

HOCKEY



Screening Policy

3.07 VOLUNTEER SCREENING POLICY

Educating athletes and personnel about abuse and harassment is very important; however, it is not enough. The Executive Officers of the local Minor Hockey Association have the responsibility to ensure that all volunteers, which includes: Players, Coaches and both on-ice and off-ice Officials are in a safe environment. Every effort must be made to protect them from abuse, harassment and injuries. We, as volunteer hockey administrators within our Associations, are responsible to ensure that players are protected both on and off the ice. It is important that volunteers at all levels within our Associations are certified and properly trained to deliver these programs to our players. We must provide both financial and human resources to deliver ongoing Professional Development Programs for our Coaches, Trainers, Managers and Directors of our Associations. Hockey Canada and Hockey NL are constantly developing new programs and policies that will enhance the game of hockey and protect the Membership. It is important that we make every effort to ensure this information is disseminated to the participants.

3.07.01 Coaches, Assistant Coaches, Managers & Trainers:

Hockey NL requires that all new Coaches, Assistant Coaches, Managers and Trainers who are making application for all teams during the upcoming season must make formal application to Hockey NL. It is recommended that these application forms remain on permanent file with the branch office of Hockey NL. In addition, it is recommended that all applicants be interviewed for the position. If the local Minor Hockey Association, League or team for the position selects the applicant, the appointment is contingent upon submitting the following completed forms: Part 1 – Personal Information, Part 2 – History of Conduct, Part 3 – Consent for Criminal Record Search for a Sexual Offence for which a Pardon has been granted, Part 4 – Consent to Disclosure of Record and the appropriate Letter or Certificate of Conduct and a vulnerable person's check from the police. A new Letter or Certificate of Conduct from the police must be filed every three years. The local Association must record the names of individuals who have been provided with these forms, collect the forms in sealed envelopes marked Private and Confidential and forward to the Hockey NL branch office to the attention of the Risk Management Screening Committee ("Screening Committee"). The Screening Committee will review the results and determine if applicants have not been approved for membership.

Note: All existing Coaches, Assistant Coaches, Managers, Trainers and Hockey NL Board of Directors who have not completed all application forms must do so. If the Criminal Record Check indicates that there may or may not be a criminal record in existence the applicant is required to go to the local police or the RCMP, provide fingerprints and have the documentation returned marked Private and Confidential to the Hockey NL branch office to the attention of the Risk Management Screening Committee. There may be a fee for this service. In addition, applicants are asked to submit a written statement outlining the nature of the charges, the sentence and the date of the sentence. Failure to comply may result in suspension pending further investigation.

3.07.02 Procedures for completing the Criminal Record Check

1. Applicants must complete side one of the Criminal Record Check Form that is provided by the local Association and signed by an official within the local Association. The applicant must bring this form to the local Police Service or the Royal Canadian Mounted Police whoever is responsible for policing in their place of residence. The applicant must bring two pieces of identification one of which must be a picture ID such as a Driver's License. In

some instances, the form will be completed while the applicant waits or will be required to return to pick up the form within a 10-day period. The applicant must then forward the completed form in a sealed envelope marked Private and Confidential to the local Association President or designate. Normally, there is no charge for completing a Criminal Record Check form providing the applicant is identified as a volunteer by submitting the Criminal Record Check form.

2. The local Association must record the names of individuals who have been provided with these forms; collect the forms in sealed envelopes marked Private and Confidential and forward the Criminal Record Check Forms to the Hockey NL branch office to the attention of the Risk Management Screening Committee. The Committee will review the results and determine if applicants have not been approved for membership.
3. Applicants who have not been approved for membership, the Chair of Risk Management for Hockey NL will notify the applicant that he/she has not been approved as well as the local Association President, President of Hockey NL and the Chair of Hockey NL Minor Council. All specific information on the Criminal Record Check is strictly confidential.

3.07.03 Privacy Statement

Hockey NL acknowledges that, in receipt of information gathered under Screening Program, it may not disclose such information to any other person or organization, or any person within an organization unrelated to the screening process, and disclosure to any other such person constitutes a breach of the Criminal Records Act. All information collected either electronic or hard copies will be secure in the branch office under password protection or lock and key.

3.07.04 Committee Structure

The Hockey NL Screening **and Eligibility** Committee will be made up of the Chair of Risk Management, and two other members, one of whom should have a background in the Law (social worker, police officer, lawyer, etc). The President of Hockey NL is an ex-officio. The Screening Committee will be reviewing all cases when the applicant is listed in the Child Abuse Register and/or has been convicted of any criminal offences. All cases will be reviewed on an individual basis.

Applicants who have committed certain offences will not be accepted for a direct service position with vulnerable clients. These offences may include but are not limited to: sexual assault, current prohibitions forbidding contact with children, indictable criminal offences for child abuse; any offence of a sexual nature involving children including pornography, violent offences involving a weapon; and criminal driving offences such as criminal negligence causing death. As indicated other cases will be reviewed on an individual basis. See Section 3.11.

3.07.05 QUESTIONS & ANSWERS

A) What is Hockey NL's Screening Policy?

Hockey NL's Screening Policy is the product of two (2) years of consultation with Hockey Canada, Hockey Nova Scotia and the implementation of National Protocol's under the Speak Out Policy introduced by Hockey Canada to protect our players. It has been developed in conjunction with the Risk Management Officers at the National Level, our counterparts at the other Provincial (Branch) Levels and also with the offices of Child

Protection Services and the Royal Newfoundland Constabulary. It is a mandatory procedure. The process shall be updated regularly to ensure best practice and most up to date policy.

