



## **ONTARIO VOLLEYBALL ASSOCIATION (“OVA”) - SCREENING POLICY**

### **Preamble**

1. Whereas the screening of personnel and volunteers is an important part of providing a safe sporting environment; and whereas the OVA is committed to taking all reasonable steps to provide a safe and secure environment for participants in its programs, activities and events; and
2. Whereas this Policy is one of several tools that OVA will use to fulfill its commitment to provide a safe environment and to protect its members from harm; and
3. Whereas nothing in this Policy shall be construed as abrogating the OVA’s right, responsibility, power and discretion to take any and all necessary steps to ensure a safe environment for its members,

### **Purpose**

4. The purpose of screening is to ensure the suitability of personnel and volunteers who seek to work with members, and to identify those who may pose a potential risk.

### **Screening Committee**

5. The Screening Committee shall be made up of three or five individuals appointed by the OVA’s Executive Committee. The Screening Committee shall report to the Executive Committee, but operate independently from the Executive Committee and Board of Directors.
6. The Screening Committee is responsible for receiving and reviewing all applications and related materials, and making decisions regarding the suitability of applicants as set out herein.

### **Mandatory Screening Participation and Co-Operation**

7. Any and all individuals (“Applicant” or “Applicants”, as the case may be) applying to volunteer or work (“Participate” or “Participation”) in or with the OVA or its programs, activities, or members must participate in the OVA’s screening process and fully cooperate with the Screening Committee. Successful screening is dependent on the applicant providing accurate, honest and complete information to the Screening Committee.
8. Without limiting the generality of the foregoing, the following individuals shall be required to participate in the screening process:

- a. all individuals in paid staff positions;
  - b. all board members;
  - c. all coaches;
  - d. all officials;
  - e. all persons affiliated with provincial teams, whether paid or volunteer;
  - f. all persons involved in the delivery of developmental programs including camps and clinics;
  - g. any persons appointed to accompany an OVA team to an event or competition whether as a coach, manager, chaperone, driver or official in another role; and
  - h. any other position or role that in the discretion of the OVA constitutes a position or trust or authority.
9. In the event of a dispute as to whether an individual is subject to the jurisdiction of the Screening Committee, and in what circumstances that individual is subject to the jurisdiction of the Screening Committee, the determination of the Executive Director of the OVA shall be final and binding, and is not subject to appeal.

#### **Determination of Applications by Screening Committee**

10. The Screening Committee shall have the sole and exclusive jurisdiction to determine whether an Applicant is eligible for Participation, and shall be required upon the completion of the application process set out below to issue one of the following determinations:
- a) approval of the application without conditions;
  - b) approval of the application with conditions; or
  - c) denial of the application.

#### **Reassessment of Applications by Screening Committee**

11. At any time, including after either the submission of an application or its approval (with or without conditions), and upon request by the Executive Director, the Screening Committee may re-open an Applicant's file for additional screening if it is advised of new information that, in the discretion of the Executive Director, could affect its assessment of the Applicant's suitability for Participation.
12. In the event of a re-assessment of an application, the Screening Committee, may determine such procedure as it feels in its sole and exclusive jurisdiction is appropriate in the circumstances, having regard to principles of expediency and fairness.

### **Failure By Applicant to Co-Operate with Screening Committee**

13. If an Applicant fails to participate in the screening process or cooperate with the Screening Committee, or if an Applicant provides false, misleading or incomplete information to the Screening Committee, the Screening Committee may:
  - a) in the case of an initial application, deny the application or approve the application with conditions;
  - b) in the case of an application that has already been accepted, revoke the Applicant's status or impose/change any conditions on their status;
14. In addition, the Applicant may be subject to disciplinary proceedings.

### **Procedure**

15. Applicants must obtain a Police Records Check ("PRC"), and Vulnerable Sector Screening ("VSS"). The cost of the PRC and VSS is to be borne by the applicant.
16. In addition to completing the forms set out above at section 15, the Applicant must complete an OVA Screening Disclosure Form, which shall require the Applicant to identify and disclose:
  - a) criminal convictions for which a pardon has not been granted;
  - b) criminal charges;
  - c) whether the applicant is currently, or has been, the subject of a criminal investigation or criminal proceedings that have not yet been resolved;
  - d) non-criminal convictions under any statute (including offences involving the use of a motor vehicle);
  - e) whether the applicant has ever been a respondent in a harassment or human rights complaint in any forum;
  - f) whether the applicant has ever been subject to a penalty imposed by a court, administrative tribunal or regulatory body;
  - g) whether the applicant has ever been refused admission to any professional organization or sporting organization;
  - h) whether the applicant has ever faced allegations of misconduct by any professional organization or sporting organization;
  - i) whether the applicant has ever been suspended, disqualified, censured or otherwise disciplined as a member of any professional organization or sporting organization; and

- j) whether there are other matters in the applicant's past or present circumstances that may place their character or suitability at issue.

(collectively, "Disclosed Offences").

