



Samoa Aquatics

Membership Protection Policy Manual

Code of Conduct Policy

Membership Protection Guidelines

Diversity and Inclusion Policy

Police Vetting Policy

Complaints & Discipline Policy



SAMOA AQUATICS MEMBER PROTECTION POLICY MANUAL

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1 SECTION ONE: INTRODUCTION

1.1 Introduction:

Aquatic sports value teamwork, cooperation, diversity, inclusion and leadership, which people of all ages and abilities can enjoy. Samoa Aquatics is committed to representation across World Aquatics recognised aquatic disciplines:



1. Swimming
2. Water Polo
3. Diving, Artistic Swimming
4. Open Water Swimming
5. High Diving.

The above five disciplines are the current main 'Aquatic Sport Body Members' (ASBM) under Samoa Aquatics. Each Aquatic Sport Body Member (ASBM) will have its own policies and association structure under the umbrella of Samoa Aquatics. All ASBM will follow this membership manual. Samoa Aquatics is dedicated to ensuring that a diverse range of participants continue to enjoy our sports for years to come and to providing a safe environment in which to do so.

Samoa Aquatics has developed the Membership Policy Manual (the Policy) to reinforce its commitment to providing an environment for participants of all ages and backgrounds that is safe and free from harassment and abuse and promotes respectful and positive behaviour and values.

This Policy includes a Code of Conduct that forms the basis of appropriate, ethical and acceptable conduct, which all members must abide by. It also included several position guidelines that set out Samoa Aquatics' expectations concerning behaviour and conduct, including the protection of members under the age of 18, and a series of policies that guide members through the complaints, disputes, disciplinary, and appeals processes.

The document is intended for the use of and to be applied to members of Samoa Aquatic. For example, individual members, clubs and committees, Regions, ASBMs and their Boards, technical officials, and coaches.

1.2 Purpose of the Membership Protection Policy:

This Policy is essential to Samoa Aquatics' proactive and preventative approach to tackling inappropriate behaviour within our sports. Samoa Aquatics expect all administrators, coaches, athletes, and support staff to assist it in promoting and delivering a safe and responsible environment for all participants.

The policies herein will provide a resource for all members that clearly articulate the type of behaviour expected from members and provide a transparent process that can be followed should desired behaviours not be adhered to.

The following position statements and policies ensure that Samoa Aquatics' core values, good reputation, and positive behaviours and attitudes are always maintained. The Policy aims to assist Samoa Aquatics in ensuring that every person involved in aquatic sports is treated with respect and dignity and is safe and protected from abuse. The policy statements will inform everyone involved in aquatics of their legal and ethical rights and responsibilities and the required standards of behaviour.

Samoa Aquatics is committed to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sports. As part of this commitment, Samoa Aquatics will appoint a Member Protection Advisor (MPA) who will work with Samoa Aquatics, Regions, ASBMs and clubs to help enforce the policies contained in this manual and other skilled advice and support if disciplinary action any person or organisation by this manual required.

This Policy Manual



- 1.1. Has been made according to the Constitution of Samoa Aquatics and has been endorsed by the Samoa Aquatics Board
- 1.2. Will operate until replaced or rescinded
- 1.3. May be amended from time to time by resolution of the Samoa Aquatics Board. The current version of the Membership Protection Manual will always be available on the Samoa Aquatics website, www.samoaaquatics.com

1.3 Who do these Policies Apply to:

The policies, position statement and information contained within this manual apply to the following people unless they have varied their agreement with Samoa Aquatics by consenting to the bound by Policy which complements or supersedes this information contained within this manual, whether they are in a paid or unpaid/voluntary capacity:

- a) Any person or organisation that is a member of, or affiliated to, Samoa Aquatics
- b) Persons appointed or elected to Samoa Aquatics Board, Committees, and sub-committees
- c) Employees and volunteers of Samoa Aquatics and organisations affiliated with Samoa Aquatics
- d) Support personnel appointed or elected to the Samoa Aquatics teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, and sports trainers)
- e) National coaches and assistant coaches
- f) Athletes, including national representative athletes
- g) Technical Officials and other officials involved in the regulation of the sport
- h) Athletes, coaches, officials, and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by clubs, regions, and Samoa Aquatics; and
- i) Parents, guardians, spectators, and sponsors to the full extent possible, including spectators, parents/guardians, and sponsors who agree in writing (whether on a ticket, entry form, or otherwise) to be bound by this Policy.