No volunteer shall be permitted to participate in any activity of Hockey NL, or a member association or group of Hockey NL unless the membership application in the included form is completed by the individual. The membership Application Form is to be considered as equally important as the registration card. Individuals will not be permitted to participate in registered activities without the card, they will not be permitted to participate in activities unless the Association has the individual complete this form and transmit a copy of the same to Hockey NL. There will be absolutely no exceptions to this Policy. Until, and unless, this Application Form is completed to the satisfaction of the Association and/or Hockey NL, the individual shall not be considered registered and is ineligible to participate in activities. Further, all applicants must submit a current Vulnerable Sectors Check (VSC) and Criminal Records Check (CRC) at the time of their application. Once the VSC, CRC, and Application have been submitted and reviewed, membership shall either be granted, restricted, or rejected as outlined in this policy by the Risk Management Screening **and Eligibility** Committee. Those granted membership are required to resubmit updated VSC and CRC forms every three (3) years. Those restricted or with a positive VSC or CRC and whom are granted membership shall be required to submit an updated VSC and CRC on an annual basis. Those individuals who are rejected for membership should refer to Section 3.11

B) Why the implementation of a formal policy?

In a lengthy review of the Screening Policies within the Association, it was discovered that the individual Hockey Associations were largely responsible for conducting the necessary background checks prior to accepting an application for membership. Because of the number of Minor Associations and the geography of the Province, very few Minor Associations were communicating with each other as to their practice and there was a wide discrepancy in the thoroughness of the Application process. While the individual Associations have been responsible for screening potential Applicants for decades, some Minor Associations actually requested further guidance and uniformity from the Hockey NL office.

C) What risks are addressed by the Policies?

There are a number of actions and potential threats that this policy is designed to identify and therefore reduce the risk to all members of Hockey NL. The physical and/or sexual abuse of players with Hockey NL is absolutely unacceptable. The placement of individuals who pose a potential risk to the well-being of children is also unacceptable. Certain deficiencies were observed in the manner in which risk was being investigated and assessed. Since the determination of the various civil actions concerning the sexual abuse of children at the hands of the clergy of various churches, the highest Court in Newfoundland & Labrador has set out the law with respect to the liability for the protection of children. Non-profit companies, including Hockey Associations, ordinarily are exempt from automatic liability if one of their members commits an unlawful act. In most cases, the Court considers it bad public policy to potentially bankrupt charitable organizations for single acts of neglect by one of its members or volunteers. However, there are two (2) major exceptions to that rule. The first is a situation in which the Association is put on notice that there is probable ground to suspect that abuse may be ongoing. This would be the case for business corporations and charitable companies alike. The second instance (which

particularly concerns Minor Hockey Associations), is a situation which would certainly apply to us. If the nature of the non-profit or charitable company is such that it necessarily places minors in a position of proximity with adults and places the adults in a position of trust with the children, it is presumed that the non-profit association **will** be liable. This includes our counterpart associations such as Girl Guides/Boy Scouts, Big Brothers/Sisters and any other type of activity dedicated to children. Hockey NL and its member associations would fall squarely within that category of associations, and a single act of abuse would render the Associations liable, whether the Association was in the position to prevent it or not.

D) Who does the Screening Policy apply to?

Everyone! This applies to all volunteers within Hockey NL, from the President of the Branch down to the volunteer bench staff on teams within the various Associations. Any person who ultimately has to be certified as a Hockey NL member through registration is subject to this policy. While the Association remains primarily responsible for the implementation of the policy at the registration level, Hockey NL strongly encourages the Minor Associations to apply the policy to other members within the Association who are not necessarily Hockey NL registrants. This would include the various Executive Members of the Association who serve on the Association's Board of Directors, but which do not function in a hockey capacity requiring Hockey NL registration.

E) Does the Policy apply to existing members?

Yes! All members of Hockey NL, even those of long standing must complete the Application Form to maintain registration. There are two (2) reasons for this. The first is the pure risk management consideration. The second is that, under the Federal Privacy Act, Hockey NL and its member Associations are under an obligation to keep the personal information of its members current. This means that the Application forms will have to be completed, in order to make sure that the information is accurate at its source any updates should be relayed to the Hockey NL office on as they arise. There are no exceptions to this requirement. Hockey NL are required as a matter of Federal Law as of January 1st, 2004, to solicit fresh applications from individuals on a regular, periodic basis.

F) What is required at the time of Application?

Any volunteer applying for Hockey NL membership, such as a director or officer, would forward his or her application to Hockey NL itself. In that case, the potential member must complete the application form and provide any of the documents (including a Letter of Conduct) which are identified in that form. If the Applicant is applying to a team or other Association within the Branch, the Association will have the Applicant complete the usual Association forms in addition to the new Hockey NL Application Form. Hockey NL must be provided with a copy of the normal registration particulars, as well as the completed Hockey NL Application Form in order to process a registration. Hockey NL is under no obligation to register an individual unless these forms are received, even though a registration card has been provided. Please also note that there must also be a Privacy Act Consent located on the form. In the case of a direct Application to Hockey NL, Hockey NL will provide the Consent Form to the Applicant directly.

G) Who will see the information on my application?

