

CODE: HOA.AR**EFFECTIVE DATE:** (18-12-2025)**TOPIC:** Fairness and Safety in Sport**ISSUE DATE:** (18-12-2025)**REVIEW YEAR:** (2032)

OBJECTIVE

In accordance with the Government of Alberta's *Fairness and Safety in Sport Act* and the Government of Alberta's Fairness and Safety in Sport Regulation, the purpose of this administrative regulation is the promotion of fairness and safety in sport, by addressing matters of eligibility to participate in a relevant sport.

DEFINITIONS

Adequate grounds for a challenge, for the purpose of this administrative regulation, means that the Division's Fairness and Safety in Sport Confidential Challenge form is complete, and the challenge is determined not to have been made in bad faith.

Amateur competitive means a sport or sport discipline where:

- An athlete's primary focus for participation is on development, such as providing competitive experience, skill improvement and opportunities for active participation.
- 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:

- An athlete who is 18 years of age or older or an independent student who participates in the same league, class or division of a female-only relevant sport.
- A parent of another athlete who is younger than 18 years of age, in the same league, class or division of a female-only relevant sport.
- A manager or coach of a team in the same league, class or division of a female-only relevant sport.

Athlete means a student participating in a league, class or division of a relevant sport that is addressed under the *Fairness and Safety in Sport Act* and its associated regulation.

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:

- Full name of the athlete.
- Date and birthplace of the athlete.
- The sex of the athlete.

Challenge means a procedure by which an individual's eligibility to participate in a relevant sport may be challenged, as set out in Section 1(c) of the Fairness and Safety in Sport Regulation.

Class, for the purpose of this administrative regulation, refers to a category or division for competition or a measure of an athlete's skill level. This does not include physical education courses.

Female-only league, class or division, as defined by Section 3(1)(a) of the Fairness and Safety in Sport Regulation, means a league, class or division of a relevant sport intended to consist entirely of individuals whose sex at birth is female.

Relevant sport means an amateur competitive sport or sport discipline governed, regulated, coordinated, promoted or sponsored by an organization included in the Government of Alberta's Fairness and Safety in Sport Regulation Schedule.

Parent refers to an individual as defined in the *Education Act*, S.A. 2012, c.E-0.3, as amended from time to time.

Sex at birth, as defined by Section 3(1)(b) of the Fairness and Safety in Sport Regulation, means the sex of an individual that appears on the individual's birth registration document.

RESPONSIBILITY

1. The Superintendent or designate is responsible to:
 - a. Implement and update as necessary the process for athlete eligibility, outlined in Section B of this regulation.
 - b. In cases when a challenge is made to an athlete's eligibility:
 - i. Implement and update as necessary the process to support the review of a challenge to an athlete's eligibility in a female-only league, class or division of a relevant sport.
 - ii. Determine whether adequate grounds for the challenge exist.
 - iii. When required, as outlined in Sections D and E of this regulation, notify:
 1. The applicant.
 2. In cases when an athlete is an independent student or a student 18 years of age or older, the athlete whose eligibility is the subject of challenge.
 3. In cases when an athlete is not an independent student or a student 18 years of age or older, the parent of the athlete whose eligibility is being challenged.
 4. The Minister of Tourism and Sport.

REGULATION

This administrative regulation only applies to athletes who are 12 years of age or older participating in a female-only league, class or division of a relevant sport, as set out in the *Fairness and Safety in Sport Act* and its associated regulation.

A. ATHLETE ELIGIBILITY

1. As directed by the *Fairness and Safety in Sport Act* and its associated regulation, to participate in a female-only league, class or division of a relevant sport, an athlete must be of the female sex at birth.

B. CONFIRMATION OF ATHLETE ELIGIBILITY

1. Before an athlete may participate in a relevant sport, including any try-outs and/or practices, the parent must confirm in writing through the Division's Fairness and Safety in Sport Confirmation form that:
 - a. They understand the eligibility requirement.
 - b. Their child meets the eligibility requirement, as set out in the *Fairness and Safety in Sport Act* and its associated regulation.

2. Before an independent student or a student 18 years of age or older may participate in a relevant sport, the student must confirm in writing through the Division's Fairness and Safety in Sport Confirmation form, that they:
 - a. Understand the eligibility requirement.
 - b. Meet the eligibility requirement, as set out in the *Fairness and Safety in Sport Act* and its associated regulation.
3. Failure to confirm their eligibility through the completed and returned Division's Fairness and Safety in Sport Confirmation form to the school will render the athlete ineligible to try-out, practice and play.

C. CONFIDENTIAL CHALLENGE TO ATHLETE ELIGIBILITY

1. In accordance with the *Fairness and Safety in Sport Act* and its associated regulation, a confidential challenge may be submitted by an applicant, as defined in this administrative regulation, if there are adequate grounds to believe that an athlete is ineligible under Section A of this regulation.
2. A confidential challenge must be made in writing using the Division's Fairness and Safety in Sport Confidential Challenge form and submitted to the Superintendent or designate.
3. A confidential challenge to an athlete eligibility must include:
 - a. The name of the challenger, name of the school the challenger's child attends, contact information and confirmation of their eligibility as a challenger.
 - b. The name of the athlete whose eligibility is being challenged, name of athlete's school and relevant sport.
 - c. Rationale that supports the grounds for challenging an athlete's eligibility.

