

Policy number: FNB- 1005

Version number: 1 of 1

Effective date: November 7, 2013

Title: Screening Policy

1.0 GUIDING PRINCIPLE

- 1.1 Football New Brunswick (FNB) is the recognized Provincial Sport Organization (PSO) for Tackle, Flag and Touch Football in the Province of New Brunswick. In an effort to protect our members and due to the high reliance on volunteers FNB will implement mandatory criminal record checks for all coaches, trainers, managers, officials, leaders and volunteers of teams, groups and associations for each member organization of FNB.

Accordingly, the Board of Directors (BoD) of FNB will develop and maintain a set of criteria for screening volunteers within member organizations.

2.0 FIELD OF APPLICATION

- 2.1 This policy applies to all coaches, trainers, officials, volunteers, participants, managers and leaders.

3.0 DEFINITIONS

- 3.1 **Volunteer:** A person who serves in a community primarily because they choose to do so. A volunteer is an individual who chooses to undertake a service or activity; someone who is not coerced or compelled to do this activity, does this activity in service to an individual or an organization, or to assist the community-at-large and who does not receive a salary or wage for this service or activity. This encompasses both formal and informal volunteering.

3.1.1 **Formal Volunteer:** An individual that works with a non-profit organization on a commitment basis, i.e. coaches and assistant coaches.

3.1.2 **Informal Volunteer:** An individual or group of individuals that participate with a non-profit organization, i.e. parents.

- 3.2 **Duty of Care:** A legal principle that identifies the obligation of individuals and organizations to take reasonable measures to care for and protect their clients.

- 3.3 **Risk Management:** is the process of measuring, or assessing, risk and developing strategies to

manage it.

3.4 **Liability:** refers to the duties, obligations, or responsibilities imposed on a person by common law or statute.

3.4.1 **Occupiers' Liability:** requires that the person (an individual, an organization) in possession of premises owes a duty of care to those who come on the premises and must take reasonable care to protect them from harm that might come through their programs, on their premises or at the hands of a third party on the premises.

3.4.2 **Direct Liability:** deals specifically with the issue of fault

3.4.3 **Vicarious Liability:** is the liability an organization takes on for the actions of those who function on its behalf.

3.5 **Police Record Check:** the process of securing information from the police about individuals, as well as to describe the form or report in which information is provided. It may include a check of national, local and/or regional police records. At the end of the process, a report is issued. The report may simply identify whether or not someone has a criminal record, or it may provide details of actual offences. Just as the process varies among police agencies, so too do the report forms.

3.6 **Position of Trust:** identifies a setting in which someone is placed in a position of authority of another person in an ongoing relationship. A position of trust implies that someone has some degree of power over another, that the relationship is unequal. Individuals in positions of trust may be family members, friends, caregivers, volunteers or employees.

3.7 **Standard of Care:** refers to the degree or level of service, attention, care and protection that one person owes another according to the law, usually the law of negligence. The required standard varies according to the circumstances of each situation, and determining the appropriate standard is often not a simple matter.

3.8 **Vulnerable Person:** denotes individuals who have difficulty protecting themselves and are therefore at greater risk of harm. People may be vulnerable because of age, disability/handicap, or circumstances. Vulnerability may be temporary or a permanent condition.

4.0 POLICY STATEMENT

4.1 FNB is committed to a standard process of screening to ensure a safe environment.

4.2 Not all personnel affiliated with FNB will be required to undergo the screening, as not all positions pose a risk of harm to FNB or its members.

4.3 Persons who will be subject to screening are those who work closely with minor athletes and who occupy positions of trust and authority within FNB. Such designated positions' include:

- 4.3.1 All individuals in paid staff positions
- 4.3.2 All persons affiliated with provincial teams, whether paid or volunteer;
- 4.3.3 Any staff person, board member or volunteer appointed to accompany a FNB team to an event or competition whether as a coach, manager, chaperone, driver or official in another role.

