

## Fairness & Safety in Sport Policy

### Definitions

1. In this Policy,
  - a) “Act” has the meaning ascribed to it in Section 2
  - b) “amateur competitive sport” means a class, league, or division classified by Volleyball Alberta as “competitive” and includes:
    - i. During the Indoor Season,
      - A. Volleyball Alberta 13U -18U Age Class tournaments;
      - B. Team Alberta program;
      - C. Alberta Games;
      - D. Volleyball Alberta Adult tournaments;
    - ii. During the Beach Season,
      - A. VA Youth 13U-18U Age Class tournaments;
      - B. Team Alberta program;
      - C. Alberta Games; and
      - D. Volleyball Alberta Adult tournaments;
  - c) “applicable Club President” means the Club President of the club that an athlete whose eligibility is subject of a confidential challenge is currently registered in;
  - d) “athlete” means a participant aged 12 years or older who is registered in an amateur competitive sport governed, regulated, coordinated, or sanctioned by Volleyball Alberta;
  - e) “birth registration document” means a birth registration document as defined in the Alberta *Vital Statistic Act*, RSO 1990, c V.4 or a similar document issued outside of Alberta that contains the following information respecting an individual:
    - i. the full name of the individual;
    - ii. the date and place where the birth of the individual occurred; and
    - iii. the sex of the individual;
  - f) “board” means:

- i. the Volleyball Alberta Board of Directors; or
- ii. a delegate appointed by the Volleyball Alberta Board of Directors;
- g) “Certified Volleyball Clubs” has the meaning ascribed to it in the Volleyball Alberta Membership & Registrant Policy, as amended from time to time;
- h) “confidential challenge” means a challenge submitted in writing to the board by an eligible challenger who has reasonable grounds to believe an athlete is ineligible to participate in an amateur competitive sport under this Policy;
- i) “eligible challenger” has the meaning ascribed to it in Section 7;
- j) “Minister” means the Alberta Minister of Tourism and Sport;
- k) “Non-Certified Volleyball Clubs” has the meaning ascribed to it in the Volleyball Alberta Membership & Registrant Policy, as amended from time to time;
- l) “Registered Businesses” has the meaning ascribed to it in the Volleyball Alberta Membership & Registrant Policy, as amended from time to time;
- m) “Regulation” has the meaning ascribed to it in Section 2;
- n) “sex at birth” means the sex of an individual that appears on the athlete’s birth registration document.

#### Purpose

- 2. The purpose of this Policy is the promotion of fairness and safety in sport and to address matters of eligibility to participate in an amateur competitive sport, as required by the Government of Alberta’s *Fairness and Safety in Sport Act*, SA 2024, c F-2.5 (the “**Act**”) and *Fairness and Safety in Sport Regulation*, AR 124/2025 (the “**Regulation**”).

#### Application

- 3. This Policy only applies to participation in an amateur competitive sport by athletes who are ages 12 and older.

#### Athlete Eligibility

- 4. To participate in a female-only league, class or division of an amateur competitive sport, athletes ages 12 and older must be of the female sex at birth as reflected in their birth registration document.
- 5. Before athletes ages 12 and older may participate in an amateur competitive sport, an athlete (or their parent or guardian if the athlete is under 18 years of age) must confirm through the registration process with Volleyball Alberta that they understand and meet the eligibility requirement set out in Section 4 of this Policy.

### Confidential Challenge to Athlete Eligibility

6. A confidential challenge may be submitted by an eligible challenger if there are reasonable grounds to believe an athlete is ineligible to participate in an amateur competitive sport under this Policy.
7. The following classes of individuals are eligible to submit a confidential challenge to an athlete's eligibility to participate in an amateur competitive sport under this Policy (an "**eligible challenger**"):
  - a) During the Indoor Competitive Club Season, Club Presidents of:
    - i. Certified Volleyball Clubs;
    - ii. Non-Certified Volleyball Clubs; or
    - iii. Registered Businesses; and
  - b) During the Beach Competitive Season,
    - i. For Youth Beach Teams, the Registering Parent with respect to athletes registered on that Registering Parent's team; and
    - ii. For Adult Beach Teams, the individual who submitted the Adult Beach Team's registration, with respect to athletes registered on that individual's team.
8. A confidential challenge must be made in writing and sent to Volleyball Alberta at [conduct@volleyballalberta.ca](mailto:conduct@volleyballalberta.ca) and include:
  - a) the name of the eligible challenger;
  - b) the name of the athlete and their club/team; and
  - c) information and/or relevant documentation that supports the grounds for the confidential challenge.
9. The process of submitting a confidential challenge to the board is confidential and involves only the eligible challenger, the athlete whose eligibility is subject of the challenge (or their parent or guardian if the athlete is under the age of 18), the applicable Club President, and the board. Once initiated and until the board determines an athlete is not eligible under Section 15, no person will disclose information to any person not involved in the proceedings.
10. Compliance with confidentiality requirements in Section 9 are mandatory and any breach may result in disciplinary action in accordance with the Volleyball Alberta Discipline and Complaints Policy, as amended from time to time.
11. Within 3 business days of receiving a confidential challenge, the board will notify the Minister without providing any personal identifying information, as required under the Act and Regulation.

