

Fairness and Safety in Sport Policy

Classification Governance	Table of Contents
	1 Purpose 1
	2 Scope 1
	3 Definitions 1
Approval Authority Board of Governors	4 Policy Statement 3
	5 Responsibilities 6
	6 Appendices 7
Implementation Authority Faculty of Kinesiology	7 Related Guidelines/Forms 7
	8 References 7
	9 History 7
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1 Purpose

This Policy fulfills the obligations of the Board set out in the Government of Alberta's [Fairness and Safety in Sport Act](#) and the [Fairness and Safety in Sport Regulation](#) for the promotion of fairness and safety in sport by addressing matters of eligibility to participate in University Sport Activities.

2 Scope

This Policy only applies to participants in Female-Only Leagues of Relevant University Sports as identified in **Appendix "A"**.

This Policy does not apply to:

- a) participants in any University Intramural Leagues;
- b) participants in Students' Union Club Sports; and
- c) participants in any Men's or Mixed Gender Leagues of a Relevant University Sport.

3 Definitions

In this policy:

- a) "Affected Athlete" means an Athlete whose eligibility to participate under this Policy has been Challenged.
- b) "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.
- c) “Athlete” means a participant registered in a Relevant University 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” means the Board of Governors of the University.
- f) “Business Day” means days that the University is open for business, excluding weekends and holiday closures.
- g) “Competitive Club Teams” means any sport governed, regulated, coordinated, promoted or sponsored by the University that competes in a non-U SPORTS or Canada West Universities Athletics Association (CWUAA) league.
- h) “Challenge” means a formal challenge to the eligibility of an Athlete to participate in a Relevant University Sport in a Female-Only League.
- i) “Female-Only League(s)” means a sport league, class, or division intended to consist entirely of individuals whose Sex at Birth is female.
- j) “Mixed League” means a sport league, class, or division intended to be open to all participants regardless of their Sex at Birth and participation is for individuals 12 years of age or older. Also referred to as “Open League”.
- k) “Relevant University Sport(s)” means any Amateur Competitive sport or sport discipline governed, regulated, coordinated, promoted or sponsored by the University.
- l) “Sex at Birth” means the sex of an individual that appears on an individual’s Birth Registration Document.
- m) “University” means the University of Calgary.
- n) “University Intramural Leagues” means any sport governed, regulated, coordinated, promoted or sponsored by the University, regardless of whether it is categorized as recreational or competitive and that compete only against other teams from the University.
- o) “Students’ Union Club Sports” means any sport governed, regulated, coordinated, promoted or sponsored by a Club registered with the University Students’ Union pursuant to the *Student Organization Registration Procedure*.
- p) “Varsity Teams” means any sport governed, regulated, coordinated, promoted or sponsored by the University that compete in leagues or competitions sanctioned by U SPORTS and / or the Canadian West Universities Athletic Association (CWUAA).

4 Policy Statement Eligibility Requirement

- 4.1** Eligibility to participate in a Female-Only League of a Relevant University Sport is restricted to Athletes whose Sex at Birth is female.

Confirmation of Eligibility Requirement

- 4.2** At the time of registration, Athletes in sports listed in Appendix “A” and who are 12 years of age and older must provide written confirmation of the following:
- a) they have read this Policy;
 - b) they understand the eligibility requirement set out at paragraph 4.1 of this Policy; and
 - c) they meet the eligibility requirement set out at paragraph 4.1 of this Policy.
- 4.3** The Athlete, or their parent or guardian if the Athlete is under 18 years of age, is required to submit a confirmation of eligibility using the prescribed form provided by the University.
- 4.4** An Athlete will not be eligible to participate in Female-Only Leagues of Relevant University Sports until the confirmation of eligibility is submitted.

Challenge to the Eligibility Requirement of an Athlete

- 4.5** A Challenge may only be submitted by the following individuals:
- a) an Athlete, head coach or assistant coach from the same team as the Athlete whose eligibility is being challenged;
 - b) a participant or a head coach from an Alberta team competing against the Athlete whose eligibility is being challenged; or,
 - c) an employee, independent contractor, or volunteer whose official duties relate to the same Female-Only League of a Relevant University Sport as the Athlete whose eligibility is being challenged.
- 4.6** The ability to Challenge an Athlete’s eligibility set out at paragraph 4.1 of this Policy is only available where there are reasonable grounds to believe that the Athlete being challenged does not meet the eligibility requirement outlined in this Policy.
- 4.7** A Challenge must:
- a) Be submitted in writing to the Director, Dinos Athletics, or delegate;
 - b) Identify the name of the individual who submitted the Challenge, contact information, and their ability to bring the challenge as outlined in paragraph 4.5 of this Policy;
 - c) Identify the name of the Affected Athlete and the name of the team the Affected Athlete participates in; and,
 - d) Provide the basis, including relevant information and evidence, for the belief that the Affected Athlete does not meet the eligibility requirement outlined in this Policy.

