

Policy:	Fairness & Safety in Sport Policy
Adopted:	September 1, 2025
Current Board Approved Version:	August 29, 2025

## Preamble

1. This Policy has been mandated 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*, Alta Reg 124/2025 (the Regulation).

## Definitions

2. The following items have these meanings in this Policy:
  - a. "AAS" means Alberta Artistic Swimming.
  - b. "Affected Athlete" means an Athlete whose eligibility to participate in Competitive Program(s) has been Challenged under this Policy. Where an Athlete is under the age of majority, this shall include their Parent.
  - c. "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.
    - ii. An Athlete seeks personal or team excellence, measures performance against others and/or seeks opportunities for advancement.
    - iii. An Athlete is registered in the AAS Provincial Stream, AAS National Stream, Adaptive Artistic Swimming, or AAS Masters.
  - d. "Applicant" means an individual, over the age of majority, who is registered with AAS and who submits a confidential Challenge to an Affected Athlete's eligibility to participate in Relevant Sport.
  - e. "Athlete" means any individual participating in a competitive stream of artistic swimming who is registered with AAS.
  - f. "Bad Faith Challenge" means a complaint with malicious intent, or that is frivolous or vexatious.
  - g. "Birth Registration Document" means a birth registration document as defined in the Vital Statistics Act or a similar document issued outside of Alberta.
  - h. "CAS" means Canada Artistic Swimming.
  - i. "Challenge" means a formal, confidential challenge to the eligibility of an Athlete to participate in a Relevant Sport.
  - j. "Event" means Solos, Male Solos, Duets, Mixed Duets, Teams, Free Combination, and Acrobatic Routine as described in the CAS Rulebook.
  - k. "Executive Director" means the Executive Director of Alberta Artistic Swimming.
  - l. "Female-Only Relevant Sport" means an amateur competitive program intended to consist entirely of individuals whose sex at birth is female as stated in the Fairness and Safety in Sport Act and Regulations.
  - m. "Invalid Challenge" means that Reasonable Grounds do not exist, including but not limited to (a) the Affected Athlete's eligibility has been determined; (b) insufficient information has been provided by the Applicant; and/or (c) the Challenge has been deemed to be in bad faith.
  - n. "Minister" means the Minister of Sport and Tourism.
  - o. "Mixed Team" means a duet or team event of artistic swimming intended to consist of individuals of any sex.
  - p. "Parent" means a natural or adoptive parent or legal guardian of an Athlete or other individual registered with AAS.

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- q. "Relevant Sport" means an amateur competitive stream, including Provincial, National, Masters, and Adaptive Artistic Swimming, regulated, coordinated, promoted, sanctioned, or sponsored by AAS.
- r. "Reasonable Grounds" means grounds that are beyond an Athlete's athletic performance, physical appearance, or perceived gender expression.
- s. "Sex at Birth" means the sex of an individual that appears on the Athlete's Birth Registration Document/s.

## Purpose

3. This Policy was developed in accordance with 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*, Alta Reg 124/2025 (the Regulation). 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 Act and Regulation.

## Application

4. This Policy only applies to participation in a Relevant Sport by Athletes who are ages 12 and older by December 31 of the competition year.

## Exclusions

5.
  - a. Participation in a Relevant Sport by Athletes who are under 12 years of age by December 31 of the competition year.
  - b. Participation in a recreation program that does not compete in any of AAS sanctioned competitions.
  - c. Participation in a Novice program that does not compete in any of AAS sanctioned competitions.
  - d. Participation in an Adaptive Artistic Swimming program that does not compete in any of AAS sanctioned competitions.

## Athlete Eligibility

6. To participate in a Female-Only Relevant Sport, an Athlete's Sex at Birth must be female.

## Confirmation of Athlete Eligibility

7. Before an Athlete may participate in a Relevant Sport,
  - a. An Athlete, or the Parent of the Athlete if the Athlete is under the age of majority, are required to confirm that they understand and meet the **Athlete Eligibility** section of this Policy.
  - b. That confirmation should be written and submitted before the registration deadline of November 1.
  - c. An Athlete will be ineligible to participate in one of the Amateur Competitive streams if their written confirmation is not submitted via the registration system.

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## Challenge to Athlete Eligibility

8.

