

Fairness and Safety in Sport Policy

1. Definitions

- (a) In this policy,
 - i. “amateur competitive” means a sport or sport discipline where:
 - 1. an athlete’s primary focus for participation is on development, such as providing competitive experience, skill improvement, and opportunities for active participation; and
 - 2. 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 basketball: Note for review; The listing of applicants is only an example of who may submit a challenge. ABA can adjust this section, as required.
 - 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 basketball.
 - i. This includes participants who reside outside of Alberta and are registered to participate in the sport of basketball in Alberta.
- (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) “basketball” means an amateur competitive sport or sport discipline governed, regulated, coordinated, promoted or sponsored by the Alberta Basketball Association.
- (f) “sex at birth” means the sex of an individual that appears on the athlete’s birth registration document.

2. Purpose

- 2.1.** The purpose of this policy is the promotion of fairness and safety in sport, by addressing matters of eligibility to participate in a basketball 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

- 3.1. This policy only applies to participation in a basketball by athletes who are ages 12 and older.

4. Athlete Eligibility

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

5. Confirmation of Athlete Eligibility

- 5.1. Before an athlete may participate in basketball, 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 Alberta

Basketball Association, 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 Alberta Basketball Association will render the athlete ineligible to participate.

6. 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 Alberta Basketball Association at commissioner@albertabasketball.ca.
- 6.3. A confidential challenge to an athlete's eligibility must include:
 - 6.3.1. the name of the applicant;
 - 6.3.2. the name of the athlete, their club/team and sport; and
 - 6.3.3. substantial information that supports the grounds for the challenge.

7. Verification of Athlete Eligibility

- 7.1. Upon receipt of a confidential challenge to an athlete's eligibility under section 4 of this policy, the Alberta Basketball Association will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within 5 business days.
- 7.2. Alberta Basketball Association may dismiss the challenge if, in the opinion of the Alberta Basketball Association reasonable grounds do not exist for the challenge.
 - 7.2.1. Upon dismissal of the challenge, the applicant will be notified by the Alberta Basketball Association and may be subject to sanctions under section 9 of this policy.
 - 7.2.2. The Alberta Basketball Association 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 the Alberta Basketball Association does not dismiss the challenge under section 7(2) of this policy:
 - 7.3.1. the applicant and the athlete whose eligibility is the subject of the challenge will be notified that the challenge is moving forward; and
 - 7.3.2. 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 Alberta Basketball Association with a copy of the athlete's birth registration document.
 - 7.3.3. Failure to provide the birth registration document as defined in the Vital Statistics Act or similar document issued outside of Alberta to the Alberta Basketball Association will render the athlete ineligible to participate in a basketball.
- 7.4. An athlete is eligible to compete throughout the verification process, unless otherwise stated in this policy.

8. Resolution

- 8.1. Once the birth registration document is received, the Alberta Basketball Association 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 Alberta Basketball Association will notify the applicant and athlete whose eligibility has been challenged.
 - 8.2.1. The athlete will be permanently ineligible for participation in a female-only league, class or division of a basketball.
- 8.3. If the challenge is dismissed and the athlete is determined to be eligible, the Alberta Basketball Association will notify the applicant and the athlete whose eligibility has been challenged.

8.3.1. The athlete will be permanently eligible for participation in a female-only league, class or division of a basketball.

8.3.1.1. Further or subsequent challenges to the athlete's eligibility will be deemed an invalid challenge as described in section 9 of this policy.

8.4. Upon a determination under section 8(b) or 8(c) of this policy, the Alberta Basketball Association 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

9.1. Pursuant to section 7(b) of this policy, the Alberta Basketball Association may determine that reasonable grounds do not exist for a challenge, including but not limited to where:

9.1.1. The Alberta Basketball Association has previously resolved a challenge for the same athlete;

9.1.2. Not enough information has been provided to proceed as a valid challenge; or

9.1.3. The challenge is deemed to have been made in bad faith.

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

9.2.1. The applicant's prior history;

9.2.2. A pattern of inappropriate behavior or numerous unfounded challenges under this policy; and

9.2.3. The ages of the athletes involved.

9.3. Sanctions for an applicant may include, without limitation:

9.3.1. A written warning; and

9.3.2. A determination that the applicant has violated the Alberta Basketball Association's Code of Conduct, where applicable.

9.3.3. Other sanctions that Alberta Basketball may deem appropriate

10. Appeals

10.1. The applicant and the athlete may appeal to the Alberta Basketball Association a dismissal of a challenge under section 7(b) of this policy.

10.2. Any appeal under this policy will be governed by the Alberta Basketball Association Appeals Policy

10.2.1. The conditions and procedures as outlined in the Alberta Basketball Association appeal policy – including the appeal fee, shall apply

11. Protection of Personal Information

11.1. 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.

12. Assistance with this Policy

12.1. The Alberta Basketball Association is committed to the participation of all athletes in accordance with the athlete eligibility requirements set out in this policy.

12.2. Any individuals seeking information on the application of this policy should contact info@albertabasketball.ca for assistance.

12.3. 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.