

SCREENING POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - (a) “Association” – Alberta Artistic Swimming
 - (b) “Individuals” – All categories of membership defined in the Association’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Association including, but not limited to, athletes, coaches, officials, volunteers, directors, committee members, officers, medical and paramedical personal, administrators, independent contractors and employees of the Association
 - (c) “Members” – the term “Members” in this policy shall have the meaning set out in the Association’s by-laws and includes without limitation Clubs
 - (d) “Police Record Check” – A search of the RCMP or police, as applicable, criminal records database to determine whether the individual has a criminal record
 - (e) All capitalized terms not otherwise defined shall have the meaning set out in the Canada Artistic Swimming Screening Policy (the “CAS Policy”).

Preamble

2. This policy is supplemental to and shall be read and applied in conjunction with the CAS Policy. The CAS Policy shall be incorporated by reference and form part of this Policy.

Application of this Policy

3. This Policy is effective immediately.
4. All Members and Individuals shall be bound by the terms of this Policy.
5. No Individual may hold a Designated Position or Designated Positions (as that term is defined in the CAS Policy) with the Association or any Member unless they have been screened and approved in accordance with this Policy and the CAS Policy.
6. Not all Individuals associated with the Association or a Member will be required to undergo screening through this Policy because not all positions pose a risk of harm to the Association or to its participants. However, at a minimum, all Individuals who are being considered for Designated Positions must be screened in accordance with this Policy and the CAS Policy.
7. Every five (5) years following the initial E-PIC check, all Participants who are in Designated Positions must apply for and obtain, at their own expense a subsequent Sterling Talent Solutions E-PIC check, provided that if an Individual is disciplined by a sports body, private tribunal or government agency, charged with, receives a conviction for, or is found guilty of, an offense they must report this circumstance immediately to the Association.
8. If an Individual or Member becomes aware that an Individual in a Designated Position has been subsequently disciplined by a sports body, private tribunal or government agency,

charged with, receives a conviction for, or is found guilty of, an offense or has made a false report they must report this circumstance immediately to the Association.

Association, Member and Individual Responsibility:

9. The Association and any Member considering an applicant for any Designated Position shall, at a minimum:
 - (a) advise all applicants for a Designated Position that the results of their Police Record Check, Vulnerable Sector Check¹ (“VS Check”), E-PIC check, the CAS Screening Disclosure Form (“Screening Form”) and any other additional information (define) as applicable will be shared with Association; and
 - (b) prior to September 1, 2021, require an applicant for a Designated Position to provide, at a minimum either a valid, pre-existing Police Record Check or an E-PIC Check; or
 - (c) after September 1, 2021, require an applicant for a Designated Position to provide an E-PIC Check.
10. All Individuals applying to be a Coach, in addition to the requirements in section 9 above, shall also be required to submit:
 - (a) a VS Check (see footnote 1);
 - (b) the Screening Form; and
 - (c) any other information that the Association or Member may reasonably require.
11. All Individuals applying to be a chaperone, in addition to the requirements in section 9 above, shall also be required to submit:
 - (a) a VS Check (see footnote 1);
 - (b) a Screening Form;
 - (c) Drivers’ abstract and proof of insurance (only required if chaperones will be driving Athletes); and
 - (d) any other information that the Association or Member may reasonably require.
12. The Association or Member in their sole discretion, may also require any applicant to submit:
 - (i) Drivers’ abstract;
 - (ii) Screening Form;
 - (iii) Letter of Reference; and
 - (iv) VS Check (see footnote 1).

¹¹¹ In all circumstances, a VS Check is only required: (a) if the relevant police authority is still conducting such searches; (b) is only required if an E-PIC search is not provided; and (c) is only required for individuals born before February 1986.

13. Individuals who do not agree to be screened as set out and required by this Policy will be informed that their application has been denied and will not proceed until such time as the screening requirements and this Policy are adhered to.

Procedure

14. Members shall provide the Association's Executive Director with a list of all Individuals being considered for Designated Positions and, if an E-PIC is not being provided, confirmation that a pre-existing Police Record Check, VS Checks, and Screening Form, as applicable, do not disclose a Positive Response (defined below).

15. The Member shall not allow the Individual to perform the tasks or role of any Designated Positions pending the documented confirmation from the Association's Executive Director that the Individual has met the requirements of the Screening Policy.

Members shall separately identify in writing to the Association's Executive Director any Police Record Checks, E-PIC Check, VS Check and Screening Forms, as applicable, that reveal the existence of any prior offence, charge, complaint or sanction, or results in a "not clear" E-PIC result (collectively, the "Positive Response"). Members shall also separately identify in writing any driver's abstracts (where applicable) which, in the opinion of the Board of Director's of the Member discloses sufficient negative activity that it should be screened by the Association. The Positive Response (and any driver's abstracts, if applicable) together with all other checks submitted by the Individual (i.e. Screening Form, VS Check etc.) will be submitted to the Executive Director in a sealed envelope marked "Confidential". Upon receipt of the Positive Response, the Executive Director shall convene a Screening Committee to review and determine the suitability of the Individual to fill the Designated Position and provide the screening committee with all applicable documentation available provided however that the documentation shall be redacted by the ED so that the identity of the Individual is not disclosed to the Screening Committee.

