First Middle Last

CURRENT PERMANENT ADDRESS:

Street City Province Postal

DATE OF BIRTH: _____ **GENDER IDENTITY:** _____
Month/Day/Year

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 Canada Basketball. 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 Canada Basketball. 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 Canada Basketball'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: Canada Basketball will be required to modify this letter to adhere to any requirements from the VSC provider

INTRODUCTION

Canada Basketball 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

Canada Basketball is the not-for-profit national governing organization for the sport of basketball in Canada.

[Insert additional description]

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]

Signed: _____ Date: _____