

## POLICIES AND PROCEDURES

<b>Title:</b> Volunteer and Employee Screening Policy	<b>Policy Number:</b> SP-2018
<b>Effective Date:</b> TBD	<b>Supercedes:</b> Jan 2015 Employee and Volunteer
<b>Date Approved by Board:</b> To be Approved Oct 2018 Pillar:	<b>New Tennis Canada Code</b>

### POLICY STATEMENT OVERVIEW

Tennis B.C. is committed to protecting the security, safety, and health of children, vulnerable persons, staff, volunteers, and guests. This Screening Policy ensures and safeguards the assets and resources of the public, and ensures that individuals in responsible positions are worthy of the trust they are given.

The following are Tennis B.C.'s requirements in terms of criminal records checks and screening, for anyone working at Tennis B.C. or on behalf of Tennis B.C., as well as volunteers. Specifically, this policy targets anyone working closely with children or vulnerable persons. See Appendix II for the definition of vulnerable person.

Tennis Canada. recommends that all member Provincial Tennis Associations ("PTAs") adopt a similar policy. Furthermore, Tennis Canada recommends that all PTAs mandate to their membership that all team officials (including but not necessarily limited to coaches, managers) of teams which may travel or participate in tournaments, complete an applicable screening process.

### PURPOSE

Screening is an important part of providing a safe sporting and working environment. The purpose of the policy is to identify individuals who pose a risk to the Tennis B.C. community, primarily to children and vulnerable persons. Tennis B.C.'s Screening Policy seeks to balance the privacy rights and expectations of children, vulnerable persons, applicants, staff, and volunteers with the importance of protecting the safety of participants in Tennis B.C. programs, preserving a safe and welcoming environment for all and minimizing regulatory and reputational risk throughout the organization's activities. Tennis B.C. believes that the Screening Policy achieves the purposes set out above and complies with laws and regulations.

### SCOPE

This policy applies to the following individuals:

- All members of Tennis B.C.'s Board of Directors;
- All staff (permanent, temporary, full-time, part-time, students, interns, including self-employed individuals and independent contractors);
- Volunteers;
- Tennis Canada, Development Staff, including:
  - SVP, High Performance
  - Director, High Performance
  - Davis and Fed Cup Captains;
  - Olympic and Pam Am Games Coaches and Team Leaders;
  - Full-time and Part-time National Coaches (boys and girls);

- National Junior Training Program Coaches;
- International Touring Coaches (U10, U12, U14);
- Consultant Coaches; and
- Any other Team staff or volunteer (such as assistant coaches, video staff, strength and conditioning coaches, etc.).

## TENNIS PROFESSIONALS ASSOCIATION

The Tennis Professionals Association (“TPA”), a member-based association devoted to growing the professional of tennis coaching throughout Canada, was developed by Tennis Canada for Canadian certified instructors, coaches, and club professionals. Members of the TPA who work with Tennis B.C. and are listed above are covered by this policy.

All TPA members are required to sign the TPA code of conduct and sign a disclosure of criminal record form annually, at renewal.

TPA believes that criminal records checks are the responsibility of the employer. TPA will provide education to club, facility and organization leaders. Tennis B.C. will provide access to its criminal record check service provider to TPA member employers for their use.

## POLICY IMPLEMENTATION

### Application Process

The first level of screening for all individuals applying for a role outlined above, including staff, consultants, volunteers, is the “Disclosure of Criminal Record Form” (Appendix I). All individuals applying for a role outlined above must sign and submit the form during the application process.