4.4 It is the FNB policy that:

- 4.4.1 All positions will have a clear set of guidelines about appropriate behavior and conduct.
- 4.4.2 The recruitment process for all 'designated positions' may involve;
 - 1. Requiring the candidate to complete an application form for the position;
 - 2. Interviewing the candidate for the position;
 - 3. Checking a minimum of two references, one of which will be specific to working with children or youth.
- 4.4.3 Criminal Record Checks will be mandatory for all persons in 'designated positions'. There will be no exceptions.
- 4.4.4 Failure to participate in the Criminal Record Check process as outlined in this policy will result in ineligibility for the 'designated position'.
- 4.4.5 FNB will not knowingly fill a 'designated position' with a person who has a conviction for a 'relevant offence' as defined in 6.2 of this policy.
- 4.4.6 A person in a 'designated position'; will be provided an orientation session that will explain the performance expectations and provide the training necessary for satisfactory performance.

5.0 PROVISIONS

5.1 Rationale

- 5.1.1 FNB is instituting a volunteer screening process to ensure that:
 - 1. Current and new volunteers meet set standards directed at reducing the risk of abuse
 - 2. Our services are managed in a safe and professional way
 - 3. Our volunteers are involved appropriately and effectively
 - 4. Everyone is involved in and aware of risk management
- 5.1.2 FNB accepts its responsibility to children, young adults, parents, volunteers and staff involved in its programs and is committed to ensuring adherence to the following policy to support the provision of sound, safe and healthy football experiences in our community.

5.2 Record Checks

5.2.1 FNB requires that all formal volunteers (those in direct contact with the athletes) provide a valid Criminal Record Check. The process of securing information from the police about individuals, allowing FNB to the information provided. It may include a check of national or local and regional police records. The report may simply identify whether or not someone has a criminal record, or it may provide details of actual offences. This information will be used to ensure that the volunteers in a position of trust are suitable for that position.

5.2.2 A clean Criminal Record Check means:

1. No criminal record as defined by the Criminal Records Act of Canada
2. No pardon(s) for sexual offence as set out in the recent amendments of the Criminal Records Act
3. No outstanding criminal charge(s)
4. No order(s) made in the interest of safety under the criminal code, which would restrict the applicant's access to, weapons, firearms, explosives or other probations.
5. No contact, access or behavior restriction(s) with any person
6. No order(s) made under the child protection legislation which is intended to restrict the applicant/members access to children.

5.2.3 Any person under the age of 18 may be exempt from having to provide a criminal record check.

6.0 PROCEDURES

6.1 Procedure

6.1.1 Each person subject to this policy will apply for and obtain a Criminal Record Check from a local RCMP Station or at MyBackCheck.com. If there is a charge to obtain the Criminal Record Check, FNB will not reimburse the person for such expense.

6.1.2 Each person subject to this policy will receive a request for their Criminal Record Check to FNB via MyBackCheck.com, where FNB will be able to access the information on a secure website or mail to FNB, in an envelope marked 'Confidential'.

6.1.3 FNB will review all Criminal Record Checks received and will determine whether the Criminal Record Check reveals a relevant offence. FNB will render its decision in accordance with the policy and will notify the person of its decision in writing only if the decision is negative. The copy of the Criminal Record Check will not be returned to the applicant, records will be kept confidential and administered by FNB staff.

6.1.4 Criminal Record Checks are valid for a period of five years.

6.1.5 If a person has been screened and approved by a member association, or already has been screened on MyBackCheck.com, FNB will confirm such approval and not require a second screening.

6.2 Relevant Offences

6.2.1 For the purposes of this policy, a 'relevant offence' is any of the following offences for which pardons have not been granted, with the exception of subsection 1 and 2 of 6.2.2, which will be reviewed by the FNB BoD to determine relevancy :

6.2.2 If imposed in the last five years:

1. Any criminal offence involving the use of a motor vehicle, including but not limited to impaired driving; or
2. Any violations for trafficking under the Controlled Drug and Substances Act.