The policies, position statements and information contained within this manual also apply to and shall be adopted by all member states of Samoa Aquatics, their relevant ASBM's, Regions, members clubs and associated organisations (referred to herein as 'affiliate organisations') and shall apply to members, athletes and officials from those affiliated organisations.

Member Associations and Bodies are required to adopt and implement this Policy and to provide proof to Samoa Aquatics of the approval of the Policy by the relevant Board under their Constitution. Member Associations must also ensure that affiliated clubs and individual members are bound by this Policy and are made aware of this Policy and its content.

The policies, position statements and information in this manual will continue to apply to a person even after they have stopped their Association or employment with Samoa Aquatics if disciplinary action relating to an allegation against that person has commenced before that person ceasing their Association with Samoa Swimming.

1.4 Responsibilities of Samoa Swimming, Regions, and Member Clubs:

Samoa Aquatics, its ASBM's, regional associations, and member clubs must:

- a) Adopt, implement, and comply with this manual's policies, guidelines, and information (including any updates).
- b) Publish, distribute and promote this manual and the consequences of breaches
- c) Always promote and model appropriate standards of behaviour



- d) Promptly deal with any breaches or complaints made under these policies in a sensitive, fair, timely and confidential manner
- e) Apply these policies consistently
- f) Recognise and enforce any penalty imposed under these policies
- g) Ensure that a copy of this manual is available or accessible to the person associates to whom these policies apply
- h) Appoint appropriately qualifies people to receive and manage complaints and allegations
- i) Monitor, review and update these policies from time to time as appropriate.

1.5 Responsibilities of the Individual:

Individuals bound by these policies are responsible for:

- a) Making themselves aware of these policies and complying with their standards of behaviour
- b) Placing the safety and welfare of children and vulnerable people above other considerations
- c) Being accountable for their behaviour
- d) Following the procedures outlined in these policies regarding child protection concerns
- e) co-operating in providing a discrimination, abuse and harassment-free sporting environment
- f) Understanding the possible consequences of breaching these policies and
- g) Complying with any decisions and/or disciplinary measures imposed according to these policies

1.6 Definitions of Abuse & Harassment:

Samoa Aquatics considers the following definitions and examples of abuse and harassment applicable to all its members:

Physical Abuse:

Physical abuse is any act that results in inflicted injury to a person. Injuries caused through abuse/neglect are known as non-accidental injuries. They may include, but are not restricted to:

- a) Shaking, hitting, kicking, pushing, throwing, or training methods that are inappropriate for the ages and physiological development of the athlete.
- b) Any strength training should be used with extreme caution as it can be harmful if not conducted appropriately.

Sexual Abuse:

Sexual abuse is any act of acts that results in the sexual exploitation of a person, whether consensual or not. It may be perpetrated by an adult, older child, or similar-aged athlete. It may include, but is not restricted to:

- a) Non-contact abuse such as exhibitionism, suggestive behaviours, or comments; exposing children or vulnerable people to any obscene or inappropriate material or images; and
- b) Contact abuse, such as touching breasts, genital areas, or inappropriate contact

Emotional/Psychological Abuse

Emotional abuse is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a person. It may include, but is not restricted to:

- a) Rejection or isolation; inappropriate or continued criticism, threats, humiliation or accusation of the child or young person; exposing children to or involvement in anti-social or illegal activities; bullying such as sarcasm, persistent teasing, and tormenting.

Neglect

Neglect is any act or omission that results in impaired psychological functioning, injury and/or development of a person. It may include, but is not restricted to:



- a) Failing to provide medical care when necessary; neglectful supervision, defined by failure to provide developmentally appropriate supervision of the child or young person or athlete, leading to increased risk or harm; abandonment – leaving a child or young person in a situation without arranging necessary care for them and with no intention of returning.

