Administrative Procedure 318
Students

Fairness and Safety in Sport

Background

1. *The purpo*se of this policy is the promotion of fairness and safety in sport, by addressing matters of eligibility to participate in a relevant sport in accordance with the Government of Alberta's *Fairness and Safety in Sport Act (*the *"Act"),* and its regulations.

Definitions

2. In this policy,

(a) "amateur competitive" means a sport or sport discipline where:

(i) an athlete's primary focus for participation is on development, such as providing competitive experience, skill improvement, and opportunities for active participation; and

(ii) an athlete seeks personal or team excellence, measures performance against others and/or seeks opportunities for advancement.

(b) "applicant" means one of the following individuals who submits a confidential challenge to an athlete's eligibility to participate in a relevant sport:

(i) athlete;

(ii) parent or guardian of an athlete if the athlete is under 18 years of age;

(iii) team manager of athlete; and

(iv) coach of athlete.

(c) "athlete" means a participant registered in a relevant sport.

(d) "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.

(e) "Board" is the Board of STEM Collegiate Canada Society.

(f) "Principal" is the principal of STEM Collegiate, as designated from time to time.

(g) "relevant sport" means an amateur competitive sport or sport discipline governed, regulated, coordinated, promoted or sponsored by STEM Collegiate Canada Society.

(h) "sex at birth" means the sex of an individual that appears on the athlete's birth registration document.

Application

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

Athlete Eligibility

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

Confirmation of Athlete Eligibility

5(1) 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 STEM Collegiate that they understand and meet the eligibility criteria set out in section 4 of this policy.

5(2) 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 the STEM Collegiate will render the athlete ineligible to participate.

Confidential Challenge to Athlete Eligibility

6(1) 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.

6(2) A confidential challenge must be made in writing and sent to the STEM Collegiate at challenge@stemcollegiate.ca

6(3) A confidential challenge to an athlete's eligibility must include:

(a) the name of the applicant;

(b) the name of the athlete, their club/team and sport; and

(c) information that supports the grounds for the challenge.

Verification of Athlete Eligibility

7(1) Upon receipt of a confidential challenge to an athlete's eligibility under section 4 of this policy, the Principal will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within 3 business days.

7(2) STEM Collegiate may dismiss the challenge if, in the opinion of the Principal, reasonable grounds do not exist for the challenge. Upon dismissal of the challenge, the

applicant will be notified by the Principal and may be subject to sanctions under section 9 of this policy. The Principal will notify the Minister of Tourism and Sport of the dismissal, without personal identifying information, within 30 business days of the challenge.

7(3) If STEM Collegiate does not dismiss the challenge under section 7(2) of this policy:

(a) the applicant and the athlete whose eligibility is the subject of the challenge will be notified that the challenge is moving forward; and

(b) 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 STEM Collegiate with a copy of the athlete's birth registration document.

7(4) Failure to provide the birth registration document as defined in the Vital Statistics Act or similar document issued outside of Alberta to the STEM Collegiate will render the athlete ineligible to participate in a relevant sport.

Resolution

8(1) Once the birth registration document is received, the Principal will verify the athlete's eligibility under section 4 of this policy.

8(2) If the challenge is upheld and the athlete is determined to be ineligible, the Principal 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.

8(3) If the challenge is dismissed and the athlete is determined to be eligible, the Principal 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.

8(4) Upon a determination under section 8(2) or 8(3) of this policy, the Principal will notify the Minister of Tourism and Sport of the decision, without personal identifying information, within 30 business days of the challenge.

Invalid Challenge

9(1) Pursuant to section 7(2) of this policy, the Principal may determine that reasonable grounds do not exist for a challenge, including but not limited to where:

(a) STEM Collegiate has previously resolved a challenge for the same athlete;

(b) Not enough information has been provided to proceed as a valid challenge; or

(c) The challenge is deemed to have been made in bad faith.

9(2) Factors relevant to determining whether a challenge, dismissed under section 7(2) of this policy, was made in bad faith and merits appropriate sanctions for the applicant include, without limitation:

(a) The applicant's prior history;

(b) A pattern of inappropriate behavior or numerous unfounded challenges under this policy; and

(c) The ages of the athletes involved.

9(3) Sanctions for an applicant may include, without limitation:

(a) A written warning; and

(b) A determination that the applicant has violated STEM Collegiate's Code of Conduct, where applicable.

Appeals

10 The applicant may appeal to the Board of the for a dismissal of a challenge under section 7(2) of this policy.

Protection of Personal Information

11 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.

Assistance with this Policy

12(1) STEM Collegiate 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 challenge@stemcollegiate.ca for assistance.

12(2) Any individuals seeking information on the application of the Act and its regulations may contact the Ministry of Tourism and Sport at SPAR@gov.ab.ca for assistance.