



ONTARIO BASKETBALL MEMBER CLUB SCREENING POLICY

1. Policy and its Application

Prescott Russell Basketball Club (PRBC) is committed to implementing reasonably appropriate screening with a view to better matching people's skills and experiences to relevant needs and opportunities; to improving the quality and safety of programs and services; and to reduce risk and potential liability ("**Screening**"). This Policy applies to all Individuals as defined below.

2. Definitions and Interpretation

The following terms have these meanings in this Policy:

- a) "*Club Administrator*" – refers to the person or governing body responsible for the PRBC's administration with respect to screening;
- b) "*Individuals*" – all members of PRBC, all individuals employed or engaged by, or engaged in activities with, or provided, sponsored or organized by PRBC which involve or may involve interaction with a vulnerable person or vulnerable persons, including, but not limited to, athletes, coaches, supervisors, referees, other officials, volunteers, directors, committee members, officers, employees, agents, team managers, medical and paramedical personnel and administrators, and others identified by PRBC from time to time;
- c) "*List of Relevant Offences*" is defined in 8 below;
- d) "*PRC*" ("*Police Record Check*") – a search to be conducted of the Canadian Police Information Centre databases or another police database maintained by a police service in Canada to determine whether the databases contain entries relating to an individual in order to screen the individual, including without limitation a search conducted through the use of Sterling Backcheck services;
- e) "*Screening*" is defined in 1 above.
- f) "*VSS*" ("*Vulnerable Sector Search*") – a type of PRC for individuals who are working or volunteering in or with a vulnerable person or vulnerable persons which also searches for the existence of any criminal records for sex offences; and
- g) "*Vulnerable person*" means an individual who, because of their age, a disability or other circumstances, whether temporary or permanent,
 - i) is in a position of dependency on others, or
 - ii) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.

3. Screening Committee

- a) PRBC shall establish a Screening Committee.
- b) The Screening Committee shall include at least one:
 - (i) director of PRBC; or
 - (ii) employee of PRBC; or
 - (iii) individual engaged by PRBC under a contract with confidentiality obligations.

4. Screening

- a) Individuals will be screened using, at minimum, Sterling Backcheck.
- b) In addition, PRBC may also request that an Individual submit one or more of the following:
 - i. the results of a VSS;
 - ii. a driver's record;
 - iii. a letter of employment and/or reference; and
 - iv. other information reasonably relevant to the Individual's actual or proposed position in relation to PRBC.

c) PRBC may, as it considers appropriate, send a notice to an Individual who does not undertake applicable screening requirements established by this Policy that their application and/or position will not proceed until there is satisfactory adherence to those screening requirements.

5. Confidentiality and Consent to use of Personal Information

a) PRBC shall implement physical, administrative and technical safeguards which are reasonably appropriate in the circumstances to maintain the confidentiality of any information, including personal information, collected, used, stored or disposed of in the context of screening and the implementation of this Policy.

b) PRBC will only collect personal information from a source other than the individual to whom it relates with the consent of the individual, where consent to collect and use personal information is implied when the individual submits information to PRBC, or as permitted by law.

6. Procedure

a) Screening will involve, as appropriate in the circumstances as determined by PRBC, one or any combination of any of the following:

- i) application form(s);
- ii) information packages(s);
- iii) interview(s);
- iv) information session(s);
- v) references and credentials;
- vi) PRC search results;
- vii) VSS search results (including, as required, fingerprinting by the relevant police service);
- viii) follow-up; and
- ix) in matters related to financial risk, bonding.

b) PRBC shall designate one or more person(s) as responsible for receiving, organizing and reviewing all submitted documentation.

c) All documentation, information or results which are other than compliant with the requirements or expectations commensurate with the position held by or to be fulfilled by the Individual (“**Unusual Results**”) shall be submitted to the Screening Committee (or an identified delegate of the Screening Committee (“**Delegate**”)) for further consideration.

d) The Screening Committee (or Delegate) will review all Unusual Results. In conducting a review, the Screening Committee (or Delegate) shall refer to the List of Relevant Offences referred to in 7 below and may consult with external advisors (provided that the initiation of such consultation shall be subject to the approval of the Club Administrator).

e) After reviewing an Unusual Result, the Screening Committee (or Delegate) shall:

- i) determine that the Unusual Results are unacceptable in relation to the relevant position; or
- ii) determine that the Unusual Results are acceptable in relation to the relevant position; or
- iii) determine that the Unusual Results are acceptable in relation to the relevant position subject to such terms and conditions as the Screening Committee (or Delegate) determines are appropriate (subject to (f) below).

