

NEWFOUNDLAND AND LABRADOR SAILING ASSOCIATION [the “Organization”]
SCREENING POLICY

Preamble

1. The Organization and its Members understand that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the sport community.

Application of this Policy

2. This Policy applies to all individuals whose position with the Organization or a Member is one of trust or authority which may relate to, at a minimum, finances, supervision, or Vulnerable Individuals.
3. Not all individuals associated with the Organization or a Member will be required to obtain a Criminal Record Check or submit screening documents because not all positions pose a risk of harm to the Organization, Members, or participants. The Organization or the Member will determine which individuals will be subject to screening using the following guidelines (the Organization or the Member may vary the guidelines at their discretion):

Level 1 – Low Risk - Individuals involved in low risk assignments who are not in a supervisory role, not directing others, not involved with finances, and/or do not have unsupervised access to Vulnerable Individuals. Examples:

- a) Parents, youth, or volunteers who are helping out on a non-regular or informal basis

Level 2 – Medium Risk – Individuals involved in medium risk assignments who may be in a supervisory role, may direct others, may be involved with finances, and/or who may have limited access to Vulnerable Individuals. Examples:

- a) Athlete support personnel
- b) Non-coach employees or managers
- c) Directors
- d) Coaches who are typically under the supervision of another coach
- e) Officials

Level 3 – High Risk – Individuals involved in high risk assignments who occupy positions of trust and/or authority, have a supervisory role, direct others, are involved with finances, and/or who have frequent or unsupervised access to Vulnerable Individuals. Examples:

- a) Full-time coaches
- b) Coaches who travel with Athletes
- c) Coaches who could be alone with Athletes

Screening Committee

4. The implementation of this policy is the responsibility of the Screening Committee, which is a committee composed of either one (1) or three (3) members. The Organization and its Members

will ensure that the members appointed to their respective Screening Committees possess the requisite skills, knowledge and abilities to accurately review screening documents and render decisions under this Policy.

5. The Screening Committee is responsible for reviewing all documents submitted and, based on the review, making decisions regarding the appropriateness of individuals filling positions within the Organization or the Member, as applicable. 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.
6. Nothing in this Policy restricts or limits the Screening Committee from requesting that the individual attend an interview with the Screening Committee if the Screening Committee considers that an interview is appropriate and necessary to screen the individual's application.
7. Nothing in this Policy restricts or limits the Screening Committee from requesting the individual's authorization to contact any professional, sporting or other organization in order to assess the individual's suitability for the position that they are seeking.
8. Nothing in this Policy restricts or limits the Screening Committee from requesting further information from the individual on more than one occasion, subject to the individual's right to insist that the Screening Committee make a decision on the basis of the information before it.
9. The Screening Committee may, where appropriate, draw an adverse inference from an individual's failure to provide information or answer queries.
10. When assessing an individual's screening application, the Screening Committee shall determine whether there is reason to believe that the individual may pose a risk to the Organization, to a Member, or to another individual.
11. An individual having been previously penalized for a prior offence shall not prevent the Screening Committee from considering that offence as part of the individual's screening application.
12. If the Screening Committee determines on the basis of the individual's screening application, in addition to any further material received by it, that the individual does not pose a risk to the members of the Organization, the Screening Committee shall approve the individual's application, subject to the Screening Committee's right to impose conditions.
13. In the case of a decision denying an application or approving an application with conditions, a copy of the decision shall be provided to the applicant and to the Board of Directors of the Organization or the Member, which may disseminate the decision as they see fit.
14. An Individual whose screening application has been denied or revoked may not re-apply to participate in the programs or activities of the Organization or the Member (as applicable) for two (2) years from the date the rejected application was made.

Screening Requirements

15. A Screening Requirements Matrix is provided as **Appendix A**.
16. It is the policy of the Organization and its Members that when an individual is first engaged by the

organization:

- a) Level 1 individuals will:
 - i. Complete an Application Form (**Appendix B**)
 - ii. Complete a Screening Disclosure Form (**Appendix C**)
 - iii. Participate in training, orientation, and monitoring as determined by the organization
- b) Level 2 individuals will:
 - i. Complete an Application Form
 - ii. Complete a Screening Disclosure Form
 - iii. Complete and provide an Enhanced Police Information Check (E-PIC)
 - iv. Provide one letter of reference related to the position
 - v. Participate in training, orientation, and monitoring as determined by the organization
 - vi. Provide a driver's abstract, if requested
- c) Level 3 individuals will:
 - i. Complete an Application Form
 - ii. Complete a Screening Disclosure Form
 - iii. Complete and provide an E-PIC and a Vulnerable Sector Check (VSC)
 - iv. Provide one letter of reference related to the position and another from an applicable sport organization
 - v. Participate in training, orientation, and monitoring as determined by the organization
 - vi. Provide a driver's abstract, if requested
- d) If an individual subsequently receives a charge, conviction for, or is found guilty of, an offense they will report this circumstance immediately to the Organization or the Member (as applicable). Additionally, the individual will inform the organization of any changes in their circumstance that would alter their original responses in their Screening Disclosure Form.
- e) If the Organization or a Member learns that an individual has provided false, inaccurate, or misleading information, the individual will immediately be removed from their position and may be subject to further discipline in accordance with the *Discipline and Complaints Policy*.