### Board's Assessment of a Confidential Challenge

12. Upon receipt of a confidential challenge, the board will assess the confidential challenge, and:
  - a) if, in the opinion of the board in its sole discretion, reasonable grounds do not exist for the confidential challenge, the board must dismiss the confidential challenge; or
  - b) if, in the opinion of the board in its sole discretion, reasonable grounds exist for the confidential challenge, the board may accept the confidential challenge.
13. For the purposes of Section 12.a), the board may determine that reasonable grounds do not exist for the confidential challenge including but not limited to where, in the opinion of the board:
  - a) the board has previously resolved a confidential challenge for the same athlete;
  - b) not enough information has been provided to proceed as a valid confidential challenge; or
  - c) the confidential challenge is deemed to have been made in bad faith.
14. Upon accepting a confidential challenge:
  - a) the board will notify
    - i. the eligible challenger;
    - ii. the athlete whose eligibility is subject of the confidential challenge (or their parent or guardian if the athlete is under the age of 18); and
    - iii. the applicable Club President;
  - b) the athlete whose eligibility is subject of the confidential challenge (or their parent or guardian if the athlete is under the age of 18) will be required to provide Volleyball Alberta with a copy of the athlete's birth registration document; and
  - c) once the birth registration document is received, Volleyball Alberta will verify the athlete's eligibility under Section 4 of this Policy.
15. If the confidential challenge is upheld and the athlete is determined to be ineligible under Section 4 of this Policy, Volleyball Alberta will notify the eligible challenger, the athlete whose eligibility has been challenged (or their parent or guardian if the athlete is under the age of 18) and the applicable Club President. The athlete will be ineligible for participation in a female-only league, class or division of an amateur competitive sport.
16. If the confidential challenge is not upheld and the athlete is determined to be eligible under Section 4 of this Policy, Volleyball Alberta will notify the eligible challenger, the athlete whose eligibility has been challenged (or their parent or guardian if the athlete is under the age of 18)

and the applicable Club President. The athlete will be permanently eligible for participation in a female-only league, class or division of an amateur competitive sport.

17. Within 30 business days of receiving a confidential challenge, the board will notify the Minister of any decisions regarding the confidential challenge without providing any personal identifying information, as required under the Act and Regulation.
18. For greater certainty:
  - a) an athlete whose eligibility is subject of a confidential challenge that is accepted by the board under Section 12.b) is eligible to continue to compete while the confidential challenge is being assessed by the board under Section 14;
  - b) the eligible challenger and applicable Club President must not take any steps to remove, bench, or otherwise reduce the athlete's participation in team or club activities while the confidential challenge is being assessed by the board under Section 14; and
  - c) if an athlete is determined to be ineligible under Section 4 of this Policy, there will be no changes to that athlete's former team or club ranking.

#### Confidential Challenges Made in Bad Faith

19. Where the board dismisses a confidential challenge under Section 12.a) because it was deemed to have been made in bad faith, the board may impose sanctions on the eligible challenger who submitted the confidential challenge.
20. Factors relevant to determining whether a confidential challenge dismissed under Section 12.a) was made in bad faith and merits appropriate sanctions for the eligible challenger include, without limitation:
  - a) confidential challenges based solely on an athlete's physical appearance or physical performance;
  - b) the eligible challenger's prior history;
  - c) a pattern of inappropriate behaviour or numerous unfounded confidential challenges by the confidential challenger (or its affiliates) under this Policy;
  - d) the ages of the athletes involved; and
  - e) whether the eligible challenger has complied with the confidentiality requirements set out in Section 9.
21. Sanctions for an eligible challenger imposed under Section 19 may include, without limitation, those set out in Section 45 of the Volleyball Alberta Discipline and Complaints Policy, as amended from time to time.

### Reconsideration of Challenge

22. An eligible challenger may submit a request for reconsideration of the dismissal of a confidential challenge under Section 12.a) only in circumstances where new supporting information is available. For further clarity, the board may reconsider, or rescind their initial decision where:
- a) information has become available that was not available at the time of the dismissal; or
  - b) there has been a palpable and overriding error in procedure.
23. An athlete (or their parent or guardian if the athlete is under the age of 18) may appeal any decision about that athlete's eligibility under Section 4 of this Policy in accordance with the Volleyball Alberta Appeals Policy, as amended from time to time.

### Sharing Information with the Minister

24. The following information will be shared by the board with the Minister, without providing any personal identifying information, as required under the Act and Regulation:
- a) On the request of the Minister, complaints submitted to Volleyball Alberta in writing relating to
    - i. the processes established under this Policy; and
    - ii. decisions made by the board under this Policy;
  - b) Once every 12 months,
    - i. any requests for the establishment of Volleyball Alberta mixed-gender or mixed-sex leagues, classes or divisions; and
    - ii. the establishment of Volleyball Alberta mixed-gender or mixed-sex leagues, classes or divisions.

### Protection of Personal Information

25. 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.

### Assistance with this Policy

26. Volleyball Alberta is committed to the participation of all athletes. Any individuals seeking information on the application of this Policy should contact [conduct@volleyballalberta.ca](mailto:conduct@volleyballalberta.ca) for assistance.

#### Approval, Review and Amendment

27. The board is responsible for reviewing and approving this Policy.
28. At its discretion, the board may appoint an *ad hoc* committee to provide recommendations regarding this Policy. This Policy will be reviewed every two years or as needed.
29. This Policy was approved by Volleyball Alberta and its board on August 29, 2025. The Policy will come into effect September 1, 2025 for the 2025-2026 Membership Year.