

# Criminal Record Checks (Vulnerable Sector) Lacrosse New Brunswick

**1 – CRIMINAL RECORD CHECK (CRC) (Vulnerable Sector)**

**1.1** All LNB bench personnel (coaches, staff, trainers, etc.) and all LNB certified officials (box and field) who are 18 years of age as of January 1st of the current year who coach or officiate athletes 17 years of age or younger must submit a current Criminal Record Check (Vulnerable Sector) (CRC) upon registering for the current year. It is the position of the LNB that all LNB member clubs with additional registered volunteers who have direct contact with athletes 17 years of age or younger also submit a CRC. All LNB employees must submit a CRC.

**1.2** A current CRC must be submitted by the prospective volunteer to the LNB Member Associations Privacy Officer for the current year. The CRC must be date stamped no later than the previous calendar year. The CRC will be valid for three consecutive years.

**1.3** Individuals as outlined in 1.1 who do not submit a CRC will not be approved or eligible to participate in LNB programs until a valid CRC is submitted.

**1.4** It is the position of the LNB that all LNB member clubs with athletes 17 years of age or younger institute a policy, which states that no adult will be alone with a child.

**1.5** It is the responsibility of all LNB Member Associations to ensure that all bench, coaching and management staff personnel including, but not limited to, coaches, trainers, therapists and volunteers, as well as volunteers who have direct contact with minor aged players, 17 years of age or younger, have a current CRC on file. It is the specific responsibility of LNB to ensure that all LNB Registered officials (Box and Field), Provincial Teams and LNB Staff have a current CRC on file.

**2 - CONFIDENTIAL FILE**

**2.1** Each LNB member association Local Privacy Officer shall create and maintain a confidential file which shall contain all Criminal Record Checks (CRC.

**2.2** The Lacrosse New Brunswick and the Local Privacy Officer shall protect the personal information contained in the confidential files by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

**2.3** The Local Privacy Officer shall disclose the contents of its confidential file to the LNB Privacy Officer only with the specific permission of the prospective volunteer and only in regard to the specific content of the offence, omitting personal info that would reveal the identity of the prospective volunteer.

**2.4** The Local Privacy Officer will submit their files of all Level 2 and Level 3 CRC’s and supporting documentation in their possession annually by forwarding these documents to the LNB designated Officer/Lawyer. The Local Privacy Officer shall destroy all Level 1 marked CRC’s and supporting documentation whenever an individual provides new documentation or said individual terminates their affiliation with that LNB member club.

\*please refer to the “CRC Operating Policy and Procedures Handbook” for instructions, definitions and supporting documentation related to this amendment.



**Criminal Record Check (Vulnerable Sector) Policy & Procedures Handbook Lacrosse New Brunswick**

**LNB CRC “Level 1”**

A CRC that comes back with no offenses listed.

**LNB CRC “Level 3”**

The association will not knowingly offer the opportunity for new or continued volunteerism or employment to any person with a record of criminal conviction, for the following types of offenses:

1. Any criminal offense under the Criminal Code of Canada, committed against a child 17 and under years of age.
2. Trafficking in or importing for the purpose of trafficking a narcotic under the Narcotic Control Act or a controlled or restricted drug under the Food and Drug Act.
3. Any offense which may pose a risk to the well-being of any of the association’s children, volunteers or staff.
4. Violation of a position of trust including theft or fraud.

**LNB CRC “Level 2”**

A CRC that comes back with offenses listed other than the above list.

**LNB Final Appeals Process**

The final appeal board would be appointed by LNB to be comprised of individuals independent of the aforementioned groups as well as: the LNB Leagues, the LNB Board of Governors, the LNB Board of Directors, the LNB Board of Referees or anyone involved in the original disciplinary action.

**NOTE:** All appeals must be submitted in writing within 15 days of the previous decision. The results of this appeal will be made known by word within 24 hours and written notice to the club within 3 days.