f) Any determination made by the Screening Committee (or Delegate) that the Unusual Results are acceptable in relation to the relevant position subject to such terms and conditions as the Screening Committee (or Delegate) deems appropriate (see (e)(iii) above) shall be subject to the Club Administrator approving the terms and conditions.

g) The results of the review and consideration of the Unusual Results by the Screening Committee (or Delegate) shall be communicated by PRBC to the relevant Individual.

h) Notwithstanding any other provision of this Policy, PRBC may request that an Individual provide any one or any combination of any of the items referred to (a) above for review and consideration at any time. Such a request will be in writing.

i) As between PRBC and the relevant Individual, all expenses regarding acquiring and submitting any one or any combination of any of the items referred to (a) above shall be borne by the Individual.

7. Relevant Offences

The Steering Committee shall prepare (from time to time) a list of offences and outcomes (the “**List of Relevant Offences**”). The List of Relevant Offences shall be reviewed and approved at least once every three (3) years by PRBC.

8. Orientation and Training

The Club Administrator may from time to time conduct or cause to be conducted orientation and/or training sessions in order to allow Individuals and the PRBC's basketball community to become aware of this Policy and the importance and benefits of screening generally.

LIST OF RELEVANT OFFENCES

(Note: this is a reference only and not a complete list of applicable offences.)

1. Offences which deem the Individual ineligible to participate in any capacity:

(Note: this is a reference only and not a complete list of applicable offences.)

- 1.1 Any sexual assault
- 1.2 Any sexual intercourse
- 1.3 Any sexual exploitation
- 1.4 Any invitation to sexual touching
- 1.5 Any indecent acts and/or exposure
- 1.6 Any making, distributing, possessing or sale of child pornography
- 1.7 Any indictable criminal offences for child abuse
- 1.8 Luring a child
- 1.9 Any current prohibitions or prohibition orders forbidding the individual from having contact with children under the age of 14
- 1.10 Voyeurism
- 1.11 Any offence for trafficking and/or importing and/or possession of any drugs and/or narcotics
- 1.12 Any production of a substance (specifically, as defined in the Controlled Drug and Substances Act)
- 1.13 Use of firearm in the commission of an offence
- 1.14 Other indictable criminal code offences such as, murder, manslaughter, incest, abduction, extortion, perjury, bribery and influencing, explosives substances offences, arson related offences, counterfeiting and conspiracy
- 1.15 Any multiple indictable offences related to impaired driving and/or care and control and/or drive over 80 milligrams

2. Offences for which disqualification from participation is fifteen (15) years from expiration of the penalty imposed by the courts not the date of the charge or conviction.

(Note: this is a reference only and not a complete list of applicable offences.)

- 2.1 Assault with a weapon
- 2.2 Assault causing bodily harm
- 2.3 Aggravated assault
- 2.4 Robbery
- 2.5 Any other offences pertaining to violence, whether or not involving weapons.
- 2.6 Any indictable criminal code offences related to impaired driving and/or care and control and/or drive over 80 milligrams

3. Offences for which disqualification from participation is seven (7) years from the expiration of the penalty imposed by the courts, not the date of the charge or conviction.

(Note: This is a reference only and not a complete list of applicable offences.)

- 3.1 Assault
- 3.2 Threatening
- 3.3 Any theft and/or fraud and/or related offence (applicable to a person while in a position of trust regarding finances)

- 3.4 Any firearm related offences (other than use of firearm in the commission of an offence, see above)
- 3.5 Other indictable criminal code offences other than those referred to above (such as break and enter, mischief, resisting and obstructing offences, dangerous driving, flight from police offences, failure to remain offences, criminal harassment and breaching orders and failing to comply offences)

4. Offences for which disqualification from participation is three (3) years from the expiration of the penalty imposed by the courts, not the date of the charge or conviction.

(Note: This is a reference only and not a complete list of applicable offences.)

- 4.1 Any possession of a substance (specifically, as defined in the Controlled Drug and Substances Act)
- 4.2 Any convictions pertaining to illegal substances, other than for manufacture, distribution and/or trafficking
- 4.3 Any non-indictable offences related to impaired driving and/or care and control and/or drive over 80 milligrams (See also 5 below)

5. Multiple (non-indictable) offences for impaired driving from alcohol and/or drugs.

- 5.1 Any individual that has two (2) or more such offences within the previous ten (10) years is deemed ineligible
- 5.2 Offences will expire after ten (10) years from the expiration of the penalty imposed by the courts; not the date of the charge or conviction.