A very select number of people will see the information on the Application Form. The Application Form contains sensitive details about the person's individual history, criminal record and the like. These files will be held in the strictest of confidence, as is required by the Federal Privacy Act. The Federal Privacy Act provides much greater protection to the Applicant because it imposes very strict confidentiality requirements not previously present. Hockey NL has established a Screening Committee, headed by the **Director, Chair of Risk Management Committee** of Hockey NL, and two (2) other members. These three (3) individuals will form the screening and **eligibility** committee, and are required, by law, to keep the information contained in Application Forms confidential unless it is of absolute necessity to disclose any of the contents to the **Hockey NL Board of Directors** and the Executive Director. Upon receipt, the other Officers and Directors of Hockey NL will not be privy to this information at the outset. It is prohibited for any of the other Officers and Directors of Hockey NL to be provided with this information.

Each Minor Association is strongly urged to form its own Screening Committee, including a Screening Officer, who will be subject to the same requirement of confidentiality. As indicated, primary responsibility for the screening of Applicants rests with the Associations when the Application is to an Association. The Association should follow a procedure similar to that of the Branch with respect to the screening aspect. The Screening Committee will decide whether or not to accept or reject an Application, depending on the contents, and whether or not any of the contents of the Application are actually relevant to the risk to be avoided. Applicants will not necessarily be refused membership if, for example, they have a criminal record for an unrelated type of offense.

H) Why is the Application structured as it appears?

Upon consultation with Child Protection Services and the Royal Newfoundland Constabulary, several blind spots were identified in the practice of simply asking for a Letter of Conduct. There are a number of weaknesses in accepting a simple questionnaire, accompanied by a Certificate of Conduct without asking additional questions. Under particular pieces of Federal Legislation, the Letter of Conduct will not turn up record of an offense if the individual received a discharge, or was pardoned for an offense. The current Application requires that the Applicant disclose these matters, notwithstanding that the Certificate of Conduct would not disclose them. The individual is under no obligation to complete the form; however, in refusing to complete the form, Hockey NL is automatically entitled to refuse the person's Application for membership. So is the member Association. No further justification for the refusal is, or will be, necessary.

I) What if my Association has an existing policy?

Certain Minor Associations have already formulated fairly detailed policies. If the Association's policy is equivalent or better to Hockey NL's in terms of the detail requested, the Minor Association is free to use its own form. However, Hockey NL must be provided with a copy of the completed form once the Minor Association has received the form back from the Applicant. If Hockey NL does not have a copy of that form, the individual Applicant will be treated as unregistered until such time as Hockey NL receives a copy of the Application Form.

J) What are our other duties?

The Risk Management and Screening Policies are intended to be threshold tests for potential risk to our members, especially minors. This Policy has been formulated in consultation with Hockey Canada, but Hockey Canada leaves each Branch (and each Association within the Branch), to formulate its own policies. However, there are certain ongoing duties required of the Branch and its member Associations when it is suspected that there may be abuse of minors notwithstanding that an Applicant has successfully completed his or her Application Form at the time of registration. The attention of the Associations is referred to the Provincial (Hockey NL) Recognition and Prevention of Abuse Policy, and the Hockey Canada Recognition and Prevention of Abuse Policies, Harassment Policies and any other policy which the individual Association may have formulated pursuant to its own authority. Vigilance is also required of the Association, and the procedures for dealing with suspected abuse are set out in the policies listed above. There are also certain all-encompassing policies which are required under Provincial Legislation, pursuant to the Child, Youth and Family Services Act. This Act requires that potential instances of abuse constituting harm to a child are to be reported. Please contact your local Counsel or Hockey NL Counsel for initial consultation in the case of urgency. Hockey NL has had opportunity to discuss the requirements of the Federal Protocols with the National Risk Management, and Insurance Officers, and they are also capable of answering any inquiry.

K) Can I get an extension/dispensation while awaiting results of a Criminal Record Check, Vulnerable Sectors Screening Check, or Required Fingerprinting?

Extensions are at the discretion of the Chair of the Screening **and Eligibility** Committee, or their designate, and shall only be granted under exceptional circumstances. While it is acknowledged that the screening check processes can take time, all members are reminded that the screening process is vital to ensure the safety of all those who participate in Hockey NL sanctioned activities. Every effort should be made to ensure that screening is completed well in advance of the start of the season in September, with suggestions to start the process as early as possible. Members are reminded that failure to plan does not constitute an emergency nor necessitate an extension.

3.07.06 Ten Step Program to Screen Volunteers:

Hockey NL recommends the following 10-step screening process for Hockey NL Personnel and recommends that each Branch Association, League, or Group and their respective members follow the same 10-step screening process within their respective jurisdictions.

1. Determine the Risk – Associations can control the risk of the programs by taking steps to minimize or eliminate the risk altogether.
2. Write a Position Description – Careful position design and clear description determine the position's level of risk while sending the message that your Association is serious about screening its volunteers.
3. Establish a Recruitment Process – Recruitment materials should indicate that your Association screens applicants.

4. Use an Application Form – An application form should request permission to do Criminal Record Check or any other screening measure, and should only ask for information related to the requirements of the position being filled.
5. Conduct Interviews – Interviews help ensure that you select people who meet requirements and fit in your Association.
6. Follow Up on References – Do not assume that applicants will only give you names of people who will speak well of them.
7. Request a Vulnerable Sector/Criminal Record and Child Abuse Register Check – Only one step in the ten- step screening process.
8. Orientate and Train – Orientation and training sessions offer an opportunity to observe volunteers in a social setting and to provide information on your policies and procedures.
9. Supervise and Evaluate – The greater the risk in a position, the more frequent and intense the supervision and evaluation process should be.
10. Follow-Up with Program Participants – Regular contact with clients and family members can be a deterrent to someone who might otherwise do harm.

3.07.07 Screening Points to Remember

A) Note 1

Volunteers and staff who do not meet or do not abide by the requirements of the screening process may not be accepted, may be disciplined or may be dismissed.