Sexual Harassment:

Sexual harassment is described as 'unwanted, unwelcome or uninvited sexual attraction'. Some of the behaviours that lead to sexual harassment are, but not limited to:

- a) Someone who draws another person's emotional intimacy through developing inappropriate friendships; coercive about their rights to demand favours from children, wrong flattery; coerced into divulging personal information; jokes; display of offensive material; or propositions.

Discrimination:

Discrimination is the unjust or prejudicial treatment of different categories of people, especially on race, age, sex, or religion.

1.7 Membership Protection Advisor (MPA)

Samoa Aquatics has a Membership Protection Advisor (MPA). The MPA will work with ASBMs, regions and clubs to help enforce the policies in this manual and offer expert advice and support should disciplinary action against a person or organisation bound by these policies be required.

The MPA has a professional background or experience in child/membership protection issues and is the point of contact for anyone with concerns or who would like to discuss an issue around child/member safety. The MPA will be appointed through the Samoa Aquatics Board and hold onto their position for a two-year term, and they can be reappointed indefinitely.

The MPA can be contacted (in confidence) at mpa-samoaaquatics@gmail.com. Note, however, that all complaints should be dealt with at the lowest possible level; therefore, any complaint made to the MPA may be directed to a more appropriate authority.

Anyone with child safety concerns may bypass the MPA and go directly to the Police anytime.

2 SECTION TWO: CODE OF CONDUCT

Samoa Aquatics expects all members, supporters, advisors, staff, associates, and ASBMs of Samoa Aquatics to abide by a Code of Conduct that upholds the principles and values of the organisation.

Respect the rights, dignity and worth of others	<ul style="list-style-type: none"> • Be fair, considerate, and honest in dealings with others • Refrain from any form of abuse, harassment, discrimination, or victimisation towards others • Be professional, and accept responsibility for your actions
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<p>Maintain high standards of integrity</p>	<ul style="list-style-type: none"> • Operate within the rules of Samoa Aquatics and maintain an uncompromising adherence to standards, regulations, and policies • Advocate a sporting environment free of drugs and other performance-enhancing substances within the guidelines of the Samoa Medical & Anti-Doping Agency, the World Aquatics Anti-Doping Code and the World Anti-Doping Code • Advocate a sporting environment free of match-fixing • Be a positive role model • Do not provide comment to any media in a negative way regarding Samoa Aquatics or its members • Never act in a way that may bring disrepute or disgrace to Samoa Aquatic members, its stakeholders and/or sponsors, potential sponsors and/or partners
<p>Provide a safe and fair environment for athletes, spectators, event staff and anyone else involved with the event and the sport at large</p>	<ul style="list-style-type: none"> • Commit to providing a quality service • Operate within the Constitution, Rules, Policies and Procedures on Samoa Aquatics • Adopt appropriate risk and management strategies to ensure that the event is safe • Ensure equipment and facilities meet safety standards • Ensure equipment, rules, training, and the environment are appropriate for the age, physical and emotional maturity, experience, and ability of the participants • Seek advice and assistance from a professional when additional expertise is required • Maintain appropriate records

Any breach of the Code of Conduct may result in disciplinary action taken under the Samoa Aquatics Complaint and Discipline Policy and Process that forms part of the Samoa Aquatics Membership—protection Policy Manual.

The code of conduct agreement form and appendix can be found on www.samoaaquatics.com

3 SECTION THREE: MEMBERSHIP PROTECTION AND GUIDELINES

3.1 Child Protection:

Samoa Aquatics, its associations and member clubs are responsible for ensuring that appropriate policies and procedures are established to safeguard all members, particularly children, from any threat of or form of abuse or harassment while participating in any aspect of our sport. This Child Protection Position Statement defines children as under 18 years of age.

Safeguarding children lies with all adults who play a role in their lives. This refers to all people who work directly and indirectly with children, including those responsible for the administration and coordination of the aquatic sporting environment.