D. VERIFICATION OF ATHLETE ELIGIBILITY

1. In accordance with the *Fairness and Safety in Sport Act* and its associated regulation, upon receipt of a confidential challenge to an athlete's eligibility under Section A of this regulation, the Superintendent or designate will confirm receipt and notify the Minister of Tourism and Sport, without providing any personal identifying information, within three business days.
2. The Superintendent or designate will review the submitted challenge to determine if there is sufficient information for it to move forward or if it will be dismissed.
 - a. This review may require information from the school principal.
 - b. This review may require information from the challenger.
3. The challenge will be dismissed if there is insufficient information provided or inadequate grounds for the challenge.
 - a. Upon the dismissal of a challenge, the challenger will be notified by the Superintendent or designate using the Division's Fairness and Safety in Sport Dismissal Notification.
 - b. The Superintendent or designate will also notify the Minister of Tourism and Sport of the dismissal, without including any personal identifying information, within 30 business days of the challenge.
4. If the Superintendent or designate determines that the challenge has adequate grounds to move forward, under Section D(2) of this regulation:

- a. The Superintendent, or designate, will notify the athlete's school principal and the challenger that the challenge is valid to proceed
 - b. The school principal will then notify:
 - i. In cases when an athlete is an independent student or a student 18 years of age or older, the athlete whose eligibility is the subject of challenge.
 - ii. In cases when an athlete is not an independent student or a student 18 years of age or older, the parent of the athlete whose eligibility is the subject of the challenge.
 - iii. In the case of an athlete who is an independent student or a student 18 years of age or older, parental notification is not required.
 - c. As part of notification, the principal will inform the parent of the required provincial verification process.
 - i. The parent of the athlete (or the student, if the student is independent or 18 years of age or older) is required to provide the Superintendent or designate with a copy of the athlete's birth registration document as defined in the *Vital Statistics Act* or similar document issued outside of Alberta.
 1. The Superintendent or designate will support parents who need to apply for a birth registration document.
5. Throughout the verification process, an athlete remains eligible to fully participate in a female-only league, class or division of a relevant sport.
 6. Failure to provide, or the parent's decision not to participate in the verification process by providing, the birth registration document, as defined in the *Vital Statistics Act* or similar document issued outside of Alberta to the Superintendent or designate will render the athlete ineligible to participate in any female-only league, class or division of a relevant sport.

E. RESOLUTION

1. Once the birth registration document, or equivalent, is received, the Superintendent or designate will verify the athlete's eligibility under Section A of this regulation.
 - a. If the challenge is upheld and the athlete is determined to be ineligible, the Superintendent or designate will notify the parent of the athlete whose eligibility has been challenged and the principal. At this time, the principal will inform the athlete whose eligibility has been challenged that they are no longer eligible to participate. The athlete will be permanently ineligible for participation in any female-only league, class or division of a relevant sport.
 - b. If the challenge is dismissed and the athlete is determined to be eligible, the Superintendent or designate will notify the parent of the athlete whose eligibility has been challenged and the principal. The principal will confirm with the athlete whose eligibility has been challenged that they are eligible to continue their participation. The athlete will be permanently eligible for participation in any female-only league, class or division of a relevant sport, notwithstanding any future challenges.
2. Upon determination under Section E of this regulation, the Superintendent or designate will notify the Minister of Tourism and Sport of the decision, without providing any personal identifying information, within 30 business days of the challenge.

F. INVALID CHALLENGE

1. Pursuant to Section D(3) of this regulation, the Superintendent or designate may determine that a challenge is invalid including but not limited to where:
 - a. The Superintendent or designate has previously resolved a challenge for the same athlete.
 - b. Not enough information has been provided to proceed as a valid challenge.
 - c. The challenge is deemed to have been made in bad faith.
2. Factors relevant to determining whether a challenge, dismissed under Section D(3) of this regulation, was made in bad faith, may include without limitation:
 - a. The applicant's prior history of challenges or conduct.
 - b. A pattern of inappropriate behaviour or numerous unfounded challenges under the *Fairness and Safety in Sport Act* and its associated regulation.
 - c. The ages of the athletes involved renders the challenge invalid.

G. APPEALS

1. The applicant may appeal the dismissal of a challenge under Section D(3) of this regulation, in accordance with Board Policy AB.BP Dispute Resolution and Appeals and Administrative Regulation AB.AR Dispute Resolution and Appeals Processes.

H. PROTECTION OF PERSONAL INFORMATION

1. 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.
2. The Superintendent or designate will be responsible for retaining all records of challenges and the associated outcomes.

REFERENCES

AB.BP Dispute Resolution and Appeals
AB.AR Dispute Resolution and Appeals Processes
HFA.BP Sexual Orientation, Gender Identity and Gender Expression
HFA.AR Sexual Orientation, Gender Identity and Gender Expression
Access to Information Act
Education Act
Fairness and Safety in Sport Act
Fairness and Safety in Sport Regulation
Protection of Privacy Act