

1.0 POLICY STATEMENT

- 1.1 MacEwan University (“University”) provides a breadth of quality athletic programs of interest to its students that are infused with the values of excellence, gender equity, and academic integrity with opportunities to grow as a whole person. This policy promotes fairness and safety in sport.

2.0 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 Relevant Sport in accordance with the Government of Alberta’s *Fairness and Safety in Sport Act* (the “Act”) and Fairness in Safety and Sport Regulation (the “Regulation”).

3.0 APPLICABILITY

- 3.1 The policy only applies to participation in a Relevant Sport by Athletes who are ages 12 and older.

4.0 DEFINITIONS

Amateur Competitive

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; and, an Athlete seeks personal or team excellence, measures performance against others, or seeks opportunities for advancement.

Applicant

Any of the following individuals who submits a confidential challenge to an athlete’s eligibility to participate in a Relevant Sport: Athlete, parent or guardian of an Athlete if the Athlete is under 18 years of age, team manager of Athlete, and coach of Athlete.

Athlete

A participant registered in a Relevant Sport.

Birth Registration Document

The originating document for use in the registration of a birth, as defined in the Province of Alberta’s *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 place where the birth of the Athlete occurred; and, the sex of the Athlete.

Relevant Sport

An Amateur Competitive sports or sport discipline governed, regulated, coordinated, promoted, or sponsored by the University.

Sex at Birth

The sex of an individual that appears on the Athlete’s Birth Registration Document.

5.0 POLICY ELEMENTS

5.1 Athlete Eligibility

- 5.1.1 To participate in a female-only league, class, or division of a Relevant Sport, an Athlete must be of the female Sex at Birth.

5.2 Confirmation of Athlete Eligibility

- 5.2.1 Before an Athlete may participate in a Relevant Sport, an Athlete (or the Athlete's parent or guardian if the Athlete is under 18 years of age) must confirm in writing through the registration process with MacEwan University Athletics that the athlete understands and meets the eligibility criteria set out in section 5.1 of this policy.
- 5.2.2 Failure of an Athlete (or the Athlete's parent or guardian if the Athlete is under 18 years of age) to confirm eligibility in writing with MacEwan University Athletics will render the Athlete ineligible to participate.

5.3 Confidential Challenge to Athlete Eligibility

- 5.3.1 A confidential challenge may be submitted by an Applicant if there are reasonable grounds to believe that an Athlete is ineligible under section 5.1 of this policy.
- 5.3.2 A confidential challenge must be made in writing and sent to the University at athletics@macewan.ca.
- 5.3.3 A confidential challenge to an Athlete's eligibility must include:
 - 5.3.3.1 The name of the Applicant;
 - 5.3.3.2 The name of the Athlete, the athlete's club/team and sport; and,
 - 5.3.3.3 Information that supports the grounds for the challenge.

5.4 Verification of Athlete Eligibility

- 5.4.1 Upon receipt of a confidential challenge to an Athlete's eligibility under section 5.1 of this policy, the University will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within three (3) business days.
- 5.4.2 The University may dismiss the challenge if, in the opinion of the University, reasonable grounds do not exist for a challenge. Upon dismissal of the challenge, the Applicant will be notified by the University and may be subject to sanctions under section 5.6 of this policy. The University will notify the Minister of Tourism and Sport of the dismissal, without personal identifying information, within thirty (30) business days of the challenge.
- 5.4.3 If the University does not dismiss the challenge under section 5.4.2 of this policy:
 - 5.4.3.1 The Applicant and the Athlete whose eligibility is the subject of the challenge will be notified that the challenge is moving forward; and,
 - 5.4.3.2 The Athlete whose eligibility is the subject of the challenge (or the Athlete's parent or guardian if the Athlete is under 18 years of age) will be required to provide the University with a copy of the Athlete's Birth Registration Document.

- 5.4.4 Failure to provide the Birth Registration Document as defined in the *Vital Statistics Act* or similar document issued outside of Alberta to the University will render the Athlete ineligible to participate in a Relevant Sport.

5.5 Resolution

- 5.5.1 Once the Birth Registration Document is received, the University will verify the Athlete's eligibility under section 5.1 of this policy.
- 5.5.2 If the challenge is upheld and the Athlete is determined to be ineligible, the University will notify the Applicant and the 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.
- 5.5.3 If the challenge is dismissed and the Athlete is determined to be eligible, the University 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.
- 5.5.4 Upon determination under 5.5.2 or 5.5.3 of this policy, the University will notify the Minister of Tourism and Sport of the decision, without personal identifying information, within thirty (30) business days of the challenge.

5.6 Invalid Challenge

- 5.6.1 Pursuant to section 5.4.2 of this policy, the University may determine that reasonable grounds do not exist for a challenge, including but not limited to where:
- 5.6.1.1 The University has previously received a challenge for the same Athlete;
 - 5.6.1.2 Not enough information has been provided to proceed as a valid challenge; or,
 - 5.6.1.3 The challenge has been made in bad faith.
- 5.6.2 Factors relevant to determining whether a challenge, dismissed under section 5.4.2 of this policy, was made in bad faith and merits appropriate sanctions for the Applicant include, without limitation:
- 5.6.2.1 The Applicant's prior history;
 - 5.6.2.2 A pattern of inappropriate behaviour or numerous unfounded challenges made under this policy; and,
 - 5.6.2.3 The ages of the Athletes involved.
- 5.6.3 Sanctions for an Applicant may include, without limitation:
- 5.6.3.1 A written warning; and,

- 5.6.3.2 A determination that the Applicant has violated the University's Employee or Student Codes of Conduct, where applicable.

5.7 Appeals

- 5.7.1 The Applicant may appeal the dismissal of a challenge under section 5.4.2 of this policy to the University's Board of Governors within ten (10) business days. The appeal request must be made in writing and sent to the Office of the Provost & Vice-President, Academic for consideration.

5.8 Protection of Personal Information

- 5.8.1 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.

5.9 Assistance with this Policy

- 5.9.1 The University is committed to the participation of all Athletes in accordance with Athlete eligibility requirements set out in this policy. Any individuals seeking information on the application of this policy should contact athletics@macewan.ca for assistance.
- 5.9.2 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 SPRAR@gov.ab.ca for assistance.

6.0 RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Employee Code of Conduct
- Student Code of Conduct

7.0 ACCOUNTABILITY

Policy Sponsor

The Board of Governors

Responsible Office

Office of the Provost & Vice-President, Academic

9.0 HISTORY**Relevant Dates**

Approved: **25.12.18**

Effective: **25.12.18**

Next Review: **30.12**

Modification History

25.12.18: New policy approved by Board of Governors Motion#BOG-11-12-18-2025/26.