Samoa Aquatics aims to foster an environment within the sport that ensures the safety and well-being of all members. An awareness of this Child Protection Position Statement amongst all people involved with children and young people in aquatic sports also assists in reducing risk to aquatic sports organisations, coaches, officials, volunteers, parents, and supporters.



The Child Protection Position Statement will follow the Samoa Aquatics Child Protection Policy.

3.2 Electronic and Social Media/Networking

Samoa Aquatics acknowledges the enormous value of social networking websites, such as (but not limited to) Facebook, Instagram and X (Twitter), to promote our sports and celebrate the achievements and success of those involved in our sports.

We expect all people bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to our sports.

Social media postings, blogs, status updates and tweets:

- Must not use offensive, provocative, or hateful language.
- Must not be misleading, false or injure the reputation of another person.
- Should respect and maintain the privacy of others.

a) Children and Electronic and Social Media/Networking:

Many children communicate using one or more of the electronic and social networking platforms available to them. Ideally, communication should be conducted between the coach/another adult and the parent/guardian or the child; however, if you need to communicate directly with the child/athlete, you must observe the cautions below.

Samoa Aquatics recommend the following cautions:

- If coaches use text messages or any other social networking means to communicate directly with athletes of any age, the content remains brief and functionally related to swimming and avoids any social comment
- Do not include personal information about yourself or others in social media channels
- Do not use offensive, provocative, or hateful language or images
- Use your best judgment – do not publish something that makes you feel the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated)
- Never comment on rumours; do not deny, affirm them or speculate about rumours, and
- Always use electronic and social network forums to add value and promote sports in a positive way

3.3 Cyberbullying/Safety:

Samoa Aquatics regard bullying and harassment as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

The introduction over recent years of technologies and communication tools, such as smartphones and social networking websites, has dramatically increased the potential for people to be bullied through the electronic delivery of unwanted and inappropriate comments. Samoa Aquatics will not tolerate abusive, discriminatory, intimidating, or offensive statements being made online. In some cases, such bullying is a criminal offence.

Frustration at a referee, teammate, coach, or sporting body should never be communicated on social networking websites.



If children are involved in suspected Cyber Bullying/Safety issues, either as a perpetrator or victim, please refer to 3.1 in this Membership Protection Policy and Samoa Aquatics Child Protection Policy for the appropriate follow-up and management.

3.4 Discrimination and Harassment:

Samoa Aquatics aims to provide a safe sporting environment where all those involved in its activities are treated with dignity and respect, without harassment or discrimination.

Samoa Aquatics recognises that all those involved in its activities cannot enjoy themselves, perform to their best or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of factors such as their age, disability, family responsibilities, gender identity, sexual orientation, medical, marital status, political belief, pregnancy or breastfeeding, race, ethnicity, religion, gender or social origin.

Samoa Aquatics opposes all forms of harassment, discrimination, and bullying. They include treating or proposing to treat someone less favourably because of a particular characteristic, imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal, offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phones, tablets and computers.

If children are involved in your concerns around discrimination or harassment as either the perpetrator or victim, please refer to 3.1 in this Membership Protection Policy and Samoa Aquatics Child Protection Policy for the appropriate follow-up and management.

3.5 Sexual Relationships:

Samoa Aquatics take the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on the other athletes and coaches and the sports public image. These relationships can also be perceived to be exploitative due to the differences in power, authority, maturity, status, influence and dependence between the coach and athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from another adult if they feel harassed. Our complaints process is outlined in Section 6 of this Policy.

If children under the age of 18 are involved in your concerns around sexual relationships as either the perpetrator or victim, please refer to 3.1 in this Membership Protection Policy and Samoa Aquatics Child Protection Policy for the appropriate follow-up and management.

3.6 Pregnancy:

Pregnant women should be treated with respect, and any unreasonable barriers to their full participation in our sports should be removed.

Samoa Aquatics recommend that pregnant women wanting to participate in our sports consult with their medical advisors to ensure they make informed decisions about participation. Pregnant women should be aware that their health and well-being, and that of their unborn children, should be of the utmost importance in their decision-making about the way they participate in our sports.



