



## CRIMINAL RECORD CHECK POLICY

All OMHA Members holding the title of team official (including but not limited to head coach, assistant coach, trainer, assistant trainer, manager) on-ice official\*, on-ice volunteer and anyone else determined by the Risk Assessment Tool which is contained in Appendix A shall be subject to a Criminal Record Check which includes the Vulnerable Sector Screening and a search of the National Sex Offender Registry.

Members with outstanding Criminal Code convictions or who have been charged with such offences that have not yet gone to trial but which will continue to be prosecuted, shall not be eligible to hold any position within the OMHA.

Offences which deem the member ineligible to participate in any capacity:

- Any sexual assault
- Any sexual intercourse
- Any invitation to sexual touching
- Any indecent acts and/or exposure
- Any making, distributing, possessing or sale of child pornography
- Any indictable criminal offence for child abuse
- Luring a child
- Voyeurism
- Any offence for trafficking and/or importing and /or possession for the purpose of trafficking of any drugs and/or narcotics
- Any production of a substance (specifically, as defined in the Controlled Drug and Substance Act – C.D.S.A.)
- Any other indictable criminal code offences such as murder, manslaughter, incest, abduction, extortion, perjury, bribery and influencing, explosive substances, arson related offenses, counterfeiting and conspiracy
- Any multiple offences related to impaired driving and /or care and control and/or drive over 80 milligrams.

Offences for which disqualification from participation is ten (10) years from the expiration of the penalty imposed by the courts. The member is eligible to apply for a hearing after this time.

Note – This is a reference only and not a complete list of applicable offenses:

- Assault with a weapon
- Assault causing bodily harm
- Aggravated assault

- Any current prohibitions or probation orders forbidding the individual from having contact with children under the age of 14
- Robbery
- Any other offences pertaining to violence whether or not involving weapons
- Any indictable criminal offences related to impaired driving and/or care and control and/or drive over 80 milligrams.

Offences for which disqualification from participation is three (3) years from the expiration of the penalty imposed by the courts, not the date of the charge or conviction. Note – This is a reference only and not a complete list of applicable offences:

- Assault
- Threatening
- Any possession of a substance (as defined in the Controlled Drug and Substances Act – CDSA)
- Any theft and /or fraud or related offence (applicable to a member while in a position of trust of finances)
- Any convictions pertaining to illegal substances other than for manufacture, distribution and/or trafficking
- Any firearm related offences (other than use of firearm in the commission of an offence, see above)
- Any other indictable criminal code offences such as break and enter, mischief, resisting and obstructing offences, dangerous driving, flight from police, failure to remain offences, criminal harassment and breaching orders and failing to comply offences.
- Multiple (non-indictable) offences for impaired driving from alcohol and/or drugs
- Any member that has two (2) or more offences with the previous ten (10) years is deemed ineligible
- Once a member has only one (1) offence in the past ten (10) years they may at their option apply for a hearing to request reinstatement in accordance with the Hearing Process
- Offences will expire after ten (10) years from the expiration of the penalty imposed by the courts (i.e. 2010 impaired, loss of licence and probation until 2011, expiration 2021)

Offences for which the member has to abide by specific criteria as a participant:

- For a first offence related to impaired driving and/or care and control and/or drive over 80 milligrams resulting in a summary conviction, the member may not drive and other participant to and from a sanctioned OMHA activity or event while the driver's licence is suspended.
- It is the obligation of any member subject to screening by virtue of this policy to advise their Association's Professional Designate responsible for screening of a charge or conviction under any offence listed in this Policy.

- The OMHA Member Partners shall be responsible for the collection and retention of Criminal Record Checks and Vulnerable Sector Screening and must be under the control of the Association's Professional Designate and secured in a safe storage area.

\*Criminal Record Checks and Vulnerable Sector Screening for all on-ice officials is the responsibility of the Ontario Hockey Federation.

Police Services will not do Vulnerable Sector Screening for individuals under 18 years of age.

Under the new Criminal Record Check Reform Act of Ontario individuals under the age of eighteen (18) cannot apply for a Criminal Record Check.

Criminal Record Checks and Vulnerable Sector Screening are valid for three (3) years.

### **OMHA CRIMINAL RECORD CHECK HEARING PROCESS**

Upon review of a registered member's Criminal Record Check/Vulnerable Sector Screening submission to the Member Association, if the member is deemed ineligible as per the OMHA Criminal Record Check Policy and therefore unable to participate as a team official, volunteer or anyone else deemed by the Risk Assessment Tool, they will be notified of such ineligibility in the form of a letter by the Association Professional Designate. The OMHA Professional Designate shall be notified of this ineligibility electronically.

The term of this ineligibility is based on a specific offence contained within the submission and time identified in the OMHA Criminal Record Check Policy.

The OMHA Professional Designate will determine the eligibility for a Hearing and will communicate this directly to the member.

If the registered member is eligible they will be given the opportunity to forward a letter of consideration to the President of the OMHA, requesting special dispensation from the application of the OMHA Criminal Record Check Policy.

Supporting documentation must be submitted to the OMHA prior to a hearing date and at the member's expense. Required documents, but not limited to:

- Police Reports (arrest report, general occurrence report regarding the incident)
- Court records (detail of actual conviction)
- Probation orders if applicable
- Parole orders if applicable
- Release documents

If a member is granted a hearing by the President or designate, a hearing will be arranged and the individual will be sent notification of the date, time and location of the hearing. The fee for

this hearing is \$200.00 and payment is to be received prior to the hearing. At the conclusion of the hearing, the Panel will render its decision in writing and forward it to the member with a copy to the OMHA and Association Presidents.

In the event that the member does not show for a hearing, the hearing will be dismissed, the member will be notified and the ineligibility will remain in effect pending a new hearing at the expense of the member.

The member would NOT be eligible to participate in any OMHA activity or event until such time a decision is made through this hearing process.