B) Note 2 - Step 2 Position Design and Description

Clearly identify, define and control the design of positions. Each position has a set of conditions and level of risk. Determine screening standards based on position design.

Develop and maintain descriptions that define responsibilities, expectations and levels of supervision for each staff and volunteer position.

C) Note 3 – Step 4 Application Form

Prepare and make available appropriate forms for staff and volunteers and, if the position requires other screening measures (medical exam, driver's record, Vulnerable Sector Check, Criminal Records Check), the application form will so indicate.

D) Note 4 – Conducting Interviews

Post all staff and volunteer positions and indicate that screening is a part of the application process.

Conduct interviews for staff to ensure candidates meet the position requirements and fit in with the organization. Interviews for volunteer positions, for which the level of risk is determined to require interviews, will be conducted under the supervision of the President, Vice President and Executive Director at the Branch Level. All other Divisions of Hockey shall ensure neutral groups of three (3), one of which must be the Chair Risk Management Committee, are used.

E) Note 5 – Reference Checks

Implement a standard reference check questionnaire and follow through with candidate's list of references.

F) Note 6 – Vulnerable Sector and Criminal Records Checks

The following individuals who are associated with the Hockey NL, Members, hockey leagues, hockey Clubs and Minor/Female Hockey Associations must adhere to the Hockey NL Screening Policy:

- i) members of the Boards of Directors;
- ii) full time staff, part time staff, interns and volunteers;
- iii) team officials (including but not limited to head coaches, assistant coaches, trainers and managers);
- iv) on-ice officials; and
- v) anyone else who, through their duties on behalf of Hockey NL, a Member, a hockey Club or Minor/Female Hockey Association, may work with children.

Hockey NL requires that a person identified in **Note 6** submit a Criminal Record Check and a Vulnerable Sector Screening that has been completed in the three (3) months prior to submission. Individuals identified in **Note 6** aged 17 and under will not be required to provide a Criminal Record Check in accordance to the **Newfoundland act**. On Ice Officials aged 18 and over will be required to provide a Vulnerable Sector Screening Check. All On-Ice officials must adhere to this Policy.

Every three (3) years following the initial check, a person identified in **Note 6** need only complete a Criminal Records Check/Vulnerable Sector Screening Check.

All staff members and volunteers with the organization **MUST** complete a Criminal Records Check and Vulnerable Sector Screening Check. Recommended completion is as follows:

- a) Full time staff – During the appraisal process and every three years.
- b) Part time staff/students/interns – At start of term and every **three years** after.
- c) High Performance Team Staff – At start of term and every **three years** after
- d) On-ice officials – as per Full time staff.

Previous offences that may exclude a person's application for a position within Hockey NL include, but are not limited to, offences against persons, offences involving property or offences related to substance abuse.

It is recommended that Billets used within Hockey NL be properly screened by the Member or their association, club or league and in addition, complete a Criminal Record Check and Vulnerable Sector Screening.

Note 7 Orientation and Training Sessions

The level of risk associated with a position (as indicated in the position description) will determine when an organization should conduct an orientation session with new staff and volunteers to help familiarize them with the organization's goals, objectives, policies and processes.

All team officials (including but not limited to head coaches, assistant coaches, managers and trainers) within the jurisdiction of Hockey NL are required to be certified in the Speak Out Programme or Respect In Sport Activity Leader.

Note 8 Supervise and Evaluate

The risk assessment of each position (as indicated in the position description) will determine the necessary level of supervision and evaluation in respect of a person's performance in their position (Examples: Supervision may include an unscheduled observation of a coach or on-ice official during a practice or game; or evaluation may include an annual or interim staff appraisal).

Note 9 Follow Up

Follow up in respect of a person's performance in their position may be necessary and will be determined by the position description. An example of follow up may include an end of season interview with a coach.

3.08 SCREENING ADMINISTRATION

3.08.01 Hockey NL Responsibility

The Executive Director of Hockey NL (or designate) will maintain records of all Hockey NL Personnel required to be certified in Speak Out, **Shift Forward** or Respect in Sport Activity Leader. The Criminal Record Checks of staff and volunteers of Hockey NL (as opposed to the Hockey NL Members) who are required to submit such information will be directed to the Screening Committee and maintained by the Hockey NL Branch Office.

All personal records maintained by Hockey NL and the Screening Committee will be obtained and secured in compliance with Hockey NL Privacy Policy.

3.08.02 Member Responsibility

For the purposes of reporting to Hockey Canada and policy development, Hockey NL Members and Associations are required to maintain records of all Speak Out or Respect in Sport Activity Leader certified personnel within their jurisdiction and provide relevant statistical information to Hockey NL at the conclusion of each season (number of training sessions, e-Learning participants (Respect in Sport Activity Leader) and number of certified participants, etc.).

3.09 SAFEGUARDS

Security safeguards will be implemented to ensure all personal information is protected from theft as well as unauthorized access, disclosure, copying, use or modification thereof. The level of safeguards employed shall be directly related to the level of sensitivity of the personal information collected: the more sensitive the information, the higher the level of security employed. Methods of protection and safeguards to be employed will include but in no way be limited to locked files, offices and storage areas, need to know access as well as technological measures such as passwords and encryption.

