

## North Delta Baseball Association

### Criminal Record Check Policy and Procedure

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#### Purpose

1. The North Delta Baseball Association ("NDBA") is committed to provide a safe and secure environment for the participants in its programs and will do everything reasonably possible to ensure this safety and security is maintained.
2. NDBA requires certain volunteers and potential volunteers within the organization to obtain a Criminal Record Check ("CRC"). This will assist in preventing the appointment of individuals with a history of violence or other serious offenses that could put participants at risk.

#### Policy

3. NDBA requires individuals in certain positions or applying for certain positions within the organization (the "Designated Positions") to complete a CRC. NDBA will determine and may change the Designated Positions from time to time, taking into account the nature of the position and the extent to which the individual in that position is exposed to minor participants or holds a position of trust and/or authority.
4. Designated Positions in the NDBA are:
  - a. all members of the NDBA executive (the "Executive");
  - b. all managers and coaches for spring, summer and fall ball teams; and
  - c. any person appointed by the NDBA or a team manager/coach to chaperone youth participants.
5. Failure to provide a CRC when required may prevent the individual from obtaining or maintaining a position in the NDBA.
6. NDBA will not knowingly fill Designated Positions with an individual who has a conviction for an offense that will jeopardize the safety and/or security of any participant in its programs.

#### Procedure

##### A. Screening Officer

7. The NDBA Executive will appoint an individual, who may be a member of the Executive, to screen the CRCs received from individuals seeking to hold a Designated Position within the NDBA (the "Screening Officer").

8. The Screening Officer will:
  - a. be appointed annually for a one (1) year term, which may be extended;
  - b. Operate independently of the NDBA Executive;
  - c. be responsible for receiving, reviewing and making determinations on all CRCs; and
  - d. advise the President of the NDBA or his or her designate when a CRC has been received and maintain a list of CRCs received and when a CRC is required.

#### B. Applications

9. Each individual in a Designated Position must obtain a CRC from the Police Department of their principal residence prior to the commencement of the relevant season and provide the original form received from the Police Department to the Screening Officer.
10. A CRC is valid for a period of two (2) years, subject to the NDBA, on reasonable grounds, requiring a new CRC prior to the two year period having expired.
11. Any individual in a Designated Position must immediately advise the President of the NDBA or his or her designate, if convicted of a Relevant Offence after the time the CRC is obtained and prior to the time for obtaining a new CRC.
12. The CRC may be provided to the Screening Officer directly by the individual or through a member of the NDBA Executive.

#### C. Relevant Offences

13. For the purposes of this policy, a Relevant Offence is an offence listed in Schedule 1 of the *Criminal Records Review Act*, R.S.B.C. 1996, c. 86, a copy of which is attached to this Policy and Procedure.
14. The Screening Officer, in determining whether an individual with a Relevant Offence, is suitable as a volunteer with the NDBA, will consider the following:
  - a. Relationship of the offence to the nature of the position;
  - b. Number and nature of the charges and/or convictions and sentence;
  - c. When the Relevant Offence and any other offence occurred,
  - d. What the individual has done since the date of the offence; and
  - e. If the individual is deemed to be appropriate to be appointed to a volunteer position, whether any conditions should be attached to the appointment.

#### D. Screening

15. If the Screening Officer has any questions or concerns about a CRC, he or she may consult with the NDBA Executive, as appropriate, or any other independent professional including the police or legal counsel.
16. After reviewing the CRC, if the Screening Officer determines that any individual is not an appropriate candidate to volunteer with the NDBA, the Screening Officer will immediately notify the individual, the President of the NDBA or his or her designate and the Executive Director of Baseball BC of that determination.
17. Nothing in this policy will prevent an individual from re-applying for a volunteer position in the future.

#### E. Records

18. The Screening Officer will return all original CRCs to the individual and will keep no copy of the CRC.
19. The Screening Officer will maintain written records of:
  - a. CRCs that were reviewed, the date of that review and whether the individual was eligible or ineligible for a volunteer position with the NDBA; and
  - b. all notes of communications with an individual, the NDBA and/or independent professionals with respect to any CRC.
20. All records will be maintained in a confidential manner and will not be disclosed except as required by law or for use in a judicial, quasi-judicial or disciplinary hearing. The Screening Officer will take all reasonable steps to protect these records from unauthorized use, access, disclosure or disposal.

#### F. Review

21. The NDBA Executive may review and revise this policy from time to time.

## (Section 1, definition of "relevant offences")

**Relevant Offences**

1 The following sections of the *Criminal Code* are designated as relevant offences:

- section 151: (Sexual Interference);
- section 152: (Invitation to Sexual Touching);
- section 153: (Sexual Exploitation);
- section 153.1: (Sexual Exploitation of Person with Disability);
- section 155: (Incest);
- section 159: (Anal Intercourse);
- section 160: (Bestiality);
- section 161: (Order of Prohibition);
- section 163.1: (Child Pornography);
- section 170: (Parent or Guardian Procuring Sexual Activity);
- section 171: (Householder Permitting Sexual Activity);
- section 172: (Corrupting Children);
- section 172.1: (Luring a Child);
- section 173 (1): (Indecent Acts);
- section 173 (2): (Exposure);
- section 177: (Trespassing at Night);
- section 179: (Vagrancy);
- section 212 (1): (Procuring a Person for the Purposes of Prostitution);
- section 212 (2): (Living Off Avails of Child Prostitution);
- section 212 (2.1): (Living off Avails of Child Prostitution, Aggravating Circumstances);
- section 212 (4): (Attempting to Obtain the Sexual Services of a Child);
- section 215: (Duties of Persons to Provide Necessities);
- section 218: (Abandoning Child);
- section 220: (Causing Death by Criminal Negligence);
- section 221: (Causing Bodily Harm by Criminal Negligence);
- section 229: (Murder);
- section 235: (Punishment for Murder);
- section 236: (Punishment for Manslaughter);
- section 237: (Punishment for Infanticide);
- section 238: (Killing Unborn Child in Act of Birth);
- section 239: (Attempt to Commit Murder);
- section 240: (Accessory after Fact to Murder);
- section 242: (Neglect to Obtain Assistance in Child Birth);
- section 243: (Concealing Body of Child);
- section 244: (Causing Bodily Harm with Intent);
- section 245: (Administering Noxious Thing);
- section 246: (Overcoming Resistance to Commission of Offence);
- section 264: (Criminal Harassment);
- section 264.1: (Uttering Threats);

- section 266: (Assault);
- section 267: (Assault with a Weapon or Causing Bodily Harm);
- section 268: (Aggravated Assault);
- section 269: (Unlawfully Causing Bodily Harm);
- section 271: (Sexual Assault);
- section 272: (Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm);
- section 273: (Aggravated Sexual Assault);
- section 273.3: (Removal of Child from Canada);
- section 279: (Kidnapping/Forcible Confinement);
- section 279.1: (Hostage Taking);
- section 280: (Abduction of Person under Sixteen);
- section 281: (Abduction of Person under Fourteen);
- section 282: (Abduction in Contravention of Custody Order);
- section 283: (Abduction);
- section 372: (False Messages/Indecent Telephone Calls/Harassing Telephone Calls);
- section 446: (Cruelty to Animals);
- section 810: (Where Injury or Damage Feared);
- section 810.1: (Where Fear of Sexual Offence).

2 The following sections of the *Controlled Drugs and Substances Act* (Canada) are designated as relevant offences:

- section 5: (Trafficking in Substances);
- section 6: (Importing and Exporting);
- section 7: (Production of Substance).

3 [Repealed B.C. Reg. 361/2007.]