Challenge Process

- 4.8** Within 10 Business Days of receipt of a Challenge the Director, Dinos Athletics, or delegate, will determine whether to dismiss the Challenge or direct the Affected Athlete, or their parent or guardian if the Affected Athlete is under 18 years of age, to

provide the University with a copy of the Affected Athlete's Birth Registration Document.

- 4.9** A Challenge will be dismissed where there are no reasonable grounds for the Challenge based on the information provided with the Challenge. In determining whether there are reasonable grounds for the Challenge, the considerations may include, but are not limited to:
- a) Any prior Challenge outcome for the same Affected Athlete;
 - b) Any prior Challenge(s) made by the same individual who submitted the Challenge; or,
 - c) The information and evidence provided with the Challenge.
- 4.10** Failure to participate in good faith in the provision of the Birth Registration Document as directed may result in an Affected Athlete being found ineligible to participate in any Female-Only Sports Leagues of a Relevant University Sport until the Birth Registration Document is provided.
- 4.11** The University will address expenses incurred for ordering a Birth Registration Document required under this Policy as follows:
- a) For Canadian Birth Registration Documents, the University will either:
 - i. reimburse the Affected Athlete for the necessary expenses directly related to ordering a Birth Registration Document, upon submission of proof of payment; or,
 - ii. provide payment in advance for such expenses, based on reasonable documentation such as an invoice or official fee schedule.
 - b) For Birth Registration Documents required from jurisdictions outside of Canada, the University may, at its sole discretion, cover other reasonable fees associated with obtaining the document.
- 4.12** Upon receipt of the Affected Athlete's Birth Registration Document and within a reasonable time, the Director, Dinos Athletics, or delegate, will review and:
- a) if the Birth Registration Document indicates the Affected Athlete's Sex at Birth is female, the Director, Dinos Athletics, or delegate, will determine the Affected Athlete meets the eligibility requirement outlined in this Policy.
 - b) If the Birth Registration Document indicates the Affected Athlete's Sex at Birth is not female, the Director, Dinos Athletics, or delegate, shall determine that the Affected Athlete does not meet the eligibility requirement outlined in this Policy.
- 4.13** An Affected Athlete remains eligible to participate in any Female-Only League of Relevant University Sports until a decision of the Director, Dinos Athletics, or delegate, is made that the Affected Athlete does not meet the eligibility requirement pursuant to paragraphs 4.12(b) of this Policy.
- 4.14** A decision made under paragraph 4.12 of this Policy will be issued to the applicant and the Affected Athlete, or their parent or guardian if the Affected Athlete is under 18 years of age.
- 4.15** An Affected Athlete found to meet the eligibility requirement outlined in this Policy will be permanently eligible and able to participate in any Female-Only Leagues of Relevant University Sports.

- 4.16** An Affected Athlete found to not to meet the eligibility requirement outlined in this Policy will be permanently ineligible to participate in any Female-Only Leagues of Relevant University Sports.

Reconsideration of a Dismissal

- 4.17** A decision to dismiss a Challenge pursuant to paragraph 4.8 of this Policy may be reconsidered only where the individual who submitted the original challenge provides relevant new information that could not have been presented earlier and that in the opinion of the Dean of the Faculty of Kinesiology, or delegate, may have affected the original decision to dismiss.

- 4.18** All requests for reconsideration must:

- a) Be submitted to the Office of the Dean of Kinesiology within 10 Business Days after the date of receipt of the new information;
- b) Be submitted in writing;
- c) Attach the letter of decision that dismissed the initial Challenge;
- d) Identify:
 - i. the new information being relied upon;
 - ii. why the new information could not be provided with the initial Challenge;
 - iii. include why the new information is relevant to the determination of the Affected Athlete's eligibility; and,
 - iv. include any relevant supporting documentation.

- 4.19** Within 10 Business Days of receipt, a request for reconsideration will be reviewed by the Dean of Kinesiology, or delegate, to determine whether it will be denied or permitted to proceed.