16. Upon the receipt of a Positive Response from an E-PIC, Police Record Check, VS Check or Screening Form, as applicable, the Association's Executive Director shall immediately:

- (a) advise the President of the Board of Directors of the Member, if applicable, for whom the Individual was applying to fill a Designated Position of the identity of the Individual for whom a Positive Response was received, but provide no other information regarding the result of the E-PIC; and
- (b) shall convene a Screening Committee to review and determine the suitability of the Individual to fill the Designated Position.

17. The Association and the Member shall not allow the Individual to perform the tasks or role of any Designated Position pending the confirmation from the Association's Executive Director that the Individual has met the requirements of the Screening Policy.

The Screening Committee shall be a committee of members of the Association's Board of Directors or individuals appointed by the Board of Directors of the Association. Quorum for the Screening Committee will be three (3) Members. The ED will take all reasonable steps to make sure the screening committee is made up of individuals who do not have a real or perceived conflict.

18. The Screening Committee will carry out its duties, in accordance with the terms of this policy, independent of the Board.
19. The Screening Committee is responsible for reviewing all applications which trigger a Positive Response and based on such reviews, making decisions regarding the appropriateness of Individuals filling positions within the Association and whether or not such Individual will assume the position. In carrying out its duties, the Screening Committee may consult with independent experts including lawyers, police, risk management consultants, volunteer screening specialists, or any other person.
20. Subject to the terms of this Policy including without limitation, section 26, the Screening Committee, by majority vote may either:
- (a) reject the application of the Individual for the Designated Position;
 - (b) accept the application of the Individual for the Designated Position; or
 - (c) accept the application of the Individual for the Designated Position subject to terms or conditions, which terms and conditions shall be conveyed by the Association to the Individual applicant for the Designated Position in writing and which conditions shall be acknowledged and accepted in writing by the Individual and which shall be shared with the applicable Member or the Association for whom the Individual will be acting as a Designated Person.
21. Screening Forms and Police Record Checks/VS Checks are valid for a period of five (5) years, provided that after September 1, 2021, all individuals will be required to provide a valid E-PIC search and Police Record Checks will no longer be accepted. So long as an Individual has previously submitted a VS Check to the Association, the Individual does not need to provide a VS Check for subsequent applications. However, the Screening Committee or the Association may request that an Individual provide an E-PIC, Police Record Checks, a Screening Form or VS Check for review and consideration at any time.
22. If an Individual provides falsified or misleading information, the Individual will immediately be removed from the position and may be subject to further discipline in accordance with the Association's *Discipline and Complaints Policy*.

Relevant Offenses

23. Provided a pardon has not been granted, the following examples are considered to be relevant offenses:
- (a) If imposed in the last five years:
 - (i) Any conduct involving the use of a motor vehicle, including but not limited to impaired driving
 - (ii) Any conduct for trafficking and/or possession of drugs and/or narcotics
 - (iii) Any conduct involving conduct against public morals; and
 - (b) If imposed in the last ten years:
 - (i) Any conduct of violence including but not limited to, all forms of assault
 - (ii) Any conduct involving a minor or minors.

Prohibited Offences:

24. Provided a pardon has not been granted, the following are Prohibited Offenses:

- (i) Any offense of physical or psychological violence
- (ii) Any crime of violence including but not limited to, all forms of assault
- (iii) Any offense involving trafficking of illegal drugs
- (iv) Any offense involving the possession, distribution, or sale of any child-related pornography
- (v) Any sexual offense
- (vi) Any offense involving theft or fraud

25. The Screening Committee shall immediately disqualify and reject any applicant that has committed a Prohibited Offense at any time for which a pardon has not been granted.

26. Further, an Individual's conviction for any Prohibited Offense may also result in expulsion from the Association and/or removal from any competition, program, activity or event upon the sole discretion of the Association.

Decisions of the Screening Committee

27. The Screening Committee will render its decision and provide notice of its decision to the Executive Director of the Association, who shall then advise the Member (if applicable) and the Individual of the decision in writing. The Screening Committee will return all documents and notes, including the E-PIC/ Police Record Checks /VS Checks to the Executive Director.

28. Decisions of the Screening Committee shall be final but may be appealed by the applicable Member or the Individual in accordance with the Associations Appeal Policy. However, there shall be no appeal from a decision of the Screening Committee where an Individual has been convicted of a Prohibited Offence.

Records

29. All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings.

Non-Designated Positions

31. Members may establish their own screening policies and committees to screen Individuals for non-Designated Positions. Members will be responsible for reviewing and screening driver abstracts. However, and for further certainty, all screening for Designated Positions must be done in accordance with this policy and the CAS Screening Policy.