



SCREENING POLICY OF INDIVIDUALS

1. Policy

Basketball World Toronto (BWT) is committed to implementing and requiring certain Stakeholders (as defined below) to implement, reasonably appropriate screening of one (1) or more identified group(s) of Individuals (as defined below) 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.

2. Definitions and Interpretation

The following terms have these meanings in this Policy:

- a) "Board" means BWT's Board of Directors.
- b) "Executive Director" means BWT's Executive Director.
- c) "Individuals" – all members of BWT, all Individuals employed, seeking to be employed, or engaged by, or seeking to be engaged by, or engaged in activities with or provided, sponsored or organized by, Basketball World Toronto including, but not limited to, athletes, coaches, supervisors, referees, other officials, volunteers, directors, committee members, officers, team managers, medical and paramedical personnel and administrators.
- d) "List of Relevant Offences" has the meaning ascribed to that term in Section 9 below.
- e) "Police Record Check" or "PRC" – a search to be conducted of the Canadian Police Information Centre database, etc. to determine whether the database contains entries relating to an Individual in order to screen the Individual, for the purposes of determining the Individual's suitability for, without limitation, employment, volunteer work, an office, membership in any organization or to provide or receive goods or service.
- f) "Vulnerable Sector Search" or "VSS" – 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 offenses.
- g) "Stakeholder" – any Individual, organization or group which is identified from time to time by the Board or the Executive Director as a "Stakeholder" for the purposes of this Policy (including without limitation and only for example, an BWT member club); and
- h) "Vulnerable Person" means an Individual who, because of the Individual's age, a disability or other circumstances, whether temporary or permanent,
 - a. is in a position of dependency on others, or
 - b. 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.

Any identification, determination, requirement, action, appointment, delegation or request by BWT, the Board or the Executive Director or the Screening Committee made pursuant to this Policy shall be made in the sole discretion of the relevant person.

3. Application and Required Implementation of this Policy

- a) This Policy applies to all Individuals who are directors and officers of BWT or employed or engaged by BWT or who are BWT volunteers who interact or may interact with a vulnerable person or vulnerable persons; and to Individuals related to one (1) or more Stakeholder(s) as identified from time to time by BWT (see Subsection 3(b) below).

- b) BWT may from time to time require one (1) or more Stakeholder(s) to be subject to and/or to implement this Policy in relation to one (1) or more identified Individuals or group(s) of Individuals, and, if such a requirement is in place, this Policy must be implemented by such Stakeholder (varied according to the circumstances of the case) in relation to such Individuals. Failure to comply is subject to review by Executive Director.

4. Screening Committee

- a) The Board shall establish a Screening Committee.
- b) The Screening Committee shall be comprised of those Individuals identified and appointed by the Board, provided that at least one (1) member of the Screening Committee shall be a Director of or an employee of BWT.
- c) The Screening Committee shall establish its own procedures (consistent with this Policy and any other direction from the Board).
- d) In carrying out its duties in accordance with this Policy, the Screening Committee may delegate some of its duties to BWT staff (subject to the approval of the Executive Director).
- e) On at least an annual basis, the Screening Committee will report to the Board and to the Executive Director regarding aggregated data related to screening.

5. Screening

- a) Individuals referred to in Subsection 3(a) above will be screened.
- b) In addition, BWT may request that an Individual referred to in Subsection 3(a) submit one (1) or more of the following:
 - a. the results of a PSC or VSS
 - b. a driver's record
 - c. a letter of employment and/or reference; and
 - d. other information reasonably relevant to the Individual's actual or proposed position in relation to BWT.
- c) BWT may, as it considers appropriate, send a notice to Individuals and / or Stakeholders, who do not undertake applicable screening requirements established by this Policy that their application and/or position will not proceed until such time as there is adherence to such screening requirements.

6. Confidentiality and Consent to use of Personal Information

- a) BWT 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) BWT will only collect personal information from a source other than the Individual and / or Stakeholder to whom it relates with the consent of the Individual and / or Stakeholder or as permitted by law. For the purposes of this Policy and BWT's Privacy Policy, submission of a PRC, a VSS, a letter of employment and/or reference or the name of a person who has provided or may provide a letter of employment and/or reference is considered to be consent for BWT to collect such personal information from the Individual and / or Stakeholder who submitted such personal information and to use such personal information for the purposes of this Policy and for the purposes of BWT's other relevant policies from time to time including without limitation BWT's Harassment Policy and Procedures, and, in the case of a letter of employment and/or reference, to communicate with the person who provided such letter of employment and/or reference for the purposes of this Policy and BWT's other relevant policies from time to time.

7. Procedure

- a) Screening will involve, as appropriate in the circumstances as determined by BWT, one (1) or any combination of any of the following:
 - a. application form(s)

- b. information packages(s)
- c. interview(s)
- d. information session(s)
- e. references and credentials
- f. PRC search results
- g. VSS search results (including, as required, fingerprinting by the relevant police service)
- h. follow-up; and
- i. in matters related to financial risk, bonding.
 - i. BWT shall designate one (1) or more staff as responsible for receiving, organizing and reviewing all submitted documentation.
 - ii. All submitted documentation which includes 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) for further consideration. In this Section 7, a reference to the Screening Committee shall include an identified delegate of the Screening Committee.
 - iii. The Screening Committee will review all Unusual Results. In conducting such review, the Screening Committee shall refer to the List of Relevant Offences referred to in Section 8 below and may consult with external advisors (provided that the initiation of such consultation shall be subject to the approval of the Executive Director).
 - iv. After reviewing an Unusual Result, the Screening Committee shall:
 - b) determine that the Unusual Results are unacceptable in relation to the relevant position; or
 - c) determine that the Unusual Results are acceptable in relation to the relevant position; or
 - d) determine that the Unusual Results are acceptable in relation to the relevant position subject to such terms and conditions as the Screening Committee determines are appropriate (subject to Subsection 7(f) below).
 - a. Any determination made by the Screening Committee that the Unusual Results are acceptable in relation to the relevant position subject to such terms and conditions as the Screening Committee deems appropriate (see Paragraph 7(e)(iii) above) shall be subject to the Executive Director approving the terms and conditions.
 - b. The results of the review and consideration of the Unusual Results by the Screening Committee shall be communicated by BWT to the relevant Individual.
 - c. Notwithstanding any other provision of this Policy, BWT may request that an Individual provide any one (1) or any combination of any of the items referred to Subsection 7(a) above for review and consideration at any time. Such a request will be in writing.
 - d. As between BWT and the relevant Individual, all expenses regarding acquiring and submitting any one (1) or any combination of any of the items referred to Subsection 7(a) above shall be borne by the Individual.

8. Orientation and Training

The Board or the Executive Director may from time to time conduct or cause to be conducted orientation and/or training sessions in order to allow Stakeholders, Individuals and the basketball community to become aware of this Policy and the importance and benefits of screening generally.

9. 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 [Government of Canada 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.

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

- 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.