In addition, depending on the individual’s role within Tennis B.C., applicants may also require a Criminal Record Check and/or Vulnerable Sector Check (Appendix II) as follows:

Group	Required Screening Steps	Frequency
All members of Tennis B.C.’s Board of Directors	Disclosure of Criminal Record form	To be completed when joining the Board and annual thereafter
	Criminal Record Check	To be completed when joining the Board and every three years thereafter, at the June Board renewal
All permanent staff, including self-employed individuals	Disclosure of Criminal Record form	To be completed when applying to Tennis B.C. and annually thereafter

(Tennis Development Staff - see below)	Criminal Record Check	To be completed when applying to Tennis B.C., and every three years thereafter, as part of the annual performance review process
All temporary staff, students, interns (Tennis Development Staff – see below)	Disclosure of Criminal Record form  Criminal Record Check	To be completed when applying to Tennis B.C. and annually thereafter  To be completed at application and every three years thereafter or annually if away from Tennis B.C. for more than one year
Volunteers (except those identified below)	Disclosure of Criminal Record form	To be completed at application and annually thereafter
Tennis Development Staff	Disclosure of Criminal Record form  Criminal Record Check  Vulnerable Sector Check	To be completed when applying to Tennis B.C. and annually thereafter  To be completed when applying to Tennis B.C., and annually thereafter, as part of the annual performance review process  To be completed at application (one time only)
Volunteers who work with children or	Disclosure of Criminal Record	To be completed when applying to

vulnerable persons, as defined by Tennis B.C.	form	Tennis B.C. and annually thereafter
	Criminal Record Check	To be completed when applying to Tennis B.C., and annually thereafter, as part of the annual performance review process
	Vulnerable Sector Check	To be completed at application (one time only)

Any staff or volunteer away from the organization for more than one year is required to complete the Disclosure of Criminal Record form and the applicable Criminal Record Check and Vulnerable Sector Check upon their return.

Tennis B.C. will pay for all screening checks for its Board members, staff, volunteers, and members of the Tennis Development Staff.

All offers of employment are conditional upon the satisfactory completion of the applicable background and screening checks. All volunteers must complete the applicable background check and their acceptance is conditional upon the results. All necessary checks will be initiated prior to hiring and completed as quickly as possible.

### Hiring and Contract Renewal Decisions

As part of the standard recruiting process, the Human Resources Manager will initiate all criminal record checks. The results of the checks are communicated only to the Human Resources Manager who will review the results.

Information provided to the hiring Manager will outline whether:

- A criminal record and/or changes exist and;
- Whether any existing convictions and/or charges are relevant to the position, as determined by Tennis B.C.

In making its hiring or contract renewal decision, Tennis B.C. will consider the following:

- Relationship of the offence(s) to the nature of the position,
- Number and nature of the charges and/or convictions,
- When the offence(s) occurred, and
- What the individual has done since the date of the offence.

Tennis B.C. may gather information which may include a telephone or personal interview with the individual and/or other persons or agencies, if required. The applicant will be advised of which other persons or agencies will

be contacted and may refuse to consent to the disclosure of his/her personal information to those third parties. This refusal may prevent Tennis B.C. from determining that the applicant is suitable for the position.

If, after the review, Tennis B.C. determines that the individual poses a risk and is not an appropriate candidate for the position, Tennis B.C. will immediately notify the individual in writing.

Tennis B.C. will not necessarily refuse a position to an individual because he or she has been charged with or convicted of an offence of a type which does not pose a risk to community members of Tennis B.C., considering the duties of the position the individual is seeking to occupy.

Offences which could deem the individual ineligible to participate in any capacity with Tennis B.C. are listed below.

Note: this list is for reference only and not a complete list of applicable charges.

- Any offence involving the use of a motor vehicle, including but not limited to impaired driving,
- Any violation for trafficking and/or possession of a substance (as defined in the Controlled Drugs and Substances Act (“CDSA”)),
- Any offence involving conduct against public morals
- Any crime of violence including but not limited to, all forms of assault,
- Any offence involving a minor or minors, including physical or psychological violence involving a minor,
- Any offence involving the possession, distribution, or sale of any child-related pornography
- Any sexual offence involving a minor or minors
- Any offence involving theft of fraud

## **Ongoing Checks**

Based on the schedule outlined above for each group, Human Resources will initiate the renewal of the Criminal Record Check and/or Vulnerable Sector Check, as required.