- a. A confidential Challenge may only be submitted by an Applicant who is an AAS Member as defined in the AAS Bylaws.
- b. A confidential Challenge may be submitted by an Applicant if there are Reasonable Grounds to believe that an Athlete is ineligible under the **Athlete Eligibility** section of this Policy.
- c. A confidential Challenge must be submitted in writing to only the Executive Director via their AAS email address.
- d. A confidential Challenge must include:
  - i. the name of the Applicant;
  - ii. the name of the Affected Athlete, their AAS Member Club, and Amateur Competitive Stream; and
  - iii. information that supports the Reasonable Grounds for the Challenge.

## Verification and Response Procedures of Athlete Eligibility

9. Upon receipt of a confidential Challenge, the AAS Board, or as designated by the AAS Board, the Executive Director will, within ten (10) working days:

- a. Confirm receipt of the Challenge.
- b. Notify the Minister that AAS has received a Challenge (excluding all personal identifying information).
- c. The Executive Director may dismiss the Challenge where Reasonable Grounds do not exist, including grounds for an Invalid Challenge, or Proceed with the Challenge by:

### Dismissing the Challenge

The Executive Director will:

- i. notify the Applicant of the dismissal;
- ii. inform the Applicant that they may be subject to sanctions as per the AAS Conduct Policy; and
- iii. notify the Minister of the dismissal (excluding all personal identifying information).

### Procedure with the Challenge

The Executive Director will:

- i. notify the Applicant the Challenge is moving forward;
- ii. notify the Affected Athlete, or the Parent of the Affected Athlete if the Affected Athlete is under the age of majority, that the Challenge is moving forward;
- iii. inform the Affected Athlete, or the Parent of the Affected Athlete if the Affected Athlete is under the age of majority, they remain eligible to participate in the AAS stream while the Challenge is under review;
- iv. inform the Affected Athlete, or the Parent of the Affected Athlete if the Affected Athlete is under the age of majority, of the requirement to provide the Executive Director with a copy of the Affected Athlete's Birth Registration Document; and
- v. inform the Affected Athlete, or the Parent of the Affected Athlete if the Affected Athlete is under the age of majority, that failure to provide a copy of the Birth Registration Document renders the Affected Athlete ineligible to participate in the Relevant Sport.

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## **Resolution**

10. The Executive Director will verify the Affected Athlete's eligibility to participate in the Relevant Sport once the submitted Birth Registration Document has been reviewed.
11. The Executive Director will notify the Applicant and the Affected Athlete, or their Parent, of the outcome of the decision:
  - a. **Challenge is Upheld:**
    - i. the Affected Athlete is permanently ineligible to participate in the Amateur Competitive stream as per the Act and Regulation;
    - ii. AAS registration fees will be reimbursed by AAS; and
    - iii. the Affected Athlete retains the right to appeal the decision as per **Appeals** section.
  - b. **Challenge is Dismissed:**
    - i. The Affected Athlete remains eligible to participate in an Amateur Competitive Stream.
12. The Executive Director will notify the Minister of the decision, excluding personal identifying information.

## **Invalid Challenge**

13. The Executive Director may determine that Reasonable Grounds do not exist for the Challenge or is an Invalid Challenge based on the applicability of the AAS Conduct Code.
14. Where deemed appropriate, the Executive Director may refer the Invalid Challenge to the AAS Board for consideration of a potential breach or violation of the AAS Conduct Code.

## **Appeals**

15. The Applicant may appeal, in writing, the Dismissal of a Challenge to the Alberta Artistic Swimming Board.

## **Protection of Personal Information**

16. All information and data related to the Affected Athlete will be treated as sensitive, confidential personal information and will be processed in accordance with applicable data protection and privacy laws in the Province of Alberta.
17. All information and data provided by the Affected Athlete, or their Parent, will only be used to determine the Affected Athlete's eligibility as per this Policy.

## **Assistance with this Policy**

18. Any AAS Member seeking information on the application of this Policy may contact the Executive Director for assistance.
19. Any AAS Member seeking information on the application of the Government of Alberta's Fairness & Safety in Sport Act and Regulation should contact the Ministry of Tourism and Sport at [SPAR@gov.ab.ca](mailto:SPAR@gov.ab.ca) for assistance.