- 4.20** The Dean of Kinesiology, or delegate, has authority to deny a request for reconsideration where:

- a) The individual who made the request for reconsideration is not the original applicant;
- b) The new information relied on is not relevant;
- c) The new information could have reasonably been presented earlier.

- 4.21** The decision to deny a request for reconsideration is final.

- 4.22** If the reconsideration request is permitted to proceed, the Challenge process will be re-opened and proceed as set out at paragraphs 4.8 through 4.16 of this Policy, as applicable, with the Dean of Kinesiology, or delegate, making the reconsideration decision.

- 4.23** A Challenge may only be reconsidered once, unless the Dean of Kinesiology, or delegate, determines that extraordinary circumstances warrant a second reconsideration.

Sanctions for Challenges made in Bad Faith

- 4.24** Where a Challenge or a reconsideration request may have been submitted in bad faith by a member of the University Community, the Dean of the Faculty of

Kinesiology, or delegate, will forward a complaint to be handled under the appropriate University policies, procedures, collective agreements or law.

- 4.25** Where a Challenge or a reconsideration request may have been submitted in bad faith by a participant or a head coach from an Alberta team competing against the Athlete whose eligibility is being challenged, the Dean of the Faculty of Kinesiology, or delegate, will forward a complaint that participant's or head coach's institution.
- 4.26** Nothing in the preceding two paragraphs shall operate to preclude an Affected Athlete from pursuing a course of action under applicable University policies, procedures, or any law in respect of a Challenge they believe was submitted in bad faith.

5 Records and Reporting

- 5.1** The privacy and confidentiality of those involved in a challenge to eligibility requirements under this Policy will be maintained. Information and data collected to make a determination of eligibility will be disclosed only as set out in this Policy and will be used for no other purpose than to determine an Athlete's eligibility under this Policy.
- 5.2** Records pertaining to the eligibility or a challenge to eligibility and any related decisions will be maintained in compliance with the University's Privacy Policy and record retention schedule and the *Alberta Access to Information Act* and *Protection of Privacy Act*. The University will not maintain a record of the Affected Athlete's Birth Registration Document.
- 5.3** University will report to the government as required under the [Fairness and Safety in Sport Act](#) and the [Fairness and Safety in Sport Regulation](#).

6 Responsibilities

- 6.1** The Faculty of Kinesiology will:
 - a) implement this Policy and the processes required in a respectful and timely manner; and,
 - b) obtain Confirmation of Eligibility during registration of Leagues identified in **Appendix "A"** as well as all documents pursuant to this Policy.
- 6.2** All Athletes, and their parents or guardians if the Athlete is under 18 years of age, who participate in Female-Only Leagues of Relevant University Sports will:
 - a) ensure they review and understand this policy;
 - b) ensure they only register to participate in Female-Only Leagues of Relevant University Sports if they meet the eligibility requirements;
 - c) complete a Confirmation of Eligibility in writing for Female-Only Leagues of Relevant University Sports; and,
 - d) comply with any direction issued pursuant to this Policy to verify their eligibility to participate in Female-Only Leagues of Relevant University Sports.
- 6.3** Individuals who submit a Challenge must not act in bad faith and only submit a Challenge or a request for reconsideration upon reasonable grounds. University Legal Services – Policy Office will publish this Policy on the University Policy website and the policy will be made available to any person upon request.

- 7 **Appendices** Appendix “A” – List of in-scope Relevant University Sports.

- 8 **Related
Guidelines/Forms** Confirmation of Eligibility to Participate as an Athlete in Relevant University Sports

- 9 **References** [*Fairness and Safety in Sport Act*](#)
 [*Fairness and Safety in Sport Regulation*](#)
 [*Vital Statistics Act*](#)

- 10 **History**

Appendix A

This Appendix may be subject to editorial revisions as Female-Only Leagues change.

Female-Only Leagues of Relevant University Sports at the University include the following Dinos Women's Sports:

WOMEN'S VARSITY SPORTS

- Women's Basketball
- Women's Cross Country
- Women's Curling
- Women's Field Hockey
- Women's Golf
- Women's Ice Hockey
- Women's Rugby 15s
- Women's Rugby 7s
- Women's Soccer
- Women's Swimming
- Women's Track & Field
- Women's Volleyball
- Women's Wrestling

WOMEN'S COMPETITIVE CLUB SPORTS

- Women's Fastball (softball)
- Women's Rowing
- Women's Skiing
- Women's Tennis