Notwithstanding, the individual has the responsibility of notifying his manager and/or Human Resources of any relevant incident or offence. The individual must immediately inform Tennis B.C. of any changes in his/or circumstances that would alter the original responses to the Disclosure of Criminal Record Form. Tennis B.C. will immediately review the information and determine what measure, if any, is required.

## **PROVINCIAL TENNIS ASSOCIATIONS**

Tennis Canada recommends that all member Provincial Tennis Associations (“PTA”) adopt a policy concerning background checks and screening which may include the provision that all members of a PTA Board of Directors, PTA full-time staff and all other individuals who will act in an official capacity on a PTA’s behalf, including instructors, coaches, representatives at event and team officials, undergo an applicable screening process. Member PTAs should ensure that their screening policies comply with the applicable legislation in their provinces as they may differ from the federal standards with respect to personal information set out in this policy. Once adopted, staff and volunteers involved in the application, hiring and/or screening process should be trained on the application of the policy. Member PTAs should review their screening policies annually with staff and volunteers to ensure screening is being carried out consistently and in accordance with the policy.

Tennis Canada. further recommends that all member PTAs mandate to their membership that all officials (including but not necessarily limited to coaches, trainers, managers) of teams which may advance to inter-provincial competition or are travelling internationally, complete an applicable screening process.

Finally Tennis Canada recommends that all member PTAs also mandate to their membership that all club officials (including but not necessarily limited to coaches, trainers, and managers), community tennis club Board members, and any others, who, through their duties on behalf of a community tennis club, may work directly with children or vulnerable persons, complete an applicable screening process.

## **CONFIDENTIALITY AND SAFEGUARDS**

Tennis B.C. will provide hiring and involved managers with aggregate data only, confirming that the applicant, staff, volunteer, or consultant assigned to their team has passed the background check.

Security safeguards are in place to ensure all personal information is protected from theft as well as unauthorized access, disclosure, copying, use or modification thereof. Personal information collected will be stored as long as necessary for Tennis B.C. to pursue the purposes set out in this policy and will be destroyed once the information is no longer required for those purposes, to permit the individual to access the information following a decision made by Tennis B.C. on the basis of the information, or pursuant to any legal or statutory requirement to preserve the information. Generally, this means that personal information will be destroyed either one year after a decision is made about the individual or after the individual has left his/her position with Tennis B.C., unless there is a legal requirement to retain the information for a longer period of time.

This version supersedes any previous version of this policy.

## APPENDIX I DISCLOSURE OF CRIMINAL RECORD FORM

Tennis B.C. is committed to reducing harassment, abuse and bullying in our programs and maintaining a safe and welcoming environment for all children, participants, staff and volunteers. As a priority we are screening staff, volunteers, and other individuals to ensure the highest quality of personnel to support our programs and create a friendly and welcoming environment for our participants. Some positions may require additional screening.

Please be advised that your position requires:

Criminal Record Check

Vulnerable Sector Check

You are required to disclose information whether in your current name or in a previous name.

**Do you wish to disclose any previous record(s) of offences?**

No

Yes

I have nothing to

disclose

Official Charge(s)	Date of Conviction	Country
Charge _____	Date _____	_____
Charge _____	Date _____	_____
Charge _____	Date _____	_____

Disclosure or discovery of a previous record of offence may be considered in your application for position within Tennis B.C. You have a right to refuse to disclose or to consent to a Criminal Record Check and/or a Vulnerable Sector Check. However, refusing to disclose this information or to consent to these checks may prevent Tennis B.C. from further considering your application for this position.

