



# OLA Screening Policy

# Why is there a Screening Policy

The Ontario Lacrosse Association (OLA) has a responsibility to provide a safe and secure environment for children, youth and volunteer members of the association.

Members of the OLA are in a position of trust as it relates to vulnerable sectors of the population and as such, the Corporation seeks to reasonably protect the physical, mental and emotional well-being of those involved.

The OLA will not hire, continue to employ or utilize as volunteers any person 18 years or older in the current calendar year who, through its screening process, the Corporation has reason to believe may place other members at risk.

# What is a criminal record check?

- ▶ In general terms, a criminal record check is a search that is used to determine whether an individual has a criminal record.
- ▶ The search can be based on an individual's name and date of birth, or for much greater assurance, it can be based on fingerprints for positive identification.
- ▶ A criminal record check is performed against the national repository of criminal records maintained by the Royal Canadian Mounted Police (RCMP), which holds approximately 4.2 million records.
- ▶ Checks are also performed against a Canadian police service's local records.

# Definitions

“Criminal Record Check” (CRC) refers to a document which: • was prepared by a police service from national data on the Canadian Police Information Centre (CIPC) database or international equivalent reporting organization within six (6) months of receipt by the association and provides information concerning the applicant’s criminal record including any Criminal Code of Canada charges, violations, convictions and/or pardons.

“Offense Declaration Form” (OD) refers to a document which: • is a written declaration signed by the named applicant listing any and all charges, violations, and/or convictions for offenses under the Criminal Records Act of Canada or international equivalent organization up to and including the date of the declaration that are not included in any CRC previously submitted to the local association’s Privacy Officer.

“Criminal Record Check Report” (CRC Report) refers to a document which: • is prepared by a local association Privacy Officer when a member’s submitted criminal record check or offense declaration form is submitted with evidence related to any charge, violation, conviction and/or pardon.

# What is the difference between a criminal conviction and a criminal record?

- ▶ Since the Identification of Criminals Act only allows the taking of fingerprints in relation to indictable or hybrid offences, the RCMP national repository of criminal records is fingerprint-based and only contains information relating to these two categories of offences.
- ▶ Summary offences are only included in the national repository if submitted to the RCMP as part of an occurrence involving an indictable or hybrid offence.
- ▶ Note: Not all offences are reported to the RCMP national repository of criminal records. A search against a local police agency's records may reveal criminal record information that has not been reported to the RCMP.

# Is a "CPIC check" a Criminal Record check?

- ▶ No, CPIC is a system that transmits requests by authorized law enforcement agencies to several data banks primarily for law enforcement purposes. One of those data banks is the Criminal Records Information Management Services (CRIMS).
- ▶ CRIMS updates and maintains more than 600,000 criminal records annually and populates criminal record information to the Canadian Police Information Centre (CPIC) Identification Data Bank.
- ▶ A criminal record file consists of an individual's criminal charges and their dispositions, including convictions and discharges that are supported by fingerprint information.

# What is a "CPIC Check"?

- ▶ What many consider to be a "CPIC check" (or to others a "background check") is a query of the Identification Data Bank by a police agency using a person's name and date of birth.
- ▶ While there may be a match to a criminal record within the data bank that may point to a possible criminal record, it does not mean that the person subject to the check is the subject of that criminal record.
- ▶ This can only be positively confirmed with the submission of fingerprints. In addition, this type of check omits checks of other data banks that could provide valuable screening information (see question on local indices).

# What are the different types of criminal records checks?

There are four types of criminal records checks:

1. **Fingerprint-based Criminal Record Verification** - A fingerprint-based search of the RCMP national repository of criminal records. The results of the search will produce a Certified Criminal Record Product.
2. **Fingerprint-based Vulnerable Sector Verification** - A fingerprint-based search to establish the existence of a sexual offence conviction for which the individual has received a pardon, pursuant to the Criminal Records Act. The results of this search will produce a Certified Vulnerable Sector Product upon consent for disclosure from the Minister of Public Safety.
3. **Name-based Criminal Record Verification** - A query based on name and date of birth indicating whether a criminal record may or may not exist. Generally used as a preliminary search only to determine if a Fingerprint-based Criminal Record Verification may be required.
4. **Name-based Vulnerable Sector Verification** - A query based on name and date of birth to determine the possible existence of a sexual offence conviction for which the individual has received a pardon, pursuant to the Criminal Records Act. This is a preliminary search only to determine if a Fingerprint-based Vulnerable Sector Verification may be required and requires consent of the individual being searched.