3.10 MINIMUM REQUIREMENTS BASED ON POSITIONS

3.10.01 Board of Directors

- Writing clear position descriptions
- Requesting/requiring Criminal Record Checks and Vulnerable Sector Screening
- Conducting orientation and training sessions

3.10.02 Full-time/Part-time Staff, Students/Interns

- Writing clear position descriptions
- Requesting/requiring Criminal Record Checks and Vulnerable Sector Screening
- Employment Contract (or other document) which requires staff, students, interns to pro-actively disclose any changes including new charges or convictions**
- Establishing a formal recruiting process,
- Conducting orientation and training sessions
- Using an application form
- Conducting interviews
- Following up on references
- Supervising and evaluating
- Follow up on program participants

3.10.03 Team Officials

- Writing clear position descriptions
- Requesting/requiring Criminal Record Checks and Vulnerable Sector Screening
- Conducting orientation and training sessions
- Respect in Sport, Activity Leader
- Gender Identity and Expression Course

3.10.04 On-ice Officials

Writing clear position descriptions
Requesting/requiring Criminal Record Checks and Vulnerable Sector Screening
Respect in Sport Activity Leader (verify with Member)

3.11 HOCKEY NL CRIMINAL RECORD CHECK

All individuals holding the title of team official (including but not limited to head coach, assistant coach, trainer, assistant trainer, manager), on-ice official and anyone else determined by the Risk Assessment Tool which is contained in Appendix A of this policy shall be subject to Criminal Record Checks, which include the Vulnerable Sector Screening and a search of the National Sex Offender Registry.

Individuals with outstanding Criminal Code convictions or who have been charged with such offences that have not yet gone to trial but which continue to be prosecuted, shall not be eligible to hold any position with Hockey NL, a Member, hockey leagues, hockey Clubs and Minor/Female Hockey Associations.

3.11.01 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:

- i. Any sexual assault
- ii. Any sexual intercourse
- iii. Any sexual exploitation
- iv. Any invitation to sexual touching
- v. Any indecent acts and/or exposure
- vi. Any making, distributing, possessing or sale of child pornography
- vii. Any indictable criminal offences for child abuse
- viii. Luring a child
- ix. Voyeurism
- x. Any offence for trafficking and/or importing and/or possession for the purpose of trafficking of any drugs and/or narcotics
- xi. Any production of a substance (specifically, as defined in the Controlled Drug and Substances Act - C.D.S.A.)
- xii. Any 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

3.11.02 Offences for which disqualification from participation is ten (10) years from the expiration of the penalty imposed by the courts. The participant is eligible to apply for a hearing after this time. Note this is a reference only and not a complete list of applicable offences:

- i. Assault with a weapon
- ii. Assault causing bodily harm
- iii. Aggravated assault

- iv. Any current prohibitions or probation orders forbidding the individual from having contact with children under the age of 14
- v. Robbery
- vi. Any other offences pertaining to violence, whether or not involving weapons.
- vii. Any indictable criminal code offences related to impaired driving and/or care and control and/or drive over 80 milligrams

3.11.03 Offences for which disqualification from participation is three (3) years from the expiration of the penalty imposed by the courts, as determined by the Members, not the date of the charge or conviction. Note this is a reference only and not a complete list of applicable offences:

- i. Assault
- ii. Threatening
- iii. Any possession of a substance (specifically, as defined in the Controlled Drug and Substances Act - C.D.S.A.)
- iv. Any theft and/or fraud and/or related offence (applicable to a person while in a Position of Trust of Finances)
- v. Any convictions pertaining to illegal substances, other than for manufacture, distribution and/or trafficking
- vi. Any firearm related offences (other than use of firearm in the commission of an offence, see above)
- vii. Any other indictable criminal code offences 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
- viii. Multiple (non-indictable) offences for impaired driving from alcohol and/or drugs.
 - a. Any individual that has two or more offences within the previous ten (10) years is deemed ineligible;
 - b. Once an individual has only one offence in the past ten (10) years they may at their option apply for a hearing to request reinstatement in accordance with this policy;
 - c. Offences will expire after ten (10) years from the expiration of the penalty imposed by the courts (i.e. 2015 impaired probation to 2016, expiration 2026).

3.11.04 Offences for which the individual has to abide by specific criteria as a participant.

- i. For a first offence related to Impaired Driving and/or care and control and/or drive over 80 milligrams resulting in a summary conviction, the individual may not drive any other participant to and from sanctioned activities while Driver's License is suspended.
- ii. It is the obligation of any person subject to screening by virtue of this Policy to advise their organization's designate responsible for screening of a charge or conviction under any offence listed in this Policy.

- 3.11.05 Hockey NL, or its designate, shall be responsible for the collection and retention of Criminal Record Checks and Vulnerable Sector Screening Check, which must be under the designates control and secured in a safe storage area.

3.12 CRIMINAL RECORD CHECK HEARING PROCESS

- 3.12.01 Upon review of a registered participant's Criminal Record Check/Vulnerable Sector Screening submission to Hockey NL, if a registered participant is deemed ineligible as per 3.11 of the Hockey NL Screening Policy, and therefore unable to participate as an official or volunteer in Hockey NL/Hockey Canada programming, they will be notified of such ineligibility in the form of a letter from Hockey NL.
- 3.12.02 The term of this ineligibility is based on a specific offence contained within the submission and the time identified in Section 3.11 of the Hockey NL Screening Policy.
- 3.12.03 The Hockey NL Screening Committee will determine the eligibility for a hearing and will communicate this directly to the member in the form of a letter.
- 3.12.04 If the registered participant is ineligible they will be given the opportunity to forward a letter of consideration to the Screening Committee of Hockey NL, requesting special dispensation from the application of the Section 3.11 of the Screening Policy.
- 3.12.05 Supporting documentation must be submitted to Hockey NL prior to the hearing date and at the participant's expense. Required documents may include, but are not limited to:
- i. Police Reports (arrest report, general occurrence report, witness report, regarding the incident(s).
 - ii. Court Records (details of actual conviction)
 - iii. Probation orders
 - iv. Parole orders
 - v. Release documents
- 3.12.06 If the participant is granted a hearing by the Screening Committee, a hearing will be arranged and the participant will be sent notification of the date, time and location of the hearing at least 5 business days prior to its commencement. The fee for this hearing will be \$150.00 and payment is to be received prior to the hearing. If not received, the hearing shall be cancelled and appeal denied. At the conclusion of the hearing, the panel will render its decision in writing and forward to the Hockey NL Branch office. The office will inform the participant of the decision and the Associations (by the Executive Director) will be notified electronically.

