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Preamble

1. The purpose of a background check is to assist the Ontario Tennis Association (OTA) in determining whether or not an employee or volunteer candidate has engaged in any past conduct that would suggest they are not a suitable candidate because of concerns about their honesty and integrity or the safety of others in their care. The background check forms part of the OTA's screening process that also includes other methods of assessing suitability such as interviews and reference checks. It is becoming standard practice for a **Police Background Check (PBC)** to be requested whenever an individual is applying for a job, an educational opportunity, or volunteer position that gives the individual access to vulnerable individuals such as children, the elderly or the disabled, a security-sensitive position, or where the individuals will have access to large amounts of money.
2. The OTA endeavours to do everything reasonably practicable to provide a safe and secure environment for participants in its programs, activities and events.
3. This policy and the procedures specified in it are one of several policy tools that the OTA will use to fulfill its' commitment to provide a safe environment and to protect its members from harm.

Policy

4. All employees and volunteers will be required to agree to background checks according to Tables 1 & 2. In addition, those identified in Table 2 must submit an annual Compliance Declaration form which indicates they have no convictions under the Criminal Code of Canada since their last Police Background Check or declaration
5. The Screening Committee will retain no copies of PBCs or Compliance Declaration Forms (herein referred to collectively as the **'forms'**), but may retain written records of communication and with individuals whose forms indicate a relevant offence, as well as copies of its decisions and written reasons for decisions. 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.
6. It is OTA's policy that:
 - a. All positions will have a clear set of guidelines about appropriate behavior and conduct.
 - b. Individuals will be background checked according to the risk table in Table 2.
 - c. Failure to participate in the background check process as outlined in this policy will result in ineligibility of the individual for the employee or volunteer position.



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- d. The OTA will not knowingly place in a designated category an individual who has a conviction for a **‘relevant offence’**, as defined in this policy. However, where the Screening Committee is of the opinion that, notwithstanding a conviction for a relevant offence a person can occupy a position in a designated category without adversely affecting the safety of the OTA, a vulnerable person or member of the OTA, through the imposition of such terms and conditions as are deemed appropriate, the Screening Committee may approve a person’s participation in a designated category.
- e. If a person in a designated position subsequently receives a conviction for, or is found guilty of, a relevant offence, they will report this circumstance immediately to the OTA.
- f. If a person in a designated position provides falsified or misleading information, that person will immediately be removed from their designated positions and may be subject to further discipline in accordance with the OTA's Abuse and Harassment Policy, Team Ontario Traveling Code, or the Board of Directors' Conduct, Conflict, Confidentiality policy.
- g. Those employees or volunteers already occupying a volunteer or employee position as of the timing of the first effective date of this policy will not require any additional background checks. The exceptions are those who require a Level 3 screening, in which case, the individuals must provide proof of recent screening or be required to submit a new PBC.

Scope:

This policy applies to all employees and volunteers of the OTA. For greater certainty, this policy shall not apply to employees or volunteers of Tennis Canada who participate in OTA activities (which individuals shall be governed by Tennis Canada's applicable policies).

Responsibility

- 1. It is the responsibility of the employee and volunteer, to understand and adhere to OTA expectations with respect to background check requirements.
- 2. It is the responsibility of the Executive Director and all supervisors to ensure that the required employee and volunteer identification is provided, background checks are completed, and Compliance Declarations where applicable are completed annually.
- 3. It is the responsibility of the Executive Director to periodically review current and new



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assignments for relevance, value and risk to the OTA.