# What is a vulnerable person?

A vulnerable person is defined in section 6.3 of the Criminal Records Act, as a person who, because of age, a disability, or other circumstances, whether temporary or permanent are:

- (a) in a position of dependence on others or
- (b) 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.

There are measures in place to ensure people convicted of sexually-based offences do not work with the vulnerable sector.

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# OLA Rules and Regulations OR3

- OR3.01(a) All OLA bench personnel (coaches, staff, trainers, etc.) and all OLA certified officials (box and field) who are 18 years of age as of January 1st of the current year who coach or officiate athletes 17 years of age or younger must submit a current Criminal Record Check (Vulnerable Criminal Record Check) (CRC) upon registering for the current year.
- For previously approved individuals, an Offense Declaration must be submitted as per OR3.01(b).
- It is the position of the OLA that all OLA member clubs with additional registered volunteers who have direct contact with athletes 17 years of age or younger also submit a CRC.
- All OLA employees and Staff must submit a CRC.

# OLA Rules and Regulations OR3

- OR3.01(b) A current CRC must be submitted by all prospective volunteers to the club's Privacy Officer for the current year. The CRC must be date stamped no later than the previous calendar year. The CRC will be valid for consecutive years supported by an annual OLA Offense Declaration.
- OR3.01(c) Individuals as outlined in OR4.01 (a) who do not submit a CRC will not be approved or eligible to participate in OLA programs until a valid CRC is submitted.
- OR3.01(d) It is the position of the OLA that all OLA member clubs with athletes 17 years of age or younger institute a policy, which states that no adult will be alone with a child.

# OLA Rules and Regulations OR3

- OR3.01(e) It is the responsibility of all OLA Member Clubs to ensure that all bench, coaching and management staff personnel including, but not limited to, coaches, trainers, therapists and volunteers, as well as volunteers who have direct contact with minor aged players, 17 years of age or younger, have a current CRC or an OLA Offense Declaration Form on file. It is the specific responsibility of the OLA to ensure that all OLA Registered officials (Box and Field), Provincial Teams and OLA Staff have a current CRC or an OLA Offense Declaration Form on file.
- OR3.01(f) Any appeals relating to CRC will be handled as per the “CRC Operating Policy and Procedures Handbook.”
- OR3.01(g) Should an individual be charged with a Level 3 offense, that individual's membership with the OLA may be immediately suspended from participation pending the final outcome of all criminal proceedings (that would allow for the legal appeal process to be exhausted). Reinstatement of membership privileges shall be considered upon a written request being submitted by the suspended member to the OLA Privacy Officer.

# OLA Rules and Regulations OR4

## CONFIDENTIAL FILE

- OR4.01(a) Each OLA member club's Local Privacy Officer shall create and maintain a confidential file which shall contain all Criminal Record Checks (CRC), OLA Criminal Record Check Reports and Offense Declarations. The Ontario Lacrosse Association (OLA) Privacy Officer shall create and maintain a confidential file which shall contain Criminal Record Checks (CRC) and OLA Criminal Record Check Reports that the OLA Privacy Officer was required to adjudicate.
- OR4.01(b) The Ontario Lacrosse Association (OLA) and the Local Privacy Officer shall protect the personal information contained in the confidential files by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal. OR4

# OLA Rules and Regulations OR4

## CONFIDENTIAL FILE

- OR4.01(c) The Local Privacy Officer shall disclose the contents of its confidential file to the OLA Privacy Officer only with the specific permission of the prospective volunteer and only in regard to the specific content of the offence, omitting personal info that would reveal the identity of the prospective volunteer.
- OR4.01(d) The Local Privacy Officer will submit their files of all Level 2 and Level 3 CRC's and supporting documentation in their possession annually by forwarding these documents to the OLA designated Officer/Lawyer. The Local Privacy Officer shall destroy all Level 1 marked CRC's and supporting documentation whenever an individual provides new documentation or said individual terminates their affiliation with that OLA member club.

