

Title: KELOWNA AQUAJETS Screening and Criminal Records Check Policy



Approved by: Kelowna AquaJets BOD

Date of Approval: 10/09/20219

Next Policy Review (minimum every two years): 2021

1. Definitions

The following terms have these meanings in this Policy:

- a) *"Criminal Record Check (CRC)"* – a search of the RCMP National Repository of Criminal Records to determine whether the individual has a criminal record.
- b) *"Criminal Records Review Program"* - Government of BC program providing organizations and applicants an option to submit CRC's electronically
- c) *"Criminal Records Review Act"* - the Act
- d) *"Designated Categories"* - roles, areas of employ or volunteerism as defined by Swim BC
- e) *"Individuals"* – includes employees, volunteers, or contractors whose position is one of trust or authority or interaction with minors and vulnerable adults. Personnel may include but is not limited to Kelowna AquaJets Coaches, Board of Directors, Team Managers, Chaperones and Officials.
- f) *"Member Club(s)"* - any organized group of persons associated for the purposes of swimming and registered as a Member of Swim BC.
- g) *"Society"* or *"Club"* – Kelowna AquaJets.
- h) *"Compliance Officer"* – a designated individual within the Kelowna AquaJets structure who will be responsible for receiving, reviewing and recording all CRC's and determining whether any CRC reveals a Relevant Offence.
- i) *"Club hosted event"* - All competitions where activities occur in a sporting environment as defined in the Swim BC Code of Conduct and Ethics Policy.
- j) *"Vulnerable Adult"* - means an individual 19 years or older who receives health services, other than acute care, from a hospital, facility, unit, society, service, holder or registrant as referred to in the Act.
- k) *"Work with children"* - means working with children directly or having or potentially having unsupervised access to children
 - i. In the ordinary course of employment, ii. In the practice of an occupation, iii. During the course of an education program, or iv. While providing services as a volunteer;
- l) *"Work with vulnerable adults"* - means working with vulnerable adults directly or having or potentially having unsupervised access to vulnerable adults
 - i. In the ordinary course of employment, ii. In the practice of an occupation, iii. During the course of an education program, or iv. While providing services as a volunteer.

2. Purpose

- a) Kelowna AquaJets is required to adhere to the Province of British Columbia's Criminal Record Review Act.
- b) Kelowna AquaJets has an ethical, moral and legal responsibility to provide a safe sport environment for its program participants and staff.

- c) Kelowna AquaJets understands that screening personnel and volunteers is a vital part of providing a safe sport environment for all Individuals.

3. Application

- a) Swim BC has identified Individuals in Designated Categories who, based on their role, require screening through a CRC.
- b) Designated Categories have been established for application of this policy and are considered to include persons who work closely with children and vulnerable adults, and who occupy positions of trust and authority within Swim BC and Member Clubs. Swim BC will determine, based on age of participants, setting, nature of the activity and degree of supervision, which designated categories of persons will be subject to screening through a CRC
- c) Individuals in the following Designated Categories are subject to screening in accordance to this policy:
 - i. Kelowna AquaJets Board of Directors;
 - ii. Volunteers and paid contractors appointed to accompany Kelowna AquaJets to events or competitions;
 - iii. All registered coaches of Kelowna AquaJets;
 - iv. Kelowna AquaJets registered Level 3, 4 and 5 officials;
 - v. Other positions as may be determined by Swim BC from time-to-time.

4. Screening Procedures

- a) All Individuals in Designated Categories seeking positions with Kelowna AquaJets will ensure a current CRC is on file with Kelowna AquaJets prior to being confirmed for the position;
- b) Kelowna AquaJets New Board members will submit a CRC within 90 days of being elected or appointed to the Board of Directors.
- c) At its sole discretion, Kelowna AquaJets may agree to accept a “Shared Result” of a previous CRC performed in BC under the Criminal Records Review Program, if such a check was performed within 18 months. The individual sharing their previous results will have to undergo future CRC’s in compliance with the required maximum 3-year period between checks as stated in this policy.
- d) If an individual already employed with or volunteering for Kelowna AquaJets did not complete a CRC upon initial application, a CRC will be required upon request.
- e) Failure to participate in the screening process may result in the individual’s ineligibility for the position sought.
- f) Any Individual in Designated Categories referenced in 3(c) applying for positions, other than permanent staff positions and Board of Director positions with Kelowna AquaJets shall obtain their own CRC.

5. Relevant Offences

- a) Relevant offences are those offences for which pardons have not been granted, as defined in the Criminal Records Review Act of the Province of British Columbia as Relevant and/or Specified Offences or other such offences as may be determined by the Act. Swim BC additionally considers any criminal offence involving the use of a motor vehicle; any child pornography offence; any violations for trafficking under the Controlled Drug and Substances Act; any crime of violence including assault; any criminal

offence involving a minor or minors; any criminal offence involving theft, fraud or embezzlement; or any sexual offence involving a minor or minors, to be a relevant offence.

- b) If a director or employee of Kelowna AquaJets is charged with or convicted of an offence, that person must report the charge or conviction to Kelowna AquaJets within 72 hours. Kelowna AquaJets must request that the charged or convicted person obtain a new CRC and determine if that person is suitable to continue carrying out their duties.
- c) An Individual's conviction of any criminal offenses may result in expulsion from Kelowna AquaJets and/or termination from any designated positions, program, activity or event upon the sole discretion of the Kelowna AquaJets.

6. Criminal Records Review Timing

Swim BC requires that a CRC be conducted every three (3) years. Notwithstanding this, KAJ may at any time request that an individual in a Designated Category provide a CRC to KAJ if KAJ has grounds to believe that results of the CRC obtained previously are no longer accurate.

7. Records

Written records obtained in the course of implementing this policy will be maintained in a confidential manner conforming to the British Columbia Personal Information Protection Act and will not be disclosed to other except as required by law, or for use in a legal or disciplinary proceeding.