



Policy title	<b>CAS Screening Policy</b>		
Adopted	Effective Date September 1, 2019		
Current version approved by Board of Directors	March 4, 2019	Pages: 7	

**I. Definitions**

- “CAS” refers to Canada Artistic Swimming;
- “Coach” means any person who instructs figures or routines on a regular basis and includes Instructor, which is a specific level of coach who teaches the AquaGO! or other recreational programming;
- “Including” means including but not limited to;
- “Member” means any Provincial or Territorial Section registered with CAS;
- “Minor” refers to any person under 18 years of age;
- “Officials” means all judges including practice judges, referees and scorers;
- “Organized group travel” refers to travel where CAS, a Member or an affiliated club makes the travel arrangements and Registrants travel as a group by plane, train, bus or personal or rented vehicle;
- “Participants” means all persons engaged in any paid or volunteer capacity with CAS or its Members or affiliated clubs;
- “PTSO or Provincial or Territorial Section” means a provincial or territorial organization that is responsible for the management of artistic swimming within its provincial or territorial boundaries;
- “Registrant” means any club or individual that has fulfilled the requirements of registration as required by CAS and has paid any associated registration fees to CAS. A complete list of Registrant categories can be found in the CAS By-laws and related CAS Registration Policy;
- “Vulnerable person” refers to individuals who, because of age, disability, or other circumstances, whether temporary or permanent are in a position of dependence on others or are 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. This includes children, youth and people with physical, developmental, or other disabilities; and

- “Vulnerable Sector Check” refers to a search based on a name or gender and date of birth against the RCMP National Repository of Criminal Records, Pardoned Sex Offender Database and various other police databases.

## **II. Application**

This Policy applies to CAS and its Members and Registrants.

## **III. Purpose**

Police record checks are an important part of the screening process to determine suitability of employees, board members, coaches, volunteers and other service providers. Police record checks can mitigate risk of theft and fraud and can help organizations identify individuals who pose a risk to minors and other vulnerable persons.

Screening is an important part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the community. CAS and its Members and affiliated clubs are responsible at law to do everything reasonable to provide a safe and secure environment for participants in its programs, activities and events. Requiring that valid police record checks, and other background checks as appropriate, be submitted, as part of the screening process, is part of this duty of care.

## **IV. CAS Requirements for Police Record Checks**

### **A. Designated Positions**

All Participants who are in designated positions are required to provide a valid police record check. Designated positions include:

- Any coach over the age of 18;
- Any person involved in the delivery of developmental programs to minors and other vulnerable persons such as clinics or camps;
- Any person affiliated with national or provincial teams, whether paid or volunteer;
- All officials;
- All CAS, PTSO and affiliated club directors or officers;
- All CAS, PTSO and affiliated club employees and anyone under contract with them;
- All chaperones including parent chaperones of minors or other vulnerable persons;
- Any Participant with access to sensitive personal or confidential information, or financial records or money; and
- Any other role that in the discretion of CAS, its Members or affiliated clubs, as applicable, constitutes a position of trust or authority.

## **B. Enhanced Police Information Check (E-PIC)**

CAS has partnered with the Coaching Association of Canada and Sterling Talent Solutions to provide an online police record check service, creating a consistent and efficient process for acquiring criminal record checks that is accessible and affordable regardless of where a Participant resides in Canada. The E-PIC process provides a secure database to store and share results and manage renewals, and ensures Participant information remains confidential.

All Participants who are in designated positions must apply for and obtain, at their own expense, the Sterling Talent Solutions E-PIC check via the CAS customized landing page. The Participant will be required to provide written consent and to verify their identity online. The Participant will designate CAS, the PTSO or affiliated club or some combination of these, as appropriate, as the requesting organization(s). Results will be returned simultaneously to the Participant's personal account and to the requesting organization(s).

The E-PIC is considered valid for a period of five (5) years.

E-PIC results must be shared as follows:

<b>Designated Position</b>	<b>Organization(s)</b>
Any coach over the age of 18	CAS, PTSO & affiliated club
Level 3 Judge or higher	CAS, PTSO & affiliated club (if any)
Level 1 & 2 Judges	PTSO & affiliated club (if any)
All other designated positions	The organization(s) for which the Participant is working or volunteering

## **C. Re-checks**

Every five (5) years following the initial E-PIC check, all Participants who are in designated positions must apply for and obtain, at their own expense, a subsequent Sterling Talent Solutions E-PIC check.

## **D. Subsequent Offences**

If a Participant is charged with, subsequently receives a conviction for, or is found guilty of, an offense, they must report this circumstance immediately to CAS, the PTSO or affiliated club immediately. Failure to do so may result in disciplinary action under the CAS Complaint Process. Participants may be subject to disciplinary action ranging from a verbal or written warning to termination of employment or expulsion from the organization.

## **E. Screening Disclosure Form**

All Participants who are in designated positions are required to submit a Screening Disclosure Form and will be asked to confirm the accuracy of this information annually as part of the registration process.

Participants must inform CAS, the PTSO or affiliated club, as appropriate, immediately of any changes that would alter their original responses on this Screening Disclosure Form. Failure to do so may result in disciplinary action under the CAS Complaint Process. Participants may be subject to disciplinary action ranging from a verbal or written warning to termination of employment or expulsion from the organization.

## **F. Provincial Exceptions**

CAS and the PTSOs believe that processes must be consistent across the province and country and, as such, will not accept police record checks that have been obtained from a local police service. Where a province has legislation in place that makes available online police record checks for volunteers and others who work with minors and other vulnerable persons across the province (such is available in British Columbia through the Criminal Records Review Program (CRRP) program), the PTSO can decide whether or not to accept the provincial online process or to require a Participant to obtain a Sterling Talent Solutions E-PIC check.

