

SWIM ALBERTA

FAIRNESS AND SAFETY IN SPORT ACT (FSSA) POLICY

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Replaces and/or amends	N/A
Approved by and date	Swim Alberta Board of Directors, August 27, 2025
Appendix(-ces) to this Policy	N/A

A. Introduction and Purpose

1. This Fairness and Safety in Sport Act (FSSA) Policy (the “Policy”) is a requirement of the Government of Alberta and seeks to implement the requirements set out in the Fairness and Safety in Sport Act (the “Act”) and the Fairness and Safety in Sport Regulation (the “Regulation”) for the sport of swimming in the province of Alberta.¹
2. 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 the Regulation.

B. Application

3. This Policy only applies to Athletes who participate in competitive swimming in Alberta and affiliated with a Swim Alberta club who are 12 years old and over.
4. Any Athlete (or their parent or legal guardian if the Athlete is under 18 years of age) that registered with Swim Alberta prior to September 1, 2025 must provide Swim Alberta with written confirmation of eligibility. Such Athletes will not be required to re-register with Swim Alberta.
5. This Policy does not apply to any organizations or individuals other than as set out in the Act and/or Regulation, as amended from time to time.

¹ If this Policy conflicts with the Act and/or the Regulation, the Act and/or the Regulation, as applicable, will prevail to the extent of the inconsistency.

C. Definitions

6. All capitalized terms used in this Policy are considered defined terms, unless the context requires otherwise.
7. Any term used in this Policy but not specifically defined herein shall have the meaning ascribed to it in the Act, the Regulation or the Swim Alberta Safe Sport Policy Manual, as applicable and as amended from time to time.
8. Otherwise, the following terms used in this Policy are defined as follows:
 - a. “Amateur Competitive” – means a 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; and
 - ii. 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 swimming in Alberta:
 - i. Athlete;
 - ii. Parent or guardian of an athlete if the athlete is under 18 years of age; and
 - iii. Coach of athlete.
 - c. “Athlete” – means a participant registered in swimming in Alberta, as defined by Swim Alberta’s relevant and applicable policies.
 - d. “Birth registration document”² – 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.

The Athlete is responsible for the costs of obtaining a Birth registration document; however, Swim Alberta will reimburse these costs to the Athlete.³
 - 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. “Relevant sport” – means an amateur competitive sport or sport discipline governed, regulated, coordinated, promoted or sponsored by the Swim Alberta Association (SN/C).
 - g. “Review Committee” – the single member committee appointed by the Independent Third Party to make determinations on challenges made pursuant to this Policy. The Review Committee shall not have any interest in the outcome of the challenge, and shall not have any direct relationship with either the Applicant or the Athlete whose eligibility is being challenged.

² Further information regarding how to obtain a Birth registration document can be found [here](#).

³ Swim Alberta will obtain reimbursement of the amount reimbursed to the Athlete from the Government of Alberta.

h. “Sex at birth” – means the sex of an individual that appears on the athlete’s birth registration document.

D. Athlete Eligibility

9. To participate in a female-only league, class or division of a relevant sport, an Athlete 12 years of age or older must be of the female sex at birth. However, females are permitted to compete in male and co-ed categories.⁴

E. Confirmation of Eligibility

10. Before an athlete may participate in competitive swimming in Alberta, 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 Swim Alberta that they understand and meet the eligibility criteria set out in Section 9 of this policy.

11. 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 Swim Alberta will render the Athlete ineligible to participate in competitive swimming in Alberta.

12. Swim Alberta shall not be responsible for confirming an Athlete’s Sex at birth if the Athlete’s declared gender does not match the records in Swim Alberta’s registration system.

F. Confidential Challenge to Athlete Eligibility

13. A confidential challenge may be submitted by an Applicant if there are reasonable grounds to believe that an Athlete is ineligible under Section 9 of this Policy.

14. A confidential challenge must be made in writing within fourteen (14) days of the Applicant learning of the eligibility decision and must be sent to the Swim Alberta Independent Third Party (the “Independent Third Party”).

15. A confidential challenge to an Athlete’s eligibility must include:

- The name of the Applicant;
- The name of the Athlete and their club; and
- Detailed grounds and evidence that supports the challenge.

