

## NIAGARA-ON-THE-LAKE SAILING CLUB Screening Policy

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Replaces and/or amends	N/A
Appendix(-ces) to this Policy	N/A

*Note: The Safe Sport Policy Suite Definitions apply to this policy, please refer to that document for term definitions. Our Safe Sport policies follow the legal practice of capitalized defined terms to assist the reader in identifying that the term has a specific meaning within the policy suite.*

### Purpose

1. NIAGARA-ON-THE-LAKE SAILING CLUB is responsible for providing a safe and secure environment for Athletes. Instructors, coaches, officials, and Athlete Support Personnel are, and volunteers may be, in a position of trust related to these Athletes or others in the community. NIAGARA-ON-THE-LAKE SAILING CLUB understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice amongst sport organizations that provide programs and services to the Canadian sport community, and specifically within sailing.

### Scope

2. This Policy applies to all Individuals whose position with NIAGARA-ON-THE-LAKE SAILING CLUB is one of trust or authority which may relate to, at a minimum, finances, supervision, or any contact with Vulnerable Individuals.
3. Not all Individuals associated with NIAGARA-ON-THE-LAKE SAILING CLUB will be required to obtain a Criminal Record Check or submit screening documents because not all positions pose a risk of harm to NIAGARA-ON-THE-LAKE SAILING CLUB or participants. Individuals will be subject to the screening requirements described in the Screening Requirements Matrix found in the Appendix of this policy and shall comply with the screening application requirements as detailed therein.
4. In addition to Individuals directly under the Sail Canada umbrella as designated by Sport Canada, Sail Canada will provide the service of screening as it relates specifically to Criminal Record Checks for Member Organizations by ensuring instructors, coaches, and officials over the age of 18 submit a Criminal Record Check every three years as part of their annual registration. Member Organizations are responsible for all other aspects of the Screening Requirement Matrix.

### Policy

5. NIAGARA-ON-THE-LAKE SAILING CLUB believes robust screening of all Individuals with a degree of risk in their role with sailing in Canada is a vital activity in the protection of all Individuals associated with the sport. Comprehensive screening involves a range of activities and documentation related to risk level of the role the Individual is assuming within the sport and the organization.

6. As such NIAGARA-ON-THE-LAKE SAILING CLUB has categorized positions in the organization according to the level of risk they pose and requires progressive, comprehensive screening measures for Individuals in each category of risk as found in the Screening Requirement Matrix and is committed to ensuring is an ongoing process with regular updates for each Individual's screening documentation based on the risk associated with their position.
7. Screening requirements will be met before any Individuals will be permitted to interact with Athletes or have access to Vulnerable Individuals.

#### **Screening Designated Officer**

8. The implementation of this policy is the responsibility of an individual appointed by NIAGARA-ON-THE-LAKE SAILING CLUB, who is free from a Conflict of Interest, that will function as the Screening Designated Officer for all screening applications received pursuant to this policy. This individual will possess the requisite skills, knowledge, and abilities to accurately assess screening documents and to render decisions under this policy.
9. The Screening Officer will carry out its duties in accordance with the terms of this policy.
10. The Screening Officer is responsible for reviewing all documents submitted with a screening application and based on the review, they are empowered to make decisions regarding the related appropriateness of Individuals filling positions within NIAGARA-ON-THE-LAKE SAILING CLUB. In carrying out its duties, the Screening Officer may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person while respecting the confidentiality of the documents.

#### **Screening Requirements**

11. A Screening Requirements Matrix is provided as an Appendix. All Individuals must comply with the requirements detailed therein associated with the highest role they are interested in attaining when first engaged by NIAGARA-ON-THE-LAKE SAILING CLUB and shall respect the renewal requirements indicated below. Upon this policy becoming effective all current Individuals will be reviewed and any gaps in NIAGARA-ON-THE-LAKE SAILING CLUB Screening records will be addressed within a six-month period.
12. Regardless of previous involvement with NIAGARA-ON-THE-LAKE SAILING CLUB, should an Individual take on a new role at any time that falls within a different category within the Screening Matrix they will be required to ensure NIAGARA-ON-THE-LAKE SAILING CLUB is provided with the screening documents associated with that new role.
13. If an Individual subsequently receives a charge, conviction for, or is found guilty of an offense they will report this circumstance immediately to NIAGARA-ON-THE-LAKE SAILING CLUB. As part of completion of a Screening Disclosure Form, Individuals are required to inform NIAGARA-ON-THE-LAKE SAILING CLUB of any changes in their circumstances that would alter their responses in their Screening Disclosure Form. For any UCCMS Participants, NIAGARA-ON-THE-LAKE SAILING CLUB is required to share this information with Ontario Sailing.
14. If NIAGARA-ON-THE-LAKE SAILING 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 the Discipline and Complaints Policy. For any Individual that is employed by NIAGARA-ON-THE-LAKE SAILING CLUB providing false or inaccurate information is considered willful misconduct and disobedience that is not trivial which has not been condoned by NIAGARA-ON-THE-LAKE SAILING CLUB and may result in termination without notice and without cause.