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**LNB Criminal Record Check “Level 2” Report**

###### Date:

**Ref. #:**

**LNB member club:**

**Age of Minors: Sex:**

**Offense: \*see attached CRC for details**

Comments/Recommendation from Local Privacy Officer

Signature of Local Privacy Officer

***Comments/Restrictions from LNB Privacy Officer***

Signature of LNB Privacy Officer APPROVED DECLINED APPROVED w/restriction



**LNB Offense Declaration**

The provincial governing body of lacrosse (LNB) has passed a constitutional amendment that all lacrosse volunteers must provide a Criminal Record Check (Vulnerable Sector) (CRC) as of 2015. The intent of the amendment is to ensure that children are safe within our organization.

The basic requirements of the amendment are:

1. All new volunteers must have a Criminal Record Check (Vulnerable Sector) prior to commencing employment / volunteering.
2. Associations must collect annually an Offence Declaration, signed by the volunteer which lists all criminal code convictions registered since the date of the Criminal Records Check or last Offense Declaration.

Please complete the following three (3) sections (using ink):

**Section 1 (please print clearly)**

Name:

NCCP #

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Position:

Association / Team

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**Section 2 (please print clearly)**

I DECLARE, since the last criminal record check collected by the association, or since the last Offense Declaration given by me to this association, that:

**I have no convictions** under the Criminal Code of Canada up to an including the date of this declaration for which a pardon has not been issued or granted under the Criminal Records Act (Canada)

**OR**

**I have been convicted** of the following criminal offenses under the Criminal Code of Canada for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to me.

List of Offense(s):

Date: \_ \_ Court Location: \_ \_ Conviction: \_ \_ \_

(use additional page if necessary)

**Section 3 (please sign using ink)**

DATED at \_ \_ this \_ day of , : (City/town) (Day eg. 12th) (Month) (Year)

Volunteer Signature: \_ \_ \_ \_

**LNB Criminal Record Check (Vulnerable Sector) Policy & Procedures Handbook**

The following information covers procedures for the implementation, tracking, reporting and storing of all documentation related to the LNB Constitution

**Definitions:**

“**Criminal Record Check**” (CRC) means a document concerning an individual which:

1. was prepared by a police force or service from national data on the Canadian Police Information Centre (CIPC) database within six (6) months of receipt by the association
2. provides information concerning the individual’s police record including Criminal Code (Canada) convictions, pardoned sexual offences (vulnerable sector screening), records of convictions under the Controlled Drugs and Substances Act, Narcotic Control Act and Food and Drugs Act and all outstanding warrants and charges.

“**Offense Declaration**” means, in respect of the association, a written declaration signed by an individual listing all of the individual’s convictions for offenses under the Criminal Records Act (Canada) up to the date of the declaration:

1. that are not included in a CRC collected by the Lacrosse New Brunswick in the last CRC collected by the association; and,
2. for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

**“CRC Report”** is a document to be filled out by a Local Privacy Officer when:

a) a volunteers CRC has come back with evidence of a criminal record offense NOT appearing on the Level 3

**Purpose:**

The LNB has a responsibility, under the law, to provide a safe and secure environment for children and volunteers. The association is in a position of trust with regard to children, and must protect their intellectual, physical, mental and emotional well-being.

The LNB will not hire or continue to employ, or utilize as volunteers, persons who will have direct and regular contact with children, who have police records and/or patterns of behaviours which place children at risk.

Any individual who is expected to have direct and regular contact with children will be approved by the LNB to have access, unless the individual:

* Has failed to provide a valid CRC or
* Has provided a CRC which has been adjudicated and found to present an unacceptable risk to children, volunteers, or staff. – Level 3 or rejected Level 2

The LNB is committed to ensuring the privacy of information contained in an individual’s CRC / Offense Declaration. The LNB, through the Local Privacy Officers will provide limited, restricted, and

secured access to this information with permission of the applicant. As a result, CRC/Offense Declarations should not be disclosed to, copied, or retained by any person other than approved Local or LNB Privacy Officers, except to the extent required or permitted by law.

**Requirements:**

With respect to volunteers, it is the responsibility of the LNB member association, who is in charge of instruction, organization and management of a team to determine what activities the volunteers participate in, with which children, and in which setting. It is also recognized that the association has a duty of care to children. Duty of care is the legal principle which identifies the obligation to exercise reasonable care including protection from harm. The CRC is a step in the clubs duty of care should direct and regular contact occur between a volunteer and a child. In this case, the below requirements for submitting a satisfactory CRC will apply.