17. Collectively, the package of material set forth above at sections 15 and 16 of this Policy shall be deemed the "Application Package".
18. Upon receipt of an Application Package, the Screening Committee shall meet and shall consider whether, in its view, the Application Package appears complete. If the Screening Committee determines that the Application Package is not complete, it shall make a written request to the Applicant, enumerating further information or submissions it requires and a timeline for the Applicant's response.
19. Nothing set out in these rules or procedures restricts or limits the Screening Committee from requesting that the Applicant attend for an interview with the Screening Committee if in the view of the Screening Committee, such an interview is appropriate.
20. Nothing set out in these rules or procedures restricts or limits the Screening Committee from requesting the Applicant's authorization to contact any professional, sporting or other organization in order to assess an Applicant's suitability.
21. Nothing set out in these rules or procedures restrict or limits the Screening Committee from requesting, more than one time, further information from the Applicant, subject to the Applicant's right to insist that the Screening Committee make a decision on the basis of the information before it.
22. The Screening Committee may, where appropriate, draw an adverse inference from an Applicant's failure to provide information or answer queries.
23. The Screening Committee shall determine whether there is good reason to believe that an Applicant may pose a risk to members of the OVA (a "Material Risk").
24. In determining whether an Applicant poses a Material Risk, the absence or presence of a Disclosed Offence is not determinative, but will be a significant factor that the Screening Committee shall consider, having regard to all of the relevant circumstances, including the nature and date(s) of the offence(s), and the presence of any mitigating circumstances in relation to the offence(s).
25. The fact that an Applicant has been previously penalized for a Disclosed Offence shall not bar the Screening Committee from considering that Disclosed Offence as part of the Application Package.
26. If the Screening Committee determines on the basis of the Application Package, plus any further material received by it, that the Applicant poses no Material Risk, the Screening Committee shall approve the Applicant's application.
27. If the Screening Committee determines on the basis of the Application Package, plus any further material received by it, that the Applicant poses a Material Risk, it shall either:

- a. approve the application with conditions; or
  - b. deny the application.
28. The Screening Committee, in approving an application with conditions, shall have the sole and unfettered discretion to determine conditions, and the length of time for the imposition of conditions.
  29. No conditions imposed may exceed the length of time of one year.
  30. The Screening Committee will provide the applicant with a written decision concerning their application.
  31. In the case of a decision denying an application or approving an application with conditions, a copy of the decision shall also be provided to the OVA's Executive Committee and Board of Directors, which may disseminate the decision as they see fit in order to best fulfil the mandate of the OVA.
  32. Every individual who has been approved for participation, or approved with conditions, must re-submit a Screening Disclosure Form on an annual basis. PRCs and VSSs must be submitted every three years. The Screening Committee shall retain only the most recent copy of the applicant's PRC, VSS, and Screening Disclosure Form. Older copies shall be destroyed.
  33. An individual whose application has been denied or revoked may not re-apply for Participation for two (2) years from the date the rejected Application was made.
  34. Information and records received by the Screening Committee will be maintained in a confidential manner and will not be disclosed except as required by law or under this Policy, or for use in legal, quasi-legal or disciplinary proceedings.
  35. The decisions of the Screening Committee are final and binding and will be effective upon notice being sent to the individual by e-mail to his/her last known email address on record with the OVA.

### **Review and Approval**

36. This policy was approved by Board of Directors of OVA on October 1, 2014.
37. This policy is effective as at January 1, 2015.

**OVA Screening Disclosure Form**

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**CONTACT INFORMATION**

NAME:

ADDRESS:

TELEPHONE:

EMAIL:

DATE OF BIRTH:

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**REQUIRED DISCLOSURE**

**1. Do you have any criminal convictions for which a pardon has not been granted?**

Name/Type of Offence:

Jurisdiction:

Year Convicted:

Penalty or Punishment Imposed:

Further Explanation:

**2. Have you ever been charged with a crime?**

Name/Type of Offence:

Jurisdiction:

Year Charged:

Penalty or Punishment Imposed (if applicable):

Further Explanation:

**3. Are you currently or have you ever been the subject of a criminal investigation or criminal proceedings that has not been resolved?**

Name/ Type of Offence or Investigation:

Jurisdiction:

Year Investigation or Proceeding Commenced:

Status of Investigation or Proceeding:

Further Explanation:

**4. Do you have any non-criminal convictions under any statute (including offences involving the use of a motor vehicle)?**

Name/Type of Offence:

Jurisdiction:

Year Convicted:

Penalty or Punishment Imposed:

Further Explanation:

**5. Have you ever been a respondent in a harassment or human rights complaint in any forum?**

Jurisdiction:

Year Proceeding Commenced:

Status of Proceeding:

Penalty or Punishment Imposed:

Further Explanation:

**6. Have you ever been subject to a penalty imposed by a court, administrative tribunal or regulatory body?**

Jurisdiction:

Penalty or Punishment Imposed:

Further Explanation:

**7. Have you ever been refused admission to any professional organization or sporting organization?**

Name of Organization:

Date Refused Admission:

Reasons Given for Refusal:

Further Explanation:

**8. Have you ever faced allegations of misconduct by any professional organization or sporting organization?**

Name of Organization:

Date of Allegations:

Nature of Allegations:

Status or Outcome of Investigation/Proceeding:

Penalty or Punishment Imposed (if any):

Further Explanation:

**9. Have you ever been suspended, disqualified, censured or otherwise disciplined as a member of any professional organization or sporting organization?**



Name of Organization:

Nature of Offence:

Penalty or Punishment Imposed:

Further Explanation:

**10.** Are there are other matters in your past or present circumstances that may place your character or suitability for OVA positions at issue?

Yes/ No:

Explanation:

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**IMPORTANT:**

FAILURE TO ANSWER THE ABOVE QUESTIONS ACCURATELY AND COMPLETELY  
MAY RESULT IN THE DENIAL OF YOUR APPLICATION

FAILURE TO CO-OPERATE WITH THE OVA AND SCREENING COMMITTEE MAY  
RESULT IN THE DENIAL OF YOUR APPLICATION

It is important that you provide the OVA with truthful information and complete explanations (where appropriate) so that the OVA can properly evaluate your application. The OVA Screening Committee may contact you to provide more information in relation to your application. You are expected to fully co-operate with the Screening Committee in the determination of your suitability for a position with the OVA. The Screening Committee has the right to approve an application, reject an application, or approve an application with conditions.

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I CERTIFY THAT THE ANSWERS PROVIDED ARE ACCURATE AND COMPLETE

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_