

SCREENING EMPLOYEES AND VOLUNTEERS

INTRODUCTION

1. It is RCA's policy to screen coaches and any other persons applying for volunteer or paid positions in order to protect members and staff from those who abuse others, verbally or physically.
2. Provincial Rowing Associations and Member Rowing Clubs are advised to adopt a similar policy as a means of protecting members by excluding those people who might pose a risk to members. The majority of abuse victims suffer at the hands of someone they know and trust, not a stranger. That is why it is important to implement screening measures to help protect those who cannot protect themselves.
3. This policy statement addresses whom to screen and how to screen, including obtaining criminal checks. Decisions on the scope of the screening process should be made on the basis of the requirements of the position and not because of the personal characteristics of the applicant.
4. It also addresses acting on the results of the screening process and identifies certain related legal issues such as invasion of privacy, libel and slander.

Purpose of the screening process

5. The purpose of screening is to exclude those who, through the contact with members that the position will give them, might have an opportunity to do harm to those who are vulnerable. It follows that the screening measures will not be the same for all. They will depend on the potential risks posed by the particular position with the most rigorous screening procedures being applied to positions with the highest risk. The position may be a temporary one, such as a volunteer accompanying minors on an out of town trip. In assessing the risk posed by the position the following factors should be considered.

- Does the position involve regular contact with a vulnerable member? Examples of vulnerable members are children and those who might be inhibited from resisting or speaking out about harm being done to them for fear of the consequences for them, such as an athlete competing for a position in a crew.
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- Does the position provide power over others? Does it create a relationship of trust,

- dependency, authority or reliance?
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- Is the activity supervised - will there be other people around at all times to see the position holder and member together and have a chance to observe what is going on?
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- Are there any situations that may increase risk? e.g. shared rides or regattas away from the home club, particularly if they involve an overnight stay.
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6. All coaching positions should be subject to high level screening procedures, including criminal checks, as these are positions of trust and authority, with the most rigorous screening procedures being applied if they involve contact with under age rowers or the selection of crews for competition.

HOW TO SCREEN

7. Screening is a process that begins before anyone is interviewed for a position. It starts with the careful design of an appropriate job description. Risks associated with the position should be identified and minimized by incorporating a system of checks and balances, such as establishing reporting structures and supervisory responsibilities.

8. Potential applicants for a position should be told what to expect in the application process, e.g., that applicants will be screened by reference to previous employers and contacts, perhaps extensively and, where applicable, that a criminal record check is required. This allows people to screen themselves out. Pedophiles and others who wish to do harm often look to take advantage of organizations with lax or non-existent screening measures and little supervision that provide service to vulnerable people. The knowledge that extensive inquiries may be made about their past employment and volunteering responsibilities may act as a deterrent.

9. The application form itself is a screening tool and it is appropriate to ask specific, detailed and personal questions of an applicant, especially if the position is one of trust, as long as the information is essentially related to the position. One must be careful, both in application forms and during the interview, not to ask questions that are not pertinent to the position that is being filled, particularly if those questions deal with personal information and views, such as person's age. Such questions may even be illegal. You can consult your provincial Human Rights Commission to ensure compliance with the law. A candidate who does not get offered the position might claim that he or she was discriminated against on the basis of the answers to such questions.

10. While application forms provide information about a candidate's qualifications for a position, an interview process helps in assessing their suitability for the position. It is often useful to have more than one person conduct interviews and, if possible, to have different people conduct second interviews to provide a different perspective, to compare notes and



impressions and to ensure that the same answers were provided to the questions asked. Questions of a screening nature focus on an applicant's motivation for applying for the position. In the case of a volunteer it can be important to find out about the applicant's previous volunteer positions since high-risk volunteers frequently have a history of over-involvement in volunteer activities and are often quite open about their amount of involvement. Encouraging them to discuss (both on the application form, and during the interview) their previous experience may provide some helpful insight.

11. A useful interview technique is to avoid close-ended questions that can be answered with a simple 'yes' or 'no' - rather ask questions in a way that requires the applicant to provide a thoughtful and reasoned reply. Be alert for a reluctance to answer questions directly, attempts to steer the conversation away from certain subjects, inconsistencies in answers and poor interaction with the interviewer.

Reference Checks

12. References are a most important screening tool and must be followed up for the applicant who is to be offered an employment or volunteer position. They are used to verify the information that the applicant has provided as well as to obtain additional information about an applicant's character and performance. The position should not be offered to an applicant until all the desired reference checks have been completed. This is to avoid difficulties that might arise where the reference check provides negative information that would, if the offer was already made, cause it to be withdrawn.

13. The applicant should be asked to list all previous employers and to consent to any previous employers and any organizations in which the applicant has provided volunteer services being asked to provide a reference check. This is to avoid an applicant leaving out a previous employer whom he or she fears may give a negative reference. Look, therefore, for any gaps in the employment record. The omission of a previous employment or the refusal to consent to a certain previous employer providing a reference should be recognized as warning signs.