Definitions

1. **Vulnerable Person** is defined as a person who, because of their age, a disability, or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them. In the context of this policy, this principally includes minors involved in OTA programs.
2. **Volunteer** is defined as a person who is recruited directly by the OTA to perform work in an unpaid capacity on an occasional or regular basis. This could be a few days a year to a few days a month or more. For example, this may include but is not limited to: OTA board members or persons helping out at any of the OTA's events (Rogers Cup booth, fundraisers, awards dinners, tournaments, etc.). In cases of doubt, it is up to the Executive Director to determine whether or not an individual is a volunteer, subject to this policy, and, based on the risk to the OTA, apply this policy as appropriate (refer to Table 2).
3. **Employee** is defined for purposes of this policy only, as a person in a capacity for which s/he receives remuneration for services rendered. This could include full-time staff, interns, contract staff, part time staff, etc.
4. **Designated Categories** are those classes of persons who work closely with vulnerable persons or who occupy positions of trust and authority within the OTA. These and other positions are risk assessed in Table 2. Such designated categories include:
 - a. All employee positions;
 - b. All board members;
 - c. All coaches;
 - d. All officials;
 - e. All persons affiliated with junior provincial teams, whether paid or volunteer;
 - f. All persons involved in the delivery of junior developmental programs including camps and clinics; and
 - g. Any persons appointed to accompany an OTA junior team to an event or competition but not limited to a coach, manager, chaperone or driver.
5. **Relevant offence** is any of the following offences for which pardons have not been granted:
 - a. If imposed in the last five years:



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- i. Any offence involving the use of a motor vehicle, including but not limited to impaired driving; or
- ii. Any violation for trafficking and/or possession of drugs and/or narcotics.
- iii. Any offence involving conduct against public morals;
- b. If imposed in the last ten years:
 - i. Any crime of violence including but not limited to, all forms of assault; or
 - ii. Any offence involving a minor or minors.
- c. If imposed at any time:
 - i. Any offence involving the possession, distribution, or sale of any child-related pornography;
 - ii. Any sexual offence involving a minor or minors; or
 - iii. Any offence involving theft or fraud.

Reference Policies

- HR1 - Abuse and Harassment
- HR2 - Board of Directors' conduct, conflict, confidentiality
- HR16 - Team Ontario Traveling Code



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PROCEDURE DEVELOPMENT

Screening Committee

1. The implementation of this policy for those candidates requiring police screening Levels 2 or 3 is the responsibility of the Screening Committee of the OTA; a committee of three to five persons appointed by, and at the sole discretion of, the Executive Committee of the OTA. The Executive Committee of the OTA will ensure that the members appointed to the Screening Committee possess the requisite skills, knowledge and abilities to accurately assess the forms, and render decisions under this policy. Quorum for the Screening Committee will be three members.
2. The Executive Committee may, in its sole discretion, remove any member of the Screening Committee. Where a position on the Screening Committee becomes vacant, either because a member has been removed or because a member has resigned, the Executive Committee, at its sole discretion, may appoint a replacement member.
3. The Screening Committee will carry out its duties, in accordance with the terms of this policy, independent of the Executive Committee and Board of Directors of the OTA.
4. The Screening Committee is responsible for reviewing all forms showing any "positive" result and, based on such reviews, making decisions regarding the appropriateness of individuals filling positions in designated categories within OTA programs. 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 deemed appropriate.

Procedure

5. Each person subject to this policy will obtain and submit the required police check form from their local Police Service or by using the online services of authorized service providers, the Compliance Declaration Form and a letter of good standing from the person's previous organization in the case of a transfer from out of province or country to the OTA.
6. The forms and letter of good standing, if required, will be submitted to the OTA head office and marked "Confidential". Any forms showing a positive result will have their name blanked out before forwarding to the Screening Committee for further processing.
7. Individuals who do not submit the forms and letter of good standing, if required, will receive a notice to this effect and will be informed that their application will not proceed