- 3.12.07 In the event that the participant does not show for a hearing, the hearing will be dismissed, the participant will be notified and the ineligibility will remain in effect pending a new hearing at the expense of the member.
- 3.12.08 The participant would NOT be eligible to participate in any Branch/Association sanctioned activity until such time as a decision is made through this hearing process.

3.13 RULE OF TWO- Applied to Hockey NL sanctioned events

3.13.01 The Rule of Two states that there will always be two screened team officials in good standing when a player is present. This means that any one-on-one interaction between a screened team official and a player must take place within earshot and view of the second screened team official, except for medical emergencies.

3.13.02 Vulnerable situations can include closed door meetings, travel, and training environments amongst others. Clubs and associations must create and implement policies and procedures, in line with these requirements and in a sustainable, phased and measurable process, that limits the instances where these situations are possible. Minors and Vulnerable Persons must not be in any situation where they are alone with a person in a Position of Authority without another screened adult or player present unless prior written permission is obtained from the player's parent or guardian.

3.13.03 The Rule of Two should also be applied to interactions with Minors or Vulnerable Persons in virtual training environments. Additionally, for those Vulnerable Persons under age 16, a parent or guardian should be present during the session where possible.

APPENDIX A RISK ASSESSMENT TOOL & RATING

<http://members.hockeycanada.ca/screening/>

1) RISK ASSESSMENT TOOL

The Risk Assessment Tool is not a scientific assessment but is designed to help alert you to potential factors in a volunteer or staff position. No single checklist fits all situations so organizations are encouraged to adapt this tool to meet their specific needs and any local legal obligations.

2) QUESTIONS TO CONSIDER WHEN ASSESSING THE RISK LEVEL ASSOCIATED WITH EACH POSITION.

- a) Does the person in this position serve people who may be vulnerable?
 - Children under the age of 18
 - Persons with communication or language boundaries
- b) Does the person in this position allow access to players?
 - Direct contact with players at the rink or away from the rink
 - Driving players in their vehicle within Hockey Canada’s Speak Out parameters
- c) Does the person in this position require making physical contact with a player’s body?
 - Demonstrating a skill
 - Touching the player
 - Contact with bodily fluids
- d) Does the person in this position have access to property or equipment?
 - Personal equipment
 - Facility equipment
 - Organization equipment
- e) Is the person in this position involved in making decisions about a player’s future or movement within the system?
 - Perceived or actual position of authority
- f) Does the person in this position have access to confidential information?
 - Personal documents or communications
- g) Does the person in this position have access to money?
 - Personal funds
 - Organizational funds
- h) Is the person in this position involved in making decisions on behalf of the organization?
 - Perceived or actual position of authority
 - Enters into agreements on behalf of the organization

If you answered “Yes” to any question above here are some suggested steps:

- i. Reference Check
- ii. Criminal Record Check/Vulnerable Sector Check Requirement
- iii. Regular supervision
- iv. Participant evaluation of position
- v. Specific behaviour code is provided

APPENDIX B POSITION DESIGN AND DESCRIPTION

POSITION DESIGN:

Clearly identify, define and control the design of positions. Each position has a set of conditions and level of risk. Determine screening standards based on position design.

Position Title	Be brief (2-3 words) but descriptive
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Purpose of Position	A short sentence or two identifying key reasons for volunteer involvement, in relation to the organization's mission or goals.
Risk Level	Based on the Risk Assessment of the position, and used as the basis for what screening mechanisms will be required for this position.
Skills and Qualifications	Include the attitudes, knowledge, past experience, background, education and personal traits that are directly related to the ability of the applicant to meet the duties/activities/responsibilities.
Boundaries and Limitations	What is the person in this position not allowed to do? What is outside of the parameters of the position?
Vulnerability of Persons Served	Are the persons served by this position vulnerable and if so in what way?
Screening Requirements	List of applicable screening techniques for this position.
Supervision and Support	To whom is the person in this position directly responsible? How is the position supervised? What are the reporting and evaluation mechanisms?

POSITION DESCRIPTION:

Develop and maintain descriptions that define responsibilities, expectations and levels of supervision for each staff and volunteer position.

Duties/Activities/Responsibilities	Be specific about regular duties to be performed, duties performed on occasion, and any special equipment used. Do not list every step of every activity; this can be expanded on in the position training.
Time Commitment	Minimum number of hours, frequency, days and times and length of commitment.
Location:	Where will the person in this position work? Is it off site, isolated or unsupervised?
Orientation and Training	Both initial and ongoing training, making clear what is required and what is optional.
Benefits	Include organization's commitment to the position, personal benefits, whether out of pocket expenses are covered by the organization.

