

Fairness and Safety in Sport Act Policy – Baseball Alberta

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 if the athlete is under 18 years of age;
 - c. Team manager of athlete; and
 - d. Coach of Athlete
 - e. Association President
- 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 discipline governed, regulated, coordinated, promoted or sponsored by Baseball 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 Baseball Association, also known as Baseball 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 baseball 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 Baseball 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 Baseball 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 Baseball Alberta at admin@baseballalberta.com.
- c. A confidential challenge to an athlete's eligibility must include:
 - i. the name of the applicant;
 - ii. the name of the athlete, their association/team and age category; 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, Baseball Alberta, will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within 3 business days.
- b. Baseball Alberta may dismiss the challenge if, in the opinion of Baseball Alberta reasonable grounds do not exist for the challenge. Upon dismissal of the challenge, the applicant will be notified by Baseball Alberta and may be subject to sanctions under section 9 of this policy. Baseball 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 Baseball 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 Baseball 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 Baseball Alberta will render the athlete ineligible to participate in a relevant sport.

8) Resolution

- a. Once the birth registration document is received, Baseball 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, Baseball 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, Baseball 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, Baseball 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, Baseball Alberta may determine that reasonable grounds do not exist for a challenge and may dismiss the challenge as invalid, including but not limited to where:
 - i. Baseball Alberta has previously resolved a challenge concerning the same athlete and no new, material information has been provided;
 - ii. The applicant has failed to provide sufficient information to establish reasonable grounds to proceed with the challenge; or
 - iii. The challenge is determined to have been made in bad faith.

- b. Bad Faith Challenges - A challenge may be deemed to have been made in bad faith where, in the reasonable opinion of Baseball Alberta, the challenge was submitted for an improper purpose, including but not limited to harassment, intimidation, retaliation, discrimination, or an attempt to gain a competitive advantage rather than to address legitimate eligibility concerns.

In determining whether a dismissed challenge was made in bad faith and whether sanctions are warranted, Baseball Alberta may consider the following non-exhaustive factors:

- i. The applicant’s prior history under this policy or other Baseball Alberta policies;
 - ii. A demonstrated pattern of inappropriate behavior or repeated unfounded challenges;
 - iii. The ages and vulnerability of the athletes involved;
 - iv. The nature and seriousness of the allegations made;
 - v. Any other relevant contextual factors
- c. Sanctions - Where Baseball Alberta determines that a challenge was made in bad faith, Baseball Alberta may impose sanctions on the applicant that are proportionate to the nature and seriousness of the conduct. Sanctions may include, without limitation:
 - i. A written warning;
 - ii. Mandatory education or training related to respectful conduct or policy compliance;
 - iii. A fine or administrative penalty deemed appropriate by the Executive Committee;
 - iv. Suspension or removal from a position of authority or privilege within Baseball Alberta, where applicable; and/or
 - v. A determination that the applicant has violated Baseball Alberta Code of Conduct, which may result in additional disciplinary action under the policy.

The imposition of sanctions under this section does not limit Baseball Alberta’s ability to take further action under any other applicable policy.

10) Appeals

- a. The applicant may appeal to the board of Baseball 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. Baseball 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 Baseball Alberta at admin@baseballalberta.com 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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