6.2.3 If imposed in the last ten years:

1. Any crime of violence including but not limited to, all forms of assault; or
2. Any criminal offence involving a minor or minors.

6.2.4 If imposed at any time:

1. Any criminal offence involving the possession, distribution, or sale of any child-related pornography;
2. Any sexual offence involving a minor or minors; or
3. Any offence involving fraud.

6.3 Procedures for Discipline

6.3.1 Due to the scope of the organization's regulations, unintentional non-compliance must be anticipated. Progressive discipline is preferable to summary dismissal in most circumstances. Depending upon the frequency and severity of an incident(s), the ideal pattern for disciplinary measures shall be:

1. Verbal warning
2. Written warning
3. Disciplinary suspension
4. Dismissal

6.3.2 The intention of progressive dismissal is to provide for improvement/change in behavior while still protecting the safety, well-being, and good will of our members, staff, and the association as a whole. This again is variable to the frequency and severity of the incident(s).

6.4 Procedures for Dismissal/Reassignment

6.4.1 If staff is not comfortable with either the abilities of the volunteer to successfully fulfill the roles and responsibilities that have been set out for their positions, there are a few options.

First, clarify that the volunteer understands the expectations by reviewing the roles and responsibilities with them and providing examples. If they understand their role(s) and responsibilities and improvement are not noticed, indicate to the volunteer that they may not be ready to take on this position.

- 6.4.2 Outline specific areas that they need to improve upon. Then, extend their probation for a mutually agreed period.
- 6.4.3 Staff can also clarify with the volunteer that they feel this isn't an appropriate assignment for them. Then, highlight to them the mismatches in the duties and responsibilities of the assignment, next evaluate their skills and determine if they are interested in another assignment that better matches their skills.
- 6.4.4 Remember, to frame the conversation in a positive manner. Again, these are dependent on the frequency and severity of the incident(s).

6.5 Procedures for Termination

- 6.5.1 This section covers the circumstances under which it is acceptable to terminate a volunteer.
- 6.5.2 Appropriate reasons for termination include:

1. Unsuccessful Probation: if a volunteer does not satisfactorily complete the three-to-six month probation period customary at the beginning of the assignment period.
2. Disciplinary Action: for serious breaches of policy, theft, persistent absenteeism and/or improper use of equipment (such as downloading offensive material from the Internet).
3. Volunteer's performance or behavior threatens to interfere with the organization's mission, goals or safe environment.
4. The reduction of service.
5. Unauthorized Absence: volunteers who don't show up for three consecutive shifts without explanation or authorization, have voluntarily resigned.

6.6 Examples of Unacceptable Behavior or Performance

- 6.6.1 Unacceptable behavior or performance examples for which disciplinary actions might be taken may include but are not limited to:
 1. Falsification of volunteer information.
 2. Inefficiency, incompetence, or negligence in the performance duties.
 3. Careless, negligent, or improper use of organization's property, facilities, or equipment.
 4. Discourteous treatment of the other volunteers, staff, or clients.
 5. Violation of rules, procedures, or regulations.
 6. Participation in any action that seriously disrupts or disturbs the morale, efficiency, safety or normal operations of the organization.
 7. Harassment of other volunteers, staff or donors.

6.7 Immediate Dismissal

6.7.1 Any behavior or action which is detrimental to the health, safety or reputation of the organization's personnel members or the organizations itself is just cause for immediate dismissal. Other causes that are included, but are not limited to:

1. Client abuse
2. Immoral or indecent conduct while on duty.
3. Criminal actions (including theft and assault).
4. Conviction of a felony or of a crime which is related to the volunteer duties or undermines the public trust.
5. Willful acts that would endanger the lives and property of others, including unauthorized use, removal or destruction of property.
6. Possession of unauthorized firearms or lethal weapons while on premises.
7. Impaired performance as a result of the use of alcohol or illegal drugs.
8. Dissemination of information that is allowed by statute to be confidential.
9. Deliberate violation of instructions (insubordination).