1. The Local Privacy Officer shall collect a satisfactory CRC in respect of the individual before the day the volunteer commences volunteering with the LNB member club.
2. An Offense Declaration shall be signed and provided to the Local Privacy Officer on an annual basis. (for up to 3 additional years)
3. Any volunteer must be an ‘active’ member in order to remain on the list of acceptable volunteers. If a volunteer takes a year off from volunteering they shall go back to step 1 and provide a new CRC. After 3 signed Offense Declarations a volunteer must submit a new CRC.
4. The LNB member club, in its discretion, may require a volunteer to submit an updated CRC if the club has reason to believe that they may have been a change to the last record on file.

The submitted CRC will fall into one of 3 categories: Level 1, Level 2 or Level 3.

**Level 1** Volunteers are those whose CRC is free of an criminal record history and volunteers in this category are immediately approved, the Local Privacy Officer will note this approval on the volunteers LNB Card and forward the LNB Card for approval to the LNB

The original copy of the CRC, Offense Declaration, and any additional information requested will become the property of the LNB member association, and will not be returned, copied, or forwarded to any other institution or individual, except to the extent required or permitted by law or the LNB’s appeals process. CRC’s, Offense Declarations, and any other related information will be filed in a separate and secure location.

**Level 3** The LNB and LNB member associations will not knowingly offer the opportunity for new or continued volunteerism or employment to any person with a record of criminal conviction, for which a pardon has not been granted, for the following types of offenses:

1. Any criminal offense under the Criminal Code of Canada, committed against a child 17 years of age and under.
2. Trafficking in or importing for the purpose of trafficking a narcotic under the Narcotic Control Act or a controlled or restricted drug under the Food and Drug Act.
3. Any offense which may pose a risk to the well-being of any of the association’s children, volunteers or staff.
4. Violation of a position of trust including theft or fraud.

**Level 2** While the convictions above will result in an absolute restriction to volunteering for an LNB member club, a criminal record unto itself does not necessarily prohibit volunteerism. All CRC’s that have an offense NOT on the Level 3 list are to be considered Level 2. A Level 2 volunteer can either voluntarily withdraw their application or they are permitted to pursue approval by giving further detail and explanation. Should as Level 2 volunteer pursue approval, the Local Privacy Officer will interview the prospective volunteer and fill out a Criminal Record Check Report on which the Local Privacy Officer will make a recommendation and submit the CRC Report, a copy of the volunteers CRC (with personal identifiers blacked out) to the LNB Privacy Officer for adjudication. Once approved, the Local Privacy Officer retains the CRC and CRC Report in a secure file.

**Appeals:** Prospective volunteers that have been identified as having committed Level 3 offenses have no avenue of appeal. Level 2 listed volunteers that are ultimately rejected by the LNB Privacy Officer may appeal this decision. LNB final appeal policies will apply.

**Process:**

* For every new volunteer, a current CRC is to be provided to the approved Local Privacy Officer. This CRC must be date stamped only in the current or previous calendar year. The CRC will not be viewed, disclosed to, copied, or retained by any person other than approved Local Privacy Officer.
* The original copy of the CRC, and any additional information requested, will become the property of the LNB member association, and will not be returned, copied, or forwarded to any other institution or individual.
* Details relating to an offense may be submitted to the LNB Privacy Officer (with personal identification info omitted) as needed to approve Level 2 listed volunteers.
* Volunteers who have already submitted an approved CRC must perform volunteer duties to remain active every year, and must submit an Offense Declaration annually for up to 3 additional years at which time they must re-submit a fresh CRC. It is not necessary to provide a CRC annually, unless at the request of the LNB member club.
* In order for a volunteer to remain "active" they must be LNB registered and complete an offense declaration every year. At the end of the year the LNB member club should review all volunteers in their organization. They should make ‘inactive’ any volunteer who has not worked during the past year. Should this volunteer wish to return to volunteer duties the next year, they will need to provide an updated CRC to the Local Privacy Officer for approval.