



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 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. 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 Participants.
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 - 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:

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

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:

- 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 – 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:

- 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 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.
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 Canada Basketball, 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 Canada Basketball, 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 Canada Basketball which may disseminate the decision as they see fit in order to best fulfil the mandate of Canada Basketball.
15. A Participant whose screening application has been denied or revoked may not re-apply to participate in the programs or activities of Canada Basketball for two (2) years from the date the rejected application was made

Screening Requirements

16. 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

- 17. 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.
- 18. 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

- 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 Canada Basketball, could affect the assessment of the individual's suitability for participation in the programs or activities of Canada Basketball, or the individual's interactions with other individuals involved with Canada Basketball .

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 Canada Basketball'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/
27. 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.
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. 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

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. 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.
35. 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.

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 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

42. This Policy was last reviewed and approved by the Canada Basketball Board of Directors on the 15th day of February 2021.

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 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: _____

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