SAMPLE DESIGN AND DESCRIPTION:

House League Head Coach

The following is a sample Head Coach position design and description:

POSITION TITLE:	House League Head Coach
VULNERABILITY OF PERSONS SERVED:	Work directly with young children between ages of 5 and 15
LOCATION:	Local Arena Facility, public setting

PURPOSE OF POSITION:	To teach skills, supervise children and create a safe, social and welcoming environment for the players
RISK LEVEL:	High, working in close proximity to children
TIME COMMITMENT:	1 weekend game and 1 week night practice, 2 tournaments per season, year-end banquet
ACTIVITIES & RESPONSIBILITIES:	Oversee all team activities Manage the safety of the participants Comply and ensure compliance of their team with the rules, regulations, policies and processes of the team, league, club, and association, Hockey NL, and Hockey Canada
SKILLS, QUALIFICATIONS:	Caring, friendly and patient attitude Ability to communicate with parents and children Must be certified in Speak Out or Respect in Sport Activity Leader Must have Coach Level certification Criminal Record Check/Vulnerable Sector Screening Gender Identity and Expression Course
BOUNDARIES & LIMITATIONS:	The Head Coach is bound by the Hockey NL Code of Conduct and all rules, regulations, by laws, articles and policies of the Hockey NL.
ORIENTATION & TRAINING:	All new Coaches will be provided with an orientation prior to the start of the season.
SUPERVISION & SUPPORT:	The Head Coach is responsible to the club, association, league President and Board of Directors.
BENEFITS:	All Head Coach positions are eligible for various volunteer awards.

APPENDIX C CRIMINAL RECORD CHECK/VULNERABLE SECTOR SCREENING DEFINITIONS

C.1 Criminal Records Check (CRC)

C.1.1 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.

C.1.2 A Criminal Record Check is performed against the national repository of criminal records maintained by the Royal Canadian Mounted Police (RCMP), which holds approximately 4.2 million records.

C.1.3 Checks are also in many cases performed against a Canadian police service's local records.

C.2 Vulnerable Sector Check (VSC)

C.2.1 A VSC is initiated by the local police in the jurisdiction where the individual lives.

C.2.2 A VSC is designed to protect vulnerable participants 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 results 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.

C.2.3 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 to a pardoned sex offender record, the individual will be required to provide fingerprints to confirm their identity. Be assured that:

C.2.3.1. This is not an accusation of criminality: fingerprints are used to confirm identity only.

C.2.3.2. Fingerprints will be destroyed after 90 days - when the check is complete. As with all civil checks, the RCMP and Local Police do not keep fingerprints on file and they will not be searched for future purposes.

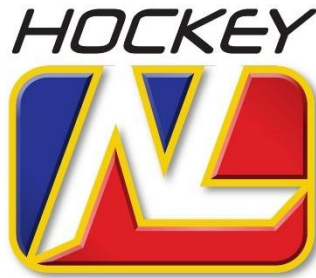
APPENDIX D VOLUNTEER SCREENING POLICY APPLICATION FORM

Hockey NL's Application for Membership must be completed by any person who ultimately has to be certified as a hockey member, including all new volunteers, coaches, assistant coaches, managers and trainers. All existing volunteers, coaches, assistant coaches, managers, trainers and Hockey NL Board of Directors who have not completed all application forms contained in the Application for Membership, must do so to maintain registration.

No volunteer shall be permitted to participate in any activity of Hockey NL, member association or group of Hockey NL unless the Application for Membership is completed by the individual.

The Application for Membership, contained herein, can also be found in its entirety on Hockey NL's website at:

<http://www.HockeyNL.ca/wp-content/uploads/2012/06/Hockey-NL-Screening-Application.pdf>



**APPLICATION FOR MEMBERSHIP
HOCKEY NEWFOUNDLAND & LABRADOR**

To be distributed and returned by all Associations and Divisions

Application for membership of: _____
Name

In the _____ **Division** of Hockey Newfoundland and Labrador.
Association

PRIVATE AND CONFIDENTIAL

To be viewed only by
HNL Risk Management Screening Committee
P. O. Box 176
Grand Falls-Windsor, NL A2A 2J4

This completed Application, Letter or Certificate of Conduct and Registration Card comprise the Application Package of the Member, and any acceptance for Membership is **conditional upon** the provision of accurate information in this Application, the receipt by HNL of all four (4) documents comprising the Application Package, and any other references and certificates as required or requested by HNL.

PART I

APPLICATION FOR MEMBERSHIP – PERSONAL INFORMATION

Legal Name of Applicant: _____

Prior Surname (if applicable) _____

Prior Full Name: _____

(to be completed in instances where Applicant has used different names or has legally changed his/her name)

Date of Birth (yyyy/mm/dd): _____

HCR#: _____

Place of Birth: _____

Driver's License No.: _____

Current Permanent Address: _____

Prior addresses in the last 10 years

(if different from current permanent address)

1. _____

2. _____

3. _____

Home Telephone
Number: _____

Business Telephone
Number (if applicable): _____

Cellular Telephone
Number (if applicable) _____

Facsimile Number
(optional): _____

Other volunteer positions currently held or held within the last ten (10) years:

Association: _____

Town/City: _____

Contact Number: _____

Association: _____

Town/City: _____

Contact Number: _____
Association: _____
Town/City: _____
Contact Number: _____

CONSENT

I, _____, an Applicant for membership in Hockey Newfoundland and Labrador, hereby permit Hockey Newfoundland and Labrador to obtain references from your organization, and authorize your organization to disclose reference information to HNL, for the purposes of confirming my prior volunteer service and certify my conduct as a volunteer, and no other purpose.