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- until such time as the forms are received.
8. The Screening Committee will receive and review all "positive" result forms and letters of good standing, if required, and determine whether any of them reveal a relevant offence.
 9. Subsequent to its' review of the forms or letter of good standing, if required, the Screening Committee, by majority vote, will:
 - a. Approve an individual's participation in a designated category; or
 - b. Deny an individual's participation in a designated category; or
 - c. Approve an individual's participation in a designated category subject to terms and conditions as the Screening Committee deems appropriate.
 10. If an individual's forms or letter of good standing, if required, does not reveal a relevant offence; the Screening Committee will notify the OTA Executive Director that the individual is eligible for the volunteer, contract or staff position. After providing notice, the Screening Committee will return or destroy the original forms or letter of good standing.
 11. If an individual's forms or letter of good standing, if required, reveals a relevant offence; the Screening Committee will render its decision and provide notice of its decision in accordance to paragraph 9. After providing notice, the Screening Committee will return or destroy the original forms or letter of good standing.
 12. Where the Screening Committee denies an individual's participation in a designated category or approves an individual's participation in a designated category subject to terms and conditions, the reasons for such decision will be provided, in writing, to the designated member, and a copy of this decision will be provided to the Executive Director.
 13. 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 OTA.
 14. Nothing in this policy will prevent an individual from re-applying for an employee or volunteer position with OTA at some point in the future, and submitting new forms and letter of good standing, if required.
 15. PBCs are valid for a period set out in Table 2 and Compliance Declaration Forms must be completed as indicated. Notwithstanding this, the Screening Committee may request that an employee or volunteer in a designated category provide any of the forms to the Screening Committee for review and consideration. Such request will be in writing and will provide the reasons for such a request.



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16. If a person has been screened and approved by an OTA member club, past employer or other organization, the person will need to provide proof of that prior screening.

ATTACHMENTS

1. Annual Compliance Declaration
2. Vulnerable Sector Screening Request letter (sample)
3. Sample Police Screening Forms and Processes
 - Durham Region: http://www.drps.ca/internet_explorer/over_the_counter/index.asp?Do_What=fetch&Page=1&ID=5&Category_ID=3
 - Halton Region: <http://www.haltonpolice.ca/recordscourts/records/policerrecordsChecks/Pages/default.aspx>
 - Hamilton Region: <http://www.hamiltonpolice.on.ca/HPS/Services/Records/CriminalRecordsSearch.htm>
 - Kitchener/Waterloo: <http://www.wrps.on.ca/records-police-checks/police-record-checks/police-vulnerable-sector-check>
 - London: http://www.police.london.ca/d.aspx?s=/Services/Background_Checks/default.htm
 - Niagara Region: <http://www.niagarapolice.ca/en/whatwedo/policebackgroundchecks.asp>
 - North Bay: <http://northbaypolice.ca/services/record-checks>
 - Ottawa: http://www.ottawapolice.ca/en/servingottawa/recordschecks/records_check_forms.aspx
 - Peel Region: <http://www.peelpolice.on.ca/en/services/recordschecks.asp>
 - Sault Ste. Marie: <http://www.ssmps.ca/online-services/criminal-record-search>
 - Thunder Bay: <https://www.thunderbaypolice.ca/services/criminal-records-search>
 - Toronto: <http://www.torontopolice.on.ca/prcp/process.php>



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- Windsor: <http://www.police.windsor.on.ca/services/info-requests/record-checks/Pages/Police-Record-Check-Agency-Fact-Sheet.aspx>
- York Region: <http://www.yrp.ca/forms.aspx>

APPROVALS

President		Date:
on behalf of the		
Board of Directors		Date:



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Table 1 - Background Check Matrix

Screening Level ¹	Description
1. LEVEL 1 = Behavioral & Reference checks	<ul style="list-style-type: none"> Interview (skills, personal characteristics, etc.), from reference checks (responses to stress, anger management, etc.), or from a request for specific documents (driver's license, birth certificate or passport)
2. LEVEL 2 = LEVEL 1 + Police Information Check (PIC)	<ul style="list-style-type: none"> For applicants who are seeking employment or volunteer positions with agencies or companies along with a search of local police involvement. <ul style="list-style-type: none"> Criminal convictions (summary and indictable) from CPIC and/ or local databases. Outstanding entries, such as charges and warrants, Judicial Orders, Peace Bonds, Probation and Prohibition Orders Absolute and Conditional Discharges, where permissible as per Section 6(1) of the Criminal Records Act Findings of guilt under the Youth Criminal Justice Act within the applicable disclosure period
3. LEVEL 3 = LEVEL 2 + Police Vulnerable Sector Check (PVSC)	<ul style="list-style-type: none"> To provide screening of individuals who intend on working or volunteering with vulnerable persons Name records search will include those from Level 2, PLUS the following: <ul style="list-style-type: none"> Criminal charges resulting in a disposition of Not Criminally Responsible by Reason of Mental Disorder or in very exceptional cases, where it meets the exceptional disclosure assessments, non-conviction dispositions including, but not limited to withdrawn and dismissed as per the RCMP National Repository of Canadian Criminal Records Record suspensions for sex offence convictions as authorized for release by the Minister of Public Safety