### **Procedure**

15. Individuals must submit current versions of the screening documents based on the Requirements Matrix, according to the category in which they fall as designated by the General Manager to the Screening Officer. Note that, for the sake of this policy, current is defined as within six months of the date of submission. For those Individuals requiring Vulnerable Sector Checks, if needed, NIAGARA-ON-THE-LAKE SAILING CLUB will provide a letter for the Individual to be able to access a Vulnerable Sector Check for the position sought as required. Any information submitted shall be subject to NIAGARA-ON-THE-LAKE SAILING CLUB's Privacy Policy, will only be viewed on a need-to-know basis, and will be protected in accordance with the relevant and applicable privacy legislation.
16. All positions are conditional on both the completion of the indicated screening activities in the matrix as well as an acceptance of the results of those activities. An Individual who refuses or fails to provide the necessary screening documents, or makes an incomplete application, will be ineligible for the position sought. The Individual will be informed by the Screening Officer that their application and/or position will not proceed until such time as the screening documents are submitted.
17. NIAGARA-ON-THE-LAKE SAILING CLUB understands that there may be delays in receiving the results of a Criminal Record Check. At its discretion, the organization may permit the Individual to participate in the role during the delay, provided that the Individual demonstrates that they have completed all other aspects of screening and have initiated the Criminal Record Check process. This permission may be withdrawn at any time and for any reason.
18. Candidates may have the right to submit different documentation through an approved designated Criminal Record Check provider, however NIAGARA-ON-THE-LAKE SAILING CLUB reserves the right in all cases to request a record check through official police services. Regardless of the provider utilized to obtain a Criminal Record Check the Individual will consent to NIAGARA-ON-THE-LAKE SAILING CLUB being provided the status of the results.
19. NIAGARA-ON-THE-LAKE SAILING CLUB recognizes that different information will be available depending on the type of screening document that the Individual has submitted. For example, some reports may show details of a specific offense, or not, and/or others may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Officer will use its expertise and discretion when making decisions based on the screening documents that have been submitted.
20. The Screening Officer will review all Criminal Record Check Reports for Level A and Level B candidates, including all supporting documents and shall make a decision as indicated below. For Level C screening applications, the Screening Officer will only review cases where the Individual has

made a declaration in their disclosure form that may impact whether they can participate in the desired position.

21. Following the review of any Level A and Level B screening applications, the Screening Officer will decide one of the following outcomes:

- I. The Individual has passed screening and may be considered for the desired position.
- II. The Individual has passed screening and may be considered for the desired position with conditions.
- III. The Individual has not passed screening and may not participate in the desired position.
- IV. More information is required from the Individual.

22. The Screening Officer must decide that an Individual has not passed screening if the screening documentation reveals a conviction for any of the following:

If imposed in the last two years:

- i. Any offense for possession of drugs and/or narcotics.
- ii. Any offense involving conduct against public morals.
- iii. If the role involves driving, any offense involving the use of a motor vehicle including, but not limited to, impaired driving, excessive speeding, stunt driving.

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.
- III. Any offense involving theft or fraud.
- IV. Any offense involving trafficking of illegal drugs
- V. Any of the above offenses for which a pardon has been granted

If imposed at any time:

- I. Any offense involving the possession, distribution, or sale of any child-related pornography.
- II. Any sexual offense, or
- III. Any sanctions deriving from a Maltreatment misconduct imposed by Sail Canada discipline panel or by the SRCCC Director of sanctions or SDRCC Safeguarding Tribunal preventing the individual from participating in Canadian sport based on the timeline imposed by the sanction.

23. If a Criminal Record Check has been returned with any other results aside from those listed above, the Individual may request a determination as to whether their participation will be approved or not. For the purposes of making this decision, the Screening Officer, may request further information, including but not limited to police reports; court records; probation orders; parole orders; and release documents. The Screening Officer will then determine if the results will place Athletes or other community members at risk and will advise the Individual in writing as to one of four outcomes as listed above.

24. In making their determination, the Screening Officer will consider the relationship of the offence(s) to the nature of the position, the number and nature of charges or convictions, when the offence(s) occurred, and what the Individual has done since the date of the offence.

25. The Individual under review may appeal the decision of the Screening Officer resulting from this policy as per the NIAGARA-ON-THE-LAKE SAILING CLUB Appeal Policy. If an appeal is initiated the

contents of the screening documentation may be disclosed to others as necessary for hearing the appeal. The Individual may elect to discontinue their appeal at any time.