Renewal

17. Unless the Screening Committee determines, on a case-by-case basis, to modify the submission requirements, individuals who are required to submit an E-PIC, Screening Disclosure Form, VSC, or Screening Renewal Form, are required to submit the documents as follows:
 - a) An E-PIC every three years
 - b) A Screening Disclosure Form every three years
 - c) A Screening Renewal Form (**Appendix D**) every year
 - d) A Vulnerable Sector Check once
18. At any time, including after either the submission of an individual's application or its approval (with or without conditions), the Screening Committee may re-open an individual's file for additional screening if it is advised of new information that, in the discretion of the Organization or a Member, could affect the assessment of the individual's suitability for participation in the programs of the Organization or a Member.

Orientation, Training, and Monitoring

19. The type and amount of orientation, training, and monitoring will be based on the individual's level of risk, at the discretion of the Organization or the Member (as applicable).
20. Orientation may include, but is not limited to: introductory presentations, facility tours, equipment demonstrations, parent/Athlete meetings, meetings with colleagues and supervisors, orientation manuals, orientation sessions, and increased supervision during initial tasks or initial period of engagement.
21. Training may include, but is not limited to: certification courses, online learning, mentoring, workshop sessions, webinars, on-site demonstrations, and peer feedback.
22. At the conclusion of orientation and training, the individual will be required to acknowledge, in written form, that they have received and completed the orientation and training.
23. Monitoring may include, but is not limited to: written or oral reports, observations, tracking, electronic surveillance (e.g., facility security cameras), and site visits.

How to Obtain an E-PIC or VSC

24. An E-PIC may be obtained online via Sail Canada's Sterling Backcheck page <https://pages.sterlingbackcheck.ca/landing-pages/s/sail-canada/>
25. Individuals may only obtain a VSC by visiting an RCMP office or police station, submitting two pieces of government-issued identification (one of which must have a photo), and completing any required paperwork. Fees may also be required.
26. Fingerprinting may be required if there is a positive match with the individual's gender and birth date.
27. The Organization and its Members understand that they may be required to assist an individual with obtaining a VSC. A Request for VSC (**Appendix E**) may need to be submitted or other documentation may need to be completed that describes the nature of the organization and the individual's role with Vulnerable Individuals.

Procedure

28. Screening documents must be submitted to the Screening Committee.
29. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer or apply for the position sought. The individual will be informed that their application and/or position will not proceed until such time as the screening documents are submitted.
30. The Organization and its Members understand that there may be delays in receiving the results of an E-PIC or a VSC. At the discretion of the Organization or a Member (as applicable), an individual may be permitted to participate in the role during the delay. This permission may be withdrawn at any time and for any reason.
31. The Organization and its Members recognize that different information will be available depending on the type of screening document that the individual has submitted. For example, an E-PIC may

show details of a specific offense, or not, and/or a VSC may be returned with specific information or simply a notification indicating 'cleared' or 'not cleared'. The Screening Committee will use its expertise and discretion when making decisions based on the screening documents that have been submitted.

32. Following the review of the screening documents, the Screening Committee will decide:
 - a) The individual has passed screening and may participate in the desired position;
 - b) The individual has passed screening and may participate in the desired position with conditions;
 - c) The individual has not passed screening and may not participate in the desired position; or
 - d) More information is required from the individual.

34. In making its decision, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought. The following examples are considered to be offenses that may cause the individual to not pass the screening requirements or to have conditions imposed on the individual by the Screening Committee:
 - a) If imposed in the last ten years:
 - i. Any offense involving the use of a motor vehicle, including, but not limited to,
 - ii. impaired driving
 - iii. Any offense involving conduct against public morals
 - iv. Any offense involving theft or fraud
 - b) If imposed at any time:
 - i. Any offense involving a Minor or Minors
 - ii. Any offense of assault, physical or psychological violence
 - iii. Any offense involving trafficking or possession of illegal drugs
 - iv. Any offense involving the possession, distribution, or sale of any child-related pornography
 - v. Any sexual offense

Conditions and Monitoring

35. Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee shall have the sole and unfettered discretion to apply and remove conditions, determine the length of time for the imposition of conditions, and determine the means by which adherence to conditions may be monitored.

Records

36. 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.

37. The records kept as part of the screening process include, but are not limited to:
 - a) An individual's Vulnerable Sector Check
 - b) An individual's E-PIC (for a period of three years)
 - c) An individual's Screening Disclosure Form (for a period of three years)
 - d) An individual's Screening Renewal Form (for a period of one year)
 - e) Records of any conditions attached to an individual's registration by the Screening Committee
 - f) Records of any discipline applied to any individual by the Organization, by a Member, or by another sport organization

Criminal Convictions

38. An individual's conviction for any of the following *Criminal Code* offenses may result in expulsion from the Organization and the Member and/or removal from designated positions, competitions, programs, activities and events upon the sole discretion of the Organization or the Member:

- a) Any offense of physical or psychological violence
- b) Any crime of violence including, but not limited to, all forms of assault
- c) Any offense involving trafficking of illegal drugs
- d) Any offense involving the possession, distribution, or sale of any child-related pornography
- e) Any sexual offense
- f) Any offense involving theft or fraud

Policy History	
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