

Criminal Record Check and Screening Policy

Definitions

- 1) “Applicants” shall be those for whom Sail Canada requires current annual Criminal Record Checks, including but not limited to:
 - a. All instructors and coaches who register through Sail Canada or who will be employed by Sail Canada directly or indirectly;
 - a. Senior officials who will be officiating at any Sail Canada event; and
 - b. Any other staff or volunteer who Sail Canada, in its sole discretion, deems appropriate.
- 2) “Criminal Record Check” is a document prepared by a police service from national data on the Canadian Police Information Centre (CPIC) database or international equivalent reporting organization and provides information concerning a person’s criminal record including any Criminal Code of Canada charges, violations or convictions.
- 3) “Criminal Record Check Provider” is an organization or business designated by Sail Canada that obtains the Criminal Record Check and provides the results to Sail Canada with the consent of the Applicant.
- 4) “Designated Staff Member” is the Sail Canada staff member delegated by Sail Canada’s CEO to be responsible for collecting and assessing the Criminal Record Check.

Background

Sail Canada is responsible for providing a safe and secure environment for athletes. Instructors, coaches and officials are, and volunteers may be, in a position of trust related to these athletes or others in the community.

Sail Canada will not allow the registration for instructors and coaches, or the use of officials, at Sail Canada events, who it has reason to believe may place athletes or others at risk.

Sail Canada is aware that the information contained in a Criminal Record Check is of a sensitive nature and will balance the safety of athletes and others in the community with the privacy of those from whom it requires a Criminal Record Check.

Application

- 1) Sail Canada requires current annual Criminal Record Checks for:
 - a. All instructors and coaches who are over the age of 18 who register through Sail Canada, or who will be employed by Sail Canada directly or indirectly;
 - b. Senior officials who will be officiating at any Sail Canada events;
 - c. Any other staff or volunteers who Sail Canada, in its sole discretion, deems appropriate.

(collectively, the “Applicants”)

- 2) In Sail Canada’s sole discretion, it may accept a current Nexus Card in lieu of a current annual Criminal Record Check.
- 3) The Applicant will have the choice of obtaining a Criminal Record Check through the Criminal Record Check Provider, or privately.

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- 4) If the Applicant obtains the Criminal Record Check privately, the Criminal Record Check will be submitted to the Designated Staff Member for review if the Applicant wants to register, officiate or volunteer as the case may be.
- 5) If the Applicant obtains the Criminal Record Check through the Criminal Record Check Provider, the Applicant will consent to Sail Canada being provided with the status of “Clear” or “Not Clear”.
- 6) The Designated Staff Member shall create and maintain a confidential file which shall contain the Applicants’ submitted Criminal Record Checks, and the results from the Criminal Record Check Provider. Sail Canada shall protect this personal information by making security arrangements against unauthorized access, collection, use or disposal.
- 7) Any complaints or appeals with regard to the decisions made under this Policy will be handled as per Sail Canada’s Complaints Policies and Procedures. An Applicant who complains about or appeals a decision made by the Designated Staff Member shall be made aware that as a result of the appeal: the contents of their Criminal Record Check may be disclosed to others as necessary for the hearing of the appeal; and that the Applicant may elect to discontinue their appeal at any time.
- 8) Upon receipt of a Criminal Record Check:
 - a. If a Criminal Record Check has been returned with no results or “Clear”, or the Applicant has a valid Nexus card, the Applicant may continue in their requested role.
 - b. If the Criminal Record Check has been returned with “Not Clear” or any convictions, the Applicant may decide to provide details of their Criminal Record Check to Sail Canada to determine if they may continue in their role, or may decide that they no longer want to proceed with their requested role.
 - c. The Applicant will not be eligible to continue in their role, and instructors and coaches will not be eligible for registration if a Criminal Record Check has been returned with convictions or outstanding charges for any of the following:
 - i. At any time:
 1. Any sexual assault;
 2. Any sexual exploitation;
 3. Any invitation to sexual touching;
 4. Any indecent act and/or exposure;
 5. Any making distributing, possession or sale of child pornography;
 6. Any indictable criminal offences for child abuse;
 7. Luring a child;
 8. Voyeurism;
 9. Any orders forbidding the individual from having contact with those under the age of 18 or any other age group under same;

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10. Any offence for trafficking and/or importing and/or possession of the purposes of trafficking of any drugs and/or narcotics;
 11. Any production of a substance (specifically, as defined in the Controlled Drug and Substances Act)
 12. Any other indictable criminal code offences such as murder, manslaughter, incest, abduction.
- ii. Within the past 10 years:
 1. Assault with a weapon;
 2. Assault causing bodily harm;
 3. Aggravated assault;
 4. Robbery;
 5. Any other offences pertaining to violence, whether or not involving weapons.
- d. If a Criminal Record Check has been returned with any other results aside from those in Paragraph 8 c, the Applicant may request a determination as to whether their participation will be approved or not. For the purposes of making this decision, the Designated Staff Member, may request further information, including but not limited to: police reports; court records; probation orders; parole orders; and release documents. The Designated Staff Member will then determine if the results will place athletes or other community members at risk and will advise the Applicant in writing as to one of three outcomes:
 - i. Approval;
 - ii. Approval with conditions;
 - iii. Denial.
 - e. In making the above determination, the Designated Staff Member will consider the relationship of the offence(s) to the nature of the position, the number and nature of charges or convictions, when the offence(s) occurred, and what the Applicant has done since the date of the offence.

In the event that there is an Approval with conditions, the Designated Staff Member will determine if the Applicant would like to proceed with participation. In the case that the Applicant chooses to proceed, the Designated Staff Member will advise those he or she decides has a need to know (e.g. employer, Provincial Sailing Association, regatta chair etc.) of the conditions of the Applicant's participation.

Approved by Board April 4, 2020