14. The number of references to follow up depends on the sensitivity of the position as described in "Purpose of the screening process" above. If the application is for a coaching position references should also be obtained from athletes whom the applicant has coached or from their parents in the case of minors. In certain cases it may also be desirable to get consent to speak to other members of a club that previously employed the applicant to ensure that the person named as a reference by the applicant was not selected for his or her naivety or sympathy towards the applicant.

15. References can be obtained in writing or orally. The advantage of speaking directly to a referee is that follow up questions can be asked in response to the answers given. It is best to ask open-ended questions to prompt a response beyond "yes" or "no".



16. Some sample questions are:

- How long have you known the applicant?
- In what capacity do you know him or her?
- How well do you know the applicant?
- What is your current relationship with the applicant?
- Please describe your experience with the applicant?
- How would you describe the applicant's personality and temperament and his or her integrity and honesty?
- What were the circumstances in which the applicant ceased employment or volunteer work?
- Were any complaints ever received about the applicant's behaviour and, if so, how were they resolved?

17. In the case of applicants for positions involving close contact with minors or athletes referees should be asked about how the individual interacts with minors and athletes and if they are aware of any inappropriate interaction or behaviour that might concern them. The questions should be probing and should include asking whether there is someone else in the organization to whom one should also speak. If the answer is yes the consent of the applicant should be obtained before talking to that other person.

18. A referee may be reluctant to provide information about a candidate or be guarded in responding to questions, particularly when an individual has gained a reputation for inappropriate behaviour without it ever having led to a criminal charge or perhaps even a complaint. Those consulted as references will properly wish to be careful in characterizing someone's behaviour without substantiating evidence, since to do so creates a risk of being sued for slander (spoken defamation) or libel (written defamation). It can be difficult to conduct a thorough reference check when reference givers are apprehensive about being candid.

Criminal Records Checks

19. A criminal record check can be obtained in all cases and should always be obtained for prospective employees or volunteers who will be working in direct contact with minors and athletes. The requirement for such a check should be included in the job description.

20. It is the responsibility of any applicant for the position requiring a check to provide a valid criminal record check. The criminal record check must be current; checks older than six months shall be considered invalid.

21. The Canadian Criminal Records Information Service (CCRIS) manages the central repository of criminal records information. The CCRIS also provides a variety of services related to criminal records.

Information is also available for applications within and outside of Canada. This will facilitate the process for any foreign applicants.



22. Instructions on how to obtain a *certified* criminal record check can be found on the CCRIS web page:

http://www.rcmp.ca/crimrec/crimrec_e.htm

23. The information received from a criminal record check has its limitations:

- a. it will not identify people who may have committed crimes but were never charged or convicted;
- b.
- c. it may not identify people who have had contact with the police in jurisdictions other than those in which the search is undertaken, nationally or internationally;
- d.
- e. it will include only information about convictions and not about charges laid or suspicion of criminal acts;
- f.
- g. it will not include information about crimes that have been pardoned, that are still before the courts or not yet recorded, or that were committed when the person was a juvenile.
- h.

The information obtained from a criminal record check must be assessed in relation to the position being filled.

Acting on the results of the screening process

24. When the screening process has produced clear evidence of unsuitability for the position a decision may be straightforward. However, the screening process, without producing such clear evidence, may have left a feeling of unease, an instinct that this person is not suitable for the position. That instinct may arise from impressions created during the interview or a sense that a referee was trying to convey a warning without making a specific statement. Such instincts should not be ignored, but it is necessary to identify a logical, defensible, reason for the concern. Excluding an individual from a volunteer or employment opportunity for reasons that are not relevant may result in legal action by the applicant. An essential step in ensuring that the decisions is fair and reasonable is to document the concern by relating it to observations during the screening process. If, it is felt that the applicant is evasive, record the questions he or she did not answer. Bring other people into the issue - other members of your organization, or references - to help in either hardening the feeling or dispelling it. This is one of the most difficult issues in screening and may present situations where the instinct and responsibility to protect members point in one direction while legal obligations point in another. The fundamental concern, however, is the protection of members.



LEGAL ISSUES

25. Personal information obtained during the screening process is confidential and there is potential legal liability if such information is made public. Even if something that is said is true, telling it to others like another staff member may still constitute an invasion of privacy that could result in a lawsuit. Such information, therefore, should be kept in a secure place with access limited to those responsible for hiring.

26. If asked to provide a reference for a former employee or volunteer one must first make sure that the person concerned has consented to your being a reference. The confirmation of factual statements made in a job application can be straightforward, but difficulties can arise when asked about a candidate's suitability for a position. On the one hand it is important that those who practice abusive behaviour be identified in order to protect others. On the other hand, negative comments could lead to legal action for defamation of character. In responding to such a request one should:

- ensure that one's statements are factually accurate;
- relate statements to the position applied for;
- identify opinions as such and ensure that they are based on verified facts, incidents or circumstances;
- avoid highly charged language; and
- only raise negative matters that were brought to the attention of the applicant and acted on by management.

A good guideline is not to write or say anything in providing a reference that you would not wish the applicant to see or hear.

27. In a written reference it is good practice to include a statement that the information is confidential and is provided at the request of the named applicant in connection with an application for the named position.