# OLA Criminal Record Checks Process

Duty of care is a legal principle which identifies an obligation to exercise reasonable precaution or care which includes protection from harm.

The executive of each Ontario Lacrosse Association club has a duty of care to its members and is responsible for determining the involvement of its members, including which activities and settings those members participate in and how they participate.

The OLA's Criminal Record Checks Process applies to everyone in a position of authority within a club and/or league who is over the age of 18 in the current calendar year. All records maintained under this process are subject to the OLA's Privacy Policy and the Personal Information Protection and Electronic Documents Act.

# OLA Criminal Record Checks Process

1. Each association must establish a local association Privacy Officer who is responsible for receiving, maintaining and securely storing all received documentation related to the OLA Criminal Record Checks Process for their association and/or league. Pending the returned results identified by the Canadian Police Information Centre or international equivalent reporting organization, an applicant's submitted CRC's will be maintained in one of three categories which will determine the membership status for anyone registered within the association;
2. Should the local association Privacy Officer be an executive member who is not also the registrar, the local association Privacy Officer is responsible for communicating with the registrar to determine the membership status for anyone registered within the association;



# OLA Criminal Record Checks Process

3. Each OLA member over the age of 18 in the calendar year must provide a valid CRC to the local association Privacy Officer beginning in 2015. The CRC may only be dated in the current or previous calendar year.
4. Each OLA member over the age of 18 in the calendar year must provide an annual offense declaration form beginning in 2015. The offense declaration form must be dated in the current year. Members must maintain active annual membership with the Ontario Lacrosse Association in order to continue annual submission of an offense declaration form. Members who opt not to register with the Ontario Lacrosse Association in a given year are required to submit a new CRC prior to the granting of any future membership.
5. Documentation submitted to the local association Privacy Officer is the sole property of the club executive and may not be viewed, disclosed, copied, forwarded, disseminated, released or retained by any person other than the current local association Privacy Officer, except where required by law.

# OLA Expectations for Compliance

1. All Ontario Lacrosse Association Staff, Directors, Governors, Non-Playing Bench Personnel and Officials over the age of 18 must submit a valid criminal record check beginning in 2015 in accordance with Rules and Regulations OR 3.01 and OR 4.01, along with a signed offense declaration form annually to their local association's Privacy Officer;
2. An applicant's original CRC must be received by the local association's Privacy Officer no later than June 15th of the calendar year. Submitted offense declaration forms must be received by the local association's Privacy Officer prior to the first scheduled try-out, practice, game or team event each calendar year;
3. An applicant's original CRC is valid for consecutive years of membership with the Ontario Lacrosse Association in any capacity. An applicant who fails to register with the Ontario Lacrosse Association in a given year must restart the CRC process prior to any involvement in subsequent years;
4. The local association Privacy Officer is permitted to make a duplication of the original copy of an applicant's CRC should that applicant request that the original document be returned following verification.
5. At the discretion of a local association's Privacy Officer, the Ontario Lacrosse Association Staff and/or the Ontario Lacrosse Association's Board of Directors, an applicant may be required to submit an updated Criminal Record Check if there is a reasonable belief that the status of an applicant has changed since the most recent submission of the applicant's Criminal Record Check.

# OLA Procedure for the Determination of Action by the Privacy Officer

Pending the returned results identified by the Canadian Police Information Centre or international equivalent reporting organization, an applicant's submitted CRC's will be maintained in one of three categories:

- ❑ OLA Criminal Record Check: Level 1 • Indicates a criminal record check that has been returned with no results for the named applicant. Applicants in this category are automatically approved for membership, provided no other restrictions for membership are applicable.