¹ Please note that a record check is only a tool in promoting public safety. A record check is not a "stamp of approval" from a police or third-party service. A "clear" police record is a snapshot in time and not a guarantee of safety.



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Table 2 - Position Risk Assessment

Position Description²	Risk Comments	Screening Level Required for New Positions³	Frequency of Screening⁴
1. Casual Volunteers recruited and managed directly by the OTA	<ul style="list-style-type: none"> Lowest Risk Examples: those who only volunteer a few days a year, who do not interact closely with vulnerable persons and who do not handle any financial or sensitive information. 	Level 1	<ul style="list-style-type: none"> Once at recruitment
2. Employees with general office duties, rarely interact with vulnerable persons, do not oversee financial or otherwise sensitive information.	<ul style="list-style-type: none"> Low risk. 	Level 2	<ul style="list-style-type: none"> Once at Hiring OTA covers costs
3. Employees or volunteers overseeing financial or otherwise sensitive information.	<ul style="list-style-type: none"> Medium Risk: Have a fiduciary role as stewards of the OTA's assets and resources. 	Level 2	<ul style="list-style-type: none"> Every 5 years (Annual Compliance Declaration in

² Volunteers used at OTA tournaments or other events but provided by hosting clubs are the responsibility of the host club and should provide whatever screening is required according to their own volunteer policies

³ New positions assigned as of date of policy approval

⁴ This is OTA's minimum screening frequency. Some organizations who interface with the OTA may require more frequent screening (eg: school boards)



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Position Description²	Risk Comments	Screening Level Required for New Positions³	Frequency of Screening⁴
			off years) • OTA covers costs
4. OTA Board	<ul style="list-style-type: none"> • Medium Risk: Have a fiduciary role as stewards of the OTA's assets and resources. This includes oversight of the use of donor funds and the delivery of programs and activities. In addition, regional chairs approve and handle funding used to deliver regional programs. 	Level 2	<ul style="list-style-type: none"> • Every 5 years (Annual Compliance Declaration in off years) • OTA covers costs
5. Employees or volunteers working with vulnerable persons	<ul style="list-style-type: none"> • Highest risk • Examples: those routinely interfacing with Ontario Schools, running programs, tournaments and tennis events with youth involved 	Level 3	<ul style="list-style-type: none"> • Every 5 years (Annual Compliance Declaration in off years) • OTA covers costs
6. Coaches and Officials working directly for OTA	<ul style="list-style-type: none"> • Highest Risk 	Level 3	<ul style="list-style-type: none"> • Every 5 years



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Position Description²	Risk Comments	Screening Level Required for New Positions³	Frequency of Screening⁴
programs and tournaments	<ul style="list-style-type: none"> Those who routinely interact with minors along with unsupervised contact to fulfill their coaching or officiating requirements. 		(Annual Compliance Declaration in off years) <ul style="list-style-type: none"> Own expense
7. All other persons affiliated with junior provincial teams, whether paid or volunteer; All persons involved in the delivery of junior developmental programs including camps and clinics and; any persons appointed to accompany an OTA junior team to an event or competition whether as a coach, manager, chaperone or driver. These requirements shall not apply to parents of participating athletes.	<ul style="list-style-type: none"> Highest Risk Those who routinely interact with minors along with unsupervised contact to fulfill their requirements. 	Level 3	<ul style="list-style-type: none"> Every 5 years (Annual Compliance Declaration in off years) OTA covers costs