G. Verification of Athlete Eligibility

16. Upon receipt of a confidential challenge to an Athlete’s eligibility, Swim Alberta will confirm receipt and notify the Minister of Tourism and Sport, without personal identifying information, within three (3) business days.

⁴ Records obtained in co-ed events shall not be recognized by Swim Alberta.

17. The Independent Third Party may dismiss the challenge if, in the opinion of the Independent Third Party, reasonable grounds do not exist for the challenge as set out in Section 26. Upon dismissal of the challenge, the Applicant will be notified by the Independent Third Party and may be subject to sanctions under this Policy. The Independent Third Party's decision to dismiss a challenge for lack of reasonable grounds is not subject to appeal. Swim Alberta will notify the Minister of Tourism and Sport of the dismissal, without personal identifying information, within thirty (30) business days of the challenge.
18. If the Independent Third Party does not dismiss the challenge under Section 15:
 - a. *the Applicant and the Athlete whose eligibility is the subject of the challenge will be notified that the challenge is moving forward; and*
 - b. *the Athlete 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 Swim Alberta with a copy of the Athlete's Birth registration document.*
19. Upon receipt of the Athlete's Birth registration document, the Independent Third Party shall appoint a Review Committee composed of a single individual to determine whether the Athlete is eligible pursuant to the terms of this Policy. The Review Committee must render a written decision in a reasonable time.
20. An Athlete's or their parent or guardian if the Athlete is under the age of 18) failure to provide the Birth registration document as defined in the *Vital Statistics Act* or similar document issued outside of Alberta to Swim Alberta will render the Athlete ineligible to participate competitive swimming in Alberta.
21. The Athlete concerned by a verification process is permitted to compete in a female only league or class pending the outcome of the challenge process, unless the Independent Third Party, in consultation with Swim Alberta, decides otherwise.

H. Resolution

22. Once the Birth registration document is received, the Review Committee will verify the Athlete's eligibility under Section 9 of this Policy. The Review Committee must render a written decision in a reasonable time and shall provide Swim Alberta with its decision.
23. If the challenge is upheld and the Athlete is determined to be ineligible, Swim 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 in swimming in Alberta.
24. If the challenge is dismissed and the Athlete is determined to be eligible, the Independent Third Party 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.

25. Upon a determination under Section 23 or 24 of this Policy, Swim Alberta will notify the Minister of Tourism and Sport of the decision, without personal identifying information, within thirty (30) business days of the challenge.

I. Invalid Challenge

26. Pursuant to Section 17 of this Policy, the Independent Third Party may determine that reasonable grounds do not exist for a challenge, including but not limited to where:

- a. Swim Alberta has previously resolved a challenge for the same Athlete;*
- b. Not enough information has been provided to proceed as a valid challenge; or*
- c. There is prima facie evidence that the challenge was made in bad faith.*

27. Factors relevant to determining whether a challenge, dismissed under Section 25 of this Policy, was made in bad faith and merits appropriate sanctions for the applicant include, without limitation:

- a. The Applicant's prior history;*
- b. A pattern of inappropriate behaviour or numerous unfounded challenges under this Policy; and*
- c. The age(s) of the Athlete(s) involved.*

28. Where the Independent Third Party determines that there is prima facie evidence that an Applicant has made a challenge in bad faith, it shall refer the matter for determination by a Discipline Chair under Process #1 of Swim Alberta's *Complaints and Discipline Policy*.

29. The Discipline Chair may impose sanctions against the Applicant as specified under Process #1 in the *Complaints and Discipline Policy*.

J. Appeals

30. The Applicant may appeal the dismissal of an eligibility challenge in accordance with Swim Alberta's *Appeal Policy*.

K. Protection of Personal Information

31. 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.

L. Assistance with this Policy

32. Swim Alberta is committed to the participation of all Athletes in accordance with the eligibility requirements set out in this policy. Any individuals seeking information on the application of this Policy should contact sholman@swimalberta.ca for assistance.

33. Any individuals seeking information on the application of the Act and/or Regulation may contact the Ministry of Tourism and Sport at SPAR@gov.ab.ca for assistance.

M. Protection from Liability

34. Swim Alberta's shall not be liable for action or inaction done in good faith as provided for in the Act.