Tennis B.C. will not use the personal information collected in this screening process for purposes other than the consideration and determination of your suitability for this or other positions with Tennis B.C. and to ensure and maintain the safety of program participants, volunteers and staff. The personal information collected in this screening process will be shared with a limited number of Tennis B.C. staff who are involved in the screening process and the assessment of your application and will be subject to safeguards consistent with those required by



applicable Canadian and provincial privacy legislation. In assessing your application, Tennis B.C. may share or collect personal information from a limited number of persons or agencies outside of Tennis B.C.. If such consultation is necessary, you will be advised in advance of which other persons or agencies will be contacted. You have a right to refuse to consent to the collection from or disclosure of your personal information to third parties, although a refusal to consent may prevent Tennis B.C. from proceeding with your application for this position.

I hereby acknowledge that the information provided above is accurate to the best of my knowledge.

Current name \_\_\_\_\_

Signature \_\_\_\_\_

Previous name(s) \_\_\_\_\_

Date \_\_\_\_\_

Previous name(s) \_\_\_\_\_



## **APPENDIX II**

### **DEFINITIONS**

#### **VULNERABLE PERSON**

A vulnerable person is defined as a person who, because of their age, a disability, or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them. In the context of this policy, this principally includes minors involved in Tennis B.C. programs and events.

#### **CRIMINAL RECORD CHECK (OR POLICE RECORD CHECK)**

A Criminal Record Check is a search that is used to determine whether an individual has a criminal record. The search can be based on an individual's name and date of birth, or for much greater assurance, it can be based on fingerprints for positive identification.

A Criminal Record Check is performed against the national repository of criminal Record maintained by the Royal Canadian Mounted Police (RCMP), which holds approximately 4.2 million Record. Checks are also in many cases performed against a Canadian police service's local Record.

#### **VULNERABLE SECTOR CHECK (VSC)**

The VSC is the only additional search included in the VSC that is not in the Criminal Record Check.

A VSC is designed to protect vulnerable Canadians from dangerous offenders by uncovering the existence of a criminal record and/or a pardoned sexual offence conviction and is recommended as part of an overall employment or volunteer screening process. The result of the check can help to determine whether an individual is suitable to work in positions where they will be in close contact with vulnerable people.

A VSC is a specific process that is outlined in the Criminal Records Act. The process will include a search of the National Repository of Criminal Records in Canada, of local police information within multiple databanks, and of the Pardoned Sex Offender Database. The applicant experience during the VSC process will vary by jurisdiction in terms of cost, wait times, and even whether the police service will agree to conduct the search.

The Pardoned Sex Offender Database is a small subset of the National Repository of Criminal Records specific to approximately 13,000 individuals who have received a record suspension (formerly a pardon) for a sexually-based offence. Information from this holding may only be disclosed as a result of a completed VSC. If a record is found, the Minister of Public Safety decides if the record will be disclosed.

The police will use the Canadian Police Information Centre (CPIC) system as well as their own database to conduct a background search based on an individual's name, gender and date of birth. If the gender and date of birth match a pardoned sex offender record, the individual will be asked to provide fingerprints to confirm identity.

The following general guidelines should be considered:

1. Is the candidate born after February 28th, 1986? If the answer is yes, then they do not need a VSC and a Criminal Record Check will be sufficient. The youngest person found in the Pardoned Sex Offender database was born on February 28th, 1986, and a search of anyone younger will be fruitless.
2. Has the candidate already completed a VSC for the requesting organization and received a “clear” result? If the answer is yes, then they do not need a VSC. Due to current legislation, a waiting period of 10 years is applied for pardons/record suspensions of indictable offences. Any pardoned sexual offence would have been identified in the previous VSC, and any new convictions for sexual offences would be identified with an Criminal Record Check.
3. If it has already been established that the candidate has no record suspension for a sexually-based offence involving vulnerable persons, there is no possibility that one will be obtained in the future. *The Safe Streets and Communities Act* – introduced by the federal government in March 2012 prohibits eligibility for a record suspension for this class of offences.