### **Conditions and Monitoring**

26. Excluding the incidents above which, if revealed, would cause the Individual to not pass screening, the Screening Officer 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 Officer may apply and remove conditions at its discretion and will determine how adherence to conditions may be monitored.
27. The Screening Officer is responsible to advise those roles that need to know of the conditions of the individual's participation.
28. For the registration of instructors, coaches, and Officials, as Sail Canada will be unable to monitor conditions, the options available in reviewing the documents submitted will be limited to Pass or not passed. Registration of these individuals will only be possible upon passing the Criminal Record check component of the screening process. Member Organizations are permitted to impose conditions on the involvement of Individuals in their operations based on other aspects of the screening documents.

### **Minors**

29. When screening Minors, NIAGARA-ON-THE-LAKE SAILING CLUB will:
  - I. Not require the Minor to obtain a Criminal Record Check; and
  - II. In lieu of obtaining a Criminal Record Check, require the Minor to submit up to two (2) additional references.
30. Notwithstanding the above, NIAGARA-ON-THE-LAKE SAILING CLUB may ask a Minor to obtain a Criminal Record Check if the organization suspects the Minor has an adult conviction and therefore has a criminal record. In these circumstances, the organization will be clear in its request that it is not asking for the Minor's youth record. Sail Canada understands that they may not request to see a Minor's youth record.

### **Frequency of Updates**

31. Unless the Screening Officer determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit a Criminal Record Check, Screening Disclosure Form, or Screening Renewal Form, are required to renew the documents as follows:
  - I. A Criminal Record and Judicial Matters Check every three years.
  - II. A Screening Disclosure Form every three years.
  - III. A Screening Renewal Form annually whenever a Screening Disclosure Form is not being submitted.
  - IV. A Vulnerable Sector Check on initial commencement only.
32. NIAGARA-ON-THE-LAKE SAILING CLUB 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.

### **Record Keeping**

33. 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. This includes protecting all records in accordance with the relevant and applicable privacy legislation.
34. Records will be securely stored for the duration of the Individual's service to NIAGARA-ON-THE-LAKE SAILING CLUB and the three years that follow that service.
35. The records kept as part of the screening process include but are not limited to:
  - I. Documentation that the Individual's Criminal Record Check was seen
  - II. Screening Disclosure and Renewal Forms
  - III. Records of any conditions attached to an Individual's registration by the Screening Officer
  - IV. Records of any discipline applied to any individual by Sail Canada, by Ontario Sailing, by NIAGARA-ON-THE-LAKE SAILING CLUB, or by another sport organization

**Privacy**

36. The collection, use and disclosure of any personal information pursuant to this Policy is subject to NIAGARA-ON-THE-LAKE SAILING CLUB's Privacy Policy.

**Appendix A – Screening Requirements Matrix**

	<b>Description</b>	<b>Requirements</b>	<b>Examples</b>
<b>Level A</b>	Individuals that hold a decision-making position, involved in high-risk assignments, occupies position of trust and/or authority, has a supervisory role, directs others, involved with finances, and who have frequent or unsupervised access to Vulnerable Individuals	<ul style="list-style-type: none"> <li>- Complete an Application Form</li> <li>- Complete a Screening Disclosure Form</li> <li>- Complete and provide a VSC</li> <li>- Provide one reference related to the position</li> <li>- Participate in training, orientation, and monitoring as determined by the organization</li> <li>- Provide a driver’s abstract, if requested and relevant</li> </ul>	Senior organizational staff; full-time coaches; coaches that travel with athletes; coaches that could be alone with athletes
<b>Level B</b>	Individuals with direct athlete contact, 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	<ul style="list-style-type: none"> <li>- Complete an Application Form</li> <li>- Complete a Screening Disclosure Form</li> <li>- Complete and provide an CRCJM</li> <li>- Provide one reference related to the position</li> <li>- Participate in training, orientation, and monitoring as determined by the organization</li> <li>- Provide a driver’s abstract, if requested and relevant</li> </ul>	Board Officers; management staff; Coaches and other Athlete support personnel who are typically under the supervision of another coach; Officials in leadership roles; Event organizing committee chairs.
<b>Level C</b>	Individuals with no direct contact with athletes, 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	<ul style="list-style-type: none"> <li>- Complete an Application Form</li> <li>- Complete a Screening Disclosure Form</li> <li>- Participate in training, orientation, and monitoring as determined by the organization</li> </ul>	Certain staff & certain volunteers who are not working with athletes or minors; Parents, youth, or volunteers who are helping out on a non-regular or informal basis.