All Participants who are in designated positions and work or volunteer with CAS must obtain the E-PIC check.

## **V. Other Background Checks**

CAS, its Members or affiliated clubs may also request, based on the position and at their sole discretion, that a Participant submit other background checks including:

- Vulnerable Sector Check;\*
- Reference check;
- Employment verification;
- Education and credentials verification;
- Social media check;

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\* The Vulnerable Sector Check searches the now-inactive Pardoned Sex Offender database. No new individuals have been added to the database since 2012 and the youngest person on the list was born in February 1986. As such, a Vulnerable Sector Check should only ever be requested once and should not be required at all if the Participant was born after February 1986.

- Driver abstract; or
- International background check.

A reference check should always be undertaken when hiring employees, contractors or coaches over the age of 18. It is recommended that organizations conduct a 360-degree check and require references from individuals who have supervised, worked with and reported to the applicant, where available. Employment, education and credentials verification are also recommended for such positions.

CAS, its Members and affiliated clubs should consider requiring that Participants driving their own vehicles for organized group travel submit a Driver Abstract.\*

## **VI. PTSO Responsibility**

PTSOs are responsible for ensuring that all Participants in designated positions that are registered in the province or territory have a valid E-PIC check or other required background checks on file at the time they submit registration information for the current year.

## **VII. Refusal to Comply**

A Participant that refuses to consent to an E-PIC check or other required background check, as prescribed by CAS, the PTSO or affiliated club, or to submit a Screening Disclosure Form is ineligible for the position.

## **VIII. Screening Committee**

The implementation of this Policy is the responsibility of CAS, the PTSO or affiliated club, as appropriate, and an *ad hoc* Screening Committee, which is appointed by CAS, the PTSO or club on an as-needed basis. The Screening Committee will consist of three (3) persons appointed to review any background check that triggers a positive response. These individuals may be CAS Registrants or external appointees. None of the members of the Screening Committee may have a significant relationship with the Participant submitting the background check or otherwise have a real or perceived conflict of interest.

The Screening Committee will carry out its duties in accordance with the terms of this policy and independent of the CAS, PTSO or club board of directors. The Screening Committee is responsible for reviewing all background checks that trigger a positive response and, based on this review, making decisions regarding the suitability of the Participant to fill the position. The Screening

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\* Participants driving vehicles used for organized group travel must have a valid full Class G driver's license and should carry a minimum of \$1,000,000 automobile liability insurance.

Committee may determine the applicant is suitable for the position, not suitable for the position or suitable for the position with conditions. The Screening Committee will provide notice of its decision to CAS, the PTSO or affiliated club, as appropriate, and the Participant.

In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, screening specialists or any other person.

## **IX. Relevant Offences**

A Participant with an E-PIC check that reveals a relevant offence may be ineligible for the position. A relevant offence is any of the following offences for which pardons have not been granted:

- a. If imposed in the last five years:
  - Any offence involving the use of a motor vehicle, including impaired driving;
  - Any offence for trafficking or possession of drugs or narcotics; or
  - Any offence involving conduct against public morals.
- b. If imposed in the last ten years:
  - Any crime of violence including all forms of assault; or
  - Any criminal offence involving a minor or minors.
- c. If imposed at any time:
  - Any criminal offence involving the possession, distribution, or sale of any child-related pornography;
  - Any sexual offence involving a minor or minors; or
  - Any offence involving theft or fraud.

Where a Participant's E-PIC check reveals a relevant offence, Sterling Talent Solutions will review the report with CAS, PTSO or affiliated club, as appropriate. The report will be referred to the Screening Committee for further review and a decision on the suitability of the Participant to fill the position. The Screening Committee may determine the applicant is suitable for the position, not suitable for the position or suitable for the position with conditions. The Screening Committee will provide notice of its decision to CAS, the PTSO or affiliated club, as appropriate, and the Participant.

## **X. Violations of the Screening Policy**

Any failure to comply with this Policy may result in disciplinary action under the CAS Complaint Process, which can be found within the CAS Conduct Policy. Participants may be subject to disciplinary or corrective action ranging from a verbal or written warning to termination of employment or expulsion from the organization.

## **Appendix 1**

### **CAS Screening Policy: Phased Implementation Plan**

The CAS Screening Policy will be implemented as written except for the following, which will be implemented in accordance with this Phased Implementation Plan:

#### **I. Pre-existing Police Record Check**

Participants in designated positions with a pre-existing, valid police record check that has been reviewed by CAS, the PTSO or affiliated club may rely on this document to satisfy the requirements of the Screening Policy through August 31, 2021. A pre-existing police record check is considered valid for a period of three (3) years from the date of completion.

To be valid, a pre-existing police record check must meet the following conditions:

- a. It must have been presented to CAS, the PTSO or affiliated club within the three (3) years preceding the effective date of this Policy;
- b. For coaches or any other Participants who work with or have unsupervised access to minors or other vulnerable persons, it must include a vulnerable sector check.

Participants with a pre-existing, valid police record check must apply for and obtain, at their own expense, the Sterling Talent Solutions E-PIC check upon the expiry of the pre-existing police record check or by September 1, 2021, whichever is earlier. Such Participants are required to submit a Screening Disclosure Form on the effective date of this Policy.

#### **II. Officials**

Officials who do not have a pre-existing, valid police record check that has been reviewed by CAS, the PTSO or affiliated club have until September 1, 2020 to apply for and obtain the Sterling Talent Solutions E-PIC check.