



Fairness and Safety in Sport Policy

1) Definitions

- a) In this policy,
 - i) Amateur competitive means a sport or sport discipline where:
 - (a) an athlete's primary focus for participation is on development, such as providing competitive experience, skill improvement, and opportunities for active participation; and
 - (b) an athlete seeks personal or team excellence, measures performance against others and/or seeks opportunities for advancement.
 - ii) Applicant means one of the following individuals who submits a confidential challenge to an athlete's eligibility to participate in a relevant sport:
 - (a) Athlete;
 - (b) parent or guardian of an athlete if the athlete is under 18 years of age;
 - (c) team manager of athlete; and
 - (d) coach of athlete.
- b) Athlete means a participant registered in a relevant sport.
- c) Birth registration document means a birth registration document as defined in the Vital Statistics Act or a similar document issued outside of Alberta that contains the following information respecting an athlete:
 - i) full name of the athlete;
 - ii) date and place where the birth of the athlete occurred; and
 - iii) the sex of the athlete.
- d) Relevant sport means an amateur competitive sport or sport discipline governed, regulated, coordinated, promoted or sponsored by Softball Alberta.
- e) Female-only league, class or division means a league, class or division of a relevant sport intended to consist entirely of individuals whose sex at birth is female.
- f) Sex at birth means the sex of an individual that appears on the athlete's birth registration document.
- g) Association – the Alberta Amateur Softball Association, also known as Softball Alberta.

2) Purpose

- a) The purpose of this policy is the promotion of fairness and safety in sport, by addressing matters of eligibility to participate in softball in accordance with the Government of Alberta's Fairness and Safety in Sport Act (the Act) and Fairness and Safety in Sport Regulation (the Regulation).

3) Application

- a) This policy only applies to participation in a relevant sport by athletes who are ages 12 and older.

4) Athlete Eligibility

- a) To participate in a female-only league, class or division of a relevant sport, an athlete must be of the female sex at birth.

5) Confirmation of Athlete Eligibility

- a) Before an athlete may participate in a relevant sport, an athlete (or their parent or guardian if the athlete is under 18 years of age) must confirm in writing through the registration process with Softball Alberta, that they understand and meet the eligibility criteria set out in section 4 of this policy.
- b) Failure of an athlete (or their parent or guardian if the athlete is under 18 years of age) to confirm their eligibility in writing with Softball Alberta will render the athlete ineligible to participate.

6) Confidential Challenge to Athlete Eligibility

- a) A confidential challenge may be submitted by an applicant if there are reasonable grounds to believe that an athlete is ineligible under section 4 of this policy.
- b) A confidential challenge must be made in writing and sent to the attention of Executive Director with Softball Alberta at inquiry@softballalberta.ca.
- c) A confidential challenge to an athlete's eligibility must include:
 - i) the name of the applicant;
 - ii) the name of the athlete, their club/team and sport; and
 - iii) information that supports the grounds for the challenge.

7) Verification of Athlete Eligibility

- a) Upon receipt of a confidential challenge to an athlete's eligibility under section 4 of this policy, Softball Alberta, will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within 3 business days.

- b) Softball Alberta may dismiss the challenge if, in the opinion of Softball Alberta reasonable grounds do not exist for the challenge. Upon dismissal of the challenge, the applicant will be notified by Softball Alberta and may be subject to sanctions under section 9 of this policy. Softball Alberta will notify the Minister of Tourism and Sport of the dismissal, without personal identifying information, within 30 business days of the challenge.
- c) If Softball Alberta does not dismiss the challenge under section 7(b) of this policy:
 - i) the applicant and the athlete whose eligibility is the subject of the challenge will be notified that the challenge is moving forward; and
 - ii) the athlete's whose eligibility is the subject of the challenge (or their parent or guardian if the athlete is under the age of 18) will be required to provide Softball Alberta with a copy of the athlete's birth registration document.
- d) Failure to provide the birth registration document as defined in the Vital Statistics Act or similar document issued outside of Alberta to Softball Alberta will render the athlete ineligible to participate in a relevant sport.

8) Resolution

- a) Once the birth registration document is received, Softball Alberta will verify the athlete's eligibility under section 4 of this policy.
- b) If the challenge is upheld and the athlete is determined to be ineligible, Softball Alberta will notify the applicant and athlete whose eligibility has been challenged. The athlete will be permanently ineligible for participation in a female-only league, class or division of a relevant sport.
- c) If the challenge is dismissed and the athlete is determined to be eligible, Softball Alberta will notify the applicant and the athlete whose eligibility has been challenged. The athlete will be permanently eligible for participation in a female-only league, class or division of a relevant sport.
- d) Upon a determination under section 8(b) or 8(c) of this policy, Softball Alberta will notify the Minister of Tourism and Sport of the decision, without personal identifying information, within 30 business days of the challenge.

9) Invalid Challenge

- a) Pursuant to section 7(b) of this policy, Softball Alberta may determine that reasonable grounds do not exist for a challenge, including but not limited to where:
 - i) Softball Alberta has previously resolved a challenge for the same athlete;
 - ii) Not enough information has been provided to proceed as a valid challenge; or
 - iii) The challenge is deemed to have been made in bad faith.
- b) Factors relevant to determining whether a challenge, dismissed under section 7(b) of this policy, was made in bad faith and merits appropriate sanctions for the applicant include, without limitation:
 - i) The applicant's prior history;
 - ii) A pattern of inappropriate behavior or numerous unfounded challenges under this policy; and
 - iii) The ages of the athletes involved.
- c) Sanctions for an applicant may include, without limitation:
 - i) A written warning; and
 - ii) A determination that the applicant has violated Softball Alberta Code of Conduct, where applicable.

10) Appeals

- a) The applicant may appeal to the board of Softball Alberta a dismissal of a challenge under section 7(b) of this policy.

11) Protection of Personal Information

- a) All information and data relating to the athlete will be treated as sensitive personal information and will be processed as such in accordance with applicable data protection and privacy laws. Such information and data will not be used for any purpose other than to determine athlete eligibility.

12) Assistance with this Policy

- a) Softball Alberta is committed to the participation of all athletes in accordance with the athlete eligibility requirements set out in this policy. Any individuals seeking information on the application of this policy should contact Executive Director of Softball Alberta at inquiry@softballalberta.ca for assistance.
- b) Any individuals seeking information on the application of the Government of Alberta's Act and Regulation may contact the Ministry of Tourism and Sport at SPAR@gov.ab.ca for assistance.

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