



FAIRNESS AND SAFETY IN SPORT

Background

Board Policy 10: *Board Delegation of Authority* directs the Superintendent to develop Administrative Procedures to fulfill Board obligations created by any federal or provincial legislation other than the *Education Act*. The purpose of this Administrative Procedure is to align Holy Spirit Catholic School Division with the *Fairness and Safety in Sport Act*, which exists for 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 *Fairness and Safety in Sport Regulation* (the Regulation)

Definitions

"amateur competitive" means a sport or sport discipline where in this Administrative Procedure:

- 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.

"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.

"athlete" means a participant registered in a relevant sport.

"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.

“relevant sport” means an amateur competitive sport or sport discipline governed, regulated, coordinated, promoted, or sponsored by Holy Spirit Catholic School Division.

“sex at birth” means the sex of an individual that appears on the athlete’s birth registration document.

Procedures

A. Application

1. This Administrative Procedure only applies to participation in a relevant sport by athletes who are ages 12 and older.

B. Athlete Eligibility

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

C. Confirmation of Athlete Eligibility

3. 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 athletic registration process within Holy Spirit Catholic School Division, that they understand and meet the eligibility criteria set out in section 2 of this Administrative Procedure.
4. 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 Holy Spirit Catholic School Division will render the athlete ineligible to participate.

D. Confidential Challenge to Athlete Eligibility

5. A confidential challenge may be submitted by an applicant if there are reasonable grounds to believe, according to the language and definitions of the *Fairness and Safety in Sport Act*, that an athlete is ineligible under section 4 of this Administrative Procedure. Only a parent of a student who is already participating in a female-only extracurricular competitive athletic activity may challenge the eligibility of another student to participate in the same female-only extracurricular competitive athletic activity.
6. A confidential challenge must be made in writing and sent to Holy Spirit Catholic School Division through the ATIA (FOIP) Coordinator.
7. 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, aligned with the language

and definitions of the *Fairness and Safety in Sport Act*.

E. Verification of Athlete Eligibility

8. Upon receipt of a confidential challenge to an athlete's eligibility under section 4 of this Administrative Procedure, Holy Spirit Catholic School Division will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within 3 business days.
9. Holy Spirit Catholic School Division may dismiss the challenge if, in the opinion of Holy Spirit Catholic School Division, reasonable grounds do not exist for the challenge. Upon dismissal of the challenge, the applicant will be notified by Holy Spirit Catholic School Division. Holy Spirit Catholic School Division will notify the Minister of Tourism and Sport of the dismissal, without personal identifying information, within 30 business days of the challenge.
10. If Holy Spirit Catholic School Division does not dismiss the challenge under section 7 of this Administrative Procedure:
 - (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 Holy Spirit Catholic School Division with a copy of the athlete's birth registration document.
11. Failure to provide the birth registration document as defined in the *Vital Statistics Act* or similar document issued outside of Alberta to Holy Spirit Catholic School Division will render the athlete ineligible to participate in a relevant sport.

F. Resolution

12. Once the birth registration document is received, Holy Spirit Catholic School Division will verify the athlete's eligibility under section 2 of this Administrative Procedure.
13. If the challenge is upheld and the athlete is determined to be ineligible, Holy Spirit Catholic School Division 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.
14. If the challenge is dismissed and the athlete is determined to be eligible, Holy Spirit Catholic School Division 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.
15. Upon a determination under sections 12 to 15 of this Administrative Procedure, Holy Spirit Catholic School Division will notify the Minister of Tourism and Sport of the decision, without personal identifying information, within 30 business days of the challenge

G. Invalid Challenge

16. Pursuant to section 7 of this Administrative Procedure, Holy Spirit Catholic School Division may determine that reasonable grounds do not exist for a challenge, including but not limited to where:
 - (a) Holy Spirit Catholic School Division 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.
17. Factors relevant to determining whether a challenge, dismissed under sections 8-11 of this Administrative Procedure, 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 Administrative Procedure; and
 - (c) The ages of the athletes involved.

H. Appeals

18. The applicant may appeal to the Superintendent a dismissal of a challenge under sections 8 to 11 of this Administrative Procedure within 14 days of the resolution.

I. Protection of Personal Information

19. 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.

J. Assistance with this Administrative Procedure

20. Holy Spirit Catholic School Division is committed to the participation of all athletes in accordance with the athlete eligibility requirements set out in this Administrative Procedure. Any individuals seeking information on the application of this Administrative Procedure should contact the Holy Spirit ATIA (FOIP) Coordinator for assistance.
21. 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.

References ***Education Act,***
 Fairness and Safety in Sport Act,
 Fairness in Safety and Sport Regulation