# OLA Procedure for the Determination of Action by the Privacy Officer

## ❑ OLA Criminal Record Check: Level 2

Indicates a criminal record check that has been returned with results for the named applicant other than those listed in the Level 3 section. A criminal record with the Canadian Police Information Centre or international equivalent reporting organization does not necessarily prohibit membership with the Ontario Lacrosse Association. Should an applicant submit a CRC indicating any offense other than those included in the Level 3 section, the local association Privacy Officer is required to complete a Criminal Record Check Report to be submitted (along with a duplication of the submitted CRC where all identifying personal information other than what is required to make an informed decision has been redacted for privacy) to the OLA's Privacy Officer for adjudication. At the sole discretion of the OLA's Privacy Officer, the application will result in one of three outcomes:

1. Applicant approved for involvement;
2. Applicant approved for involvement with conditions for membership;
3. Applicant denied involvement.

Level 2 applicants may appeal a decision related to involvement by following the OLA's Appeals Process.

# OLA Procedure for the Determination of Action by the Privacy Officer

## ❑ OLA Criminal Record Check: Level 3

The Ontario Lacrosse Association will not knowingly offer the opportunity for new or continued involvement to any person with a record of criminal convictions for the following offenses:

1. Under the Criminal Code of Canada, any criminal offense committed against a person under 18 years old;
2. Under the Criminal Code of Canada, trafficking or importing for the purpose of trafficking any narcotic listed in the Narcotic Control Act or any restricted drug listed in the Food and Drug Act;
3. Under the Criminal Code of Canada, any offense which may pose a risk to the well-being of the association's vulnerable sector, volunteers and/or staff;
4. Under the Criminal Code of Canada, any criminal offense which results in a violation of trust, including theft or fraud.

Level 3 applicants may appeal a decision related to involvement by following the OLA's Appeals Process.

All Ontario Lacrosse Association Staff, Directors, Governors, Non-Playing Bench Personnel and Officials  
**ACTION:** Member applies to local police for a vulnerable sector screening - complete Sterling Backcheck Application

Applicant takes action based on the returned results

**NO RESULTS RETURNED**

**ACTION:** Applicant submits the original copy of the CRC to the local association's Privacy Officer

**ACTION:** Applicant completes an offense declaration form to support the submitted CRC through continued (consecutive) years of involvement

**LEVEL 3 OFFENSE**  
Application \*  
Process Ends

**RESULTS RETURNED**

**APPLICANT WITHDRAWS**  
Application  
Process Ends

**LEVEL 2 OFFENSE**  
Applicant's decision to continue the process

**APPLICANT CONTINUES:** Applicant submits the original copy of the CRC to the association's Privacy Officer, who redacts all identifying person information contained within the CRC before forwarding it to the OLA's Privacy Officer for a decision

**THREE POSSIBLE OUTCOMES:**

- 1) Applicant approved for involvement
- 2) Applicant approved for involvement subject to conditions established by the OLA Privacy Officer
- 3) Applicant denied involvement

# Sterling Backcheck

- ▶ Partnership Alert: OLA Partners with Sterling Backcheck
- ▶ The Ontario Lacrosse Association recently completed a partnership agreement with Sterling Backcheck in an effort to expedite a cost-effective solution for volunteer screening. Founded in 1975, Sterling Backcheck is an international provider of screening services, including criminal record checks, to the Canadian voluntary sector.
- ▶ OLA members can now go online to obtain the necessary criminal record check for OLA registration. The fee to OLA members is \$27.00 and most reports are prepared within 24 hours (and can be shared with various non-profit organizations). All results are confidential to end users.
- ▶ Link - <http://sterlingbackcheck.ca/Ontario-Lacrosse-Association>

# Link to OLA Policy

- ▶ Administration
  - ▶ OLA Operating Procedures
    - ▶ OLA Screening Policy - PDF
- ▶ <https://ontariolacrosse.com/content/administration/ola-screening-policy.pdf>