Applicant

Date

PART II

APPLICATION FOR MEMBERSHIP – HISTORY OF CONDUCT

The Applicant must complete this portion of the Application and obtain a Letter of Conduct or Certificate of Conduct before an Application is processed. Please note that 10-14 days' notice is necessary for the processing of a Letter of Conduct or Certificate of Conduct, so the early attention of the Applicant is encouraged.

1. Have you ever been charged and found guilty of an offence under the Criminal Code of Canada or a Criminal Offense elsewhere?

Yes No If yes, provide details.

Date: _____

Offence: _____

Province/State: _____

2. Are you, or have you ever been party to a civil action in which you were named as a Defendant?

Yes No If yes, provide details.

Date: _____

Nature of Action: _____

Province/State: _____

3. **Are criminal charges, proceedings, investigations or sanctions, including those from a sport governing body or an independent body (e.g., sport organization, Professional Order, Canada Centre for Ethics in Sport, private tribunal, government agency, etc.), currently pending or threatened against you?**

Yes No

If yes, **Hockey NL will contact you with respect to follow-up inquiries .**

4. **Have you ever been disciplined or sanctioned, including remedial measures or agreeing to a settlement by or through a process administered by a sport governing body or an independent body (e.g., sport organization, Professional Order, Canada Centre for Ethics in Sport, private tribunal, government agency, etc.) or dismissed from a coaching or volunteer position?**

Yes No -

If yes, the HNL Screening Committee will contact you with respect to follow-up inquiries.

CONSENT

I, _____, an Applicant for membership in Hockey Newfoundland and Labrador, hereby grant authority to the Screening Committee of Hockey Newfoundland & Labrador to make inquiry to any police, or other lawful authority, with regard to any of the matters set out herein, and I authorize all personnel contacted by HNL to provide all information requested to the extent permitted by law, for the purposes of certifying my conduct, and no other purpose. **By completing this Application, you represent and warrant that during your volunteer term you will pro-actively disclose any changes, including any charges or convictions**

Applicant

Date

PART III

**CONSENT FOR A CRIMINAL RECORD SEARCH FOR
A SEXUAL OFFENCE FOR WHICH A PARDON HAS BEEN GRANTED OR ISSUED**

Pursuant to the *Criminal Records Act* of Canada, R.S.C. 1985, c. C-47, and the *Criminal Records Regulations*, SOR 2000/303.

This form is to be used by a person applying for a position with a person or organization responsible for the well-being of one or more children or vulnerable persons, if the position is a position of authority or trust relative to those children or vulnerable persons and the applicant wishes to consent to a search being made in criminal conviction records to determine if the applicant has been convicted of a sexual offence listed in the schedule to the Criminal Records Act and has been pardoned.

Identification of the Applicant

Full Name: _____ Date of Birth (yyyy/mm/dd): _____

Sex (male/female): _____ Place of Birth: _____

Address: _____ Previous Address: _____

Previous Address: _____ Previous Address: _____

Reason for the Consent

I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.

Description of paid or volunteer position: _____

Name of the person or organization: Hockey Newfoundland & Labrador

Provide details regarding the children or vulnerable persons: Minor Hockey Players

Consent

Pursuant to the *Criminal Records Act* of Canada, R.S.C. 1985, c. C-47, and the *Criminal Records Regulations*, SOR 2000/303.

I consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to determine if I have been convicted of, or have been granted or issued a pardon for, any of the sexual offences that are listed in the schedule to the **Criminal Records Act**.

I understand that if, as a result of giving this consent, a search discloses that there is a record of my conviction for one of the sexual offences listed in the schedule to the **Criminal Records Act** in respect of which a pardon was granted or issued, that record shall be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police force or other authorized body. That police force or authorized body will then disclose that information to me. If I further consent in writing to disclosure of that information to the person or organization referred to above that requested the verification, that information will be disclosed to that person or organization.

Signature of Applicant

PART IV

CONSENT TO DISCLOSURE OF RECORD

Pursuant to the *Criminal Records Act* of Canada, R.S.C. 1985, c. C-47, and the *Criminal Records Regulations*, SOR 2000/303.

This form is to be used by a person who has consented to a search being made in criminal conviction records by completing the form entitled "Consent For A Criminal Record Search For A Sexual Offence For Which A Pardon Has Been Granted Or Issued" (**Part III of this Application**) and who wishes to consent to the disclosure of information in that search to the person or organization who requested the search.

Identification of Person Consenting

Full Name: _____ Date of Birth (yyyy/mm/dd): _____

Sex (male/female): _____ Place of Birth: _____

Address: _____ Previous Address: _____

Previous Address: _____ Previous Address: _____

Reason for the Consent

I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.

Description of paid or volunteer position: _____

Name of the person or organization: Hockey Newfoundland & Labrador

Provide details regarding the children or vulnerable persons: Minor Hockey Players

Consent

Pursuant to the *Criminal Records Act* of Canada, R.S.C. 1985, c. C-47, and the *Criminal Records Regulations*, SOR 2000/303.

I consent to information contained in a criminal record, found as a result of a criminal record search for a sexual offense for which a pardon has been granted or issued, being disclosed by a police force or other authorized body to the person or organization referred to above to whom or to which I am applying or have applied for a paid or volunteer position.

I understand that as a result of giving this consent, that information will be disclosed by the police force or other authorized body to the person or organization, even though a pardon has been granted or issued for the offence.

Signature of Applicant

Hockey Newfoundland and Labrador acknowledges that, if in receipt of information gathered under this Part IV pursuant to the Consent of the Applicant under the Criminal Records Act, it may not disclose such information to any other person or organization, or any person within the organization unrelated to the screening process, and disclosure to any other such person constitutes a breach of the Criminal Records Act, RSC 1985, c. C-47.