3.7 Gender Identity:

Everyone bound by this Policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and care when a person is undergoing gender transition. Samoa Aquatics will not tolerate any unlawful discrimination or harassment if a person identifies as or is thought to be transgender.

Samoa Aquatics recognises there is a debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. If issues of performance advantage arise, Samoa Aquatics will seek advice on applying those laws in the circumstances.

Samoa Aquatics is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where transgender persons intend to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position taken by Samoa Aquatics.

3.8 Smoke-Free and Vape-Free Environment:

Samoa Aquatics is committed to conducting sporting and social events that promote a smoke-free and vape-free environment. The following policies should be applied to sporting events, social events, and members when competing under Samoa Aquatics:

- No smoking or vaping shall occur at or near any sporting event or competition involving persons under the age of 18 years. This Policy shall apply to coaches, athletes, officials and volunteers; and
- Social functions shall be smoke-free and vape-free

3.9 Anti-Doping and Illicit Drugs in Sport:

Samoa Aquatics has adopted the Samoa Medical Anti-Doping Agency (SMADA) Anti-Doping Rules (as amended from time to time by SMADA) and the World Aquatics anti-doping rules as its anti-doping Policy.

Samoa Aquatics is committed to providing a drug-free sport where members can compete fairly. Breaches of the SMADA Anti-Doping Rules will be under those Rules.

This position statement is designed to help prevent the uptake of illicit drug use and reduce drug-related harm to individuals, families and stakeholders of Samoa Aquatics and the broader community.

Certain illicit drugs can be legitimately used under the supervision of a physician for clinically justified purposes and then only if approved by SMADA for each specific application. If you are using a prohibited substance for a legitimate reason and wish to compete, you should obtain a Therapeutic Use Exemption from SMADA. The possession and use of illicit drugs are subject to Samoa Laws.

4 DIVERSITY AND INCLUSION POLICY

Samoa Aquatics is committed to providing an inclusive culture that fosters and promotes diversity at all levels, values the different experiences and viewpoints of each individual within a diverse group, and treats everyone with respect. Samoa Aquatics recognises that to deliver outstanding service and breakthrough solutions to our diverse participant community; it must be diverse, too.

Samoa Aquatics recognises and celebrates its diversity and strives to grow to reflect the diversity of its participants. Samoa Aquatics values and respects the contributions, ideas and experiences of people



from all backgrounds and seeks to provide a culture where individual diversity is recognised and celebrated.

Operating Principles:

Samoa Aquatics views diversity as including but not limited to differences in skills, education, race, ethnicity, gender, age, sexual orientation, cultural background, family responsibilities, physical abilities and beliefs.

Samoa Aquatics recognises inclusion as the organisational means by which diverse individuals are culturally and socially accepted, welcomed, equally treated and enabled to reach and contribute their full talents.

Scope:

This Policy applies to every level and aspect of business, including but not limited to the Board and Staff across Samoa Aquatics.

Accountability:

The Samoa Aquatics Board will assign people to an Inclusion and Diversity Committee who are heading the successful implementation of this Policy. To ensure this occurs, the Board will monitor and report diversity and inclusion progress as appropriate, at least annually.

4.1 Diversity and Inclusion Policy:

This Policy provides a framework for Samoa Aquatics' current and future diversity and inclusion initiatives. Samoa Aquatics strives for culture and inclusion in which all unique contributions are recognised and valued, and people are free to be themselves. Diversity is embraced, and we promote a work environment that encourages difference and is free from harassment and discrimination. Samoa Aquatics is committed to providing opportunities and initiatives that assist all to reach their potential and will regularly benchmark the report on its diversity progress, Policy and objectives.

Policy Objectives:

Each year, the Samoa Aquatics Board will set measurable objectives to promote diversity and inclusion, including gender and pay equity. The Inclusion and Diversity Committee will spearhead these objectives. The Board will require that each paid and unpaid position, e.g., national coaching positions, will at least be considered and interviewed.

The Inclusion and Diversity Committee will present a diversity statement on the Samoa Aquatics Board and Staff composition to the Board. The Board will review and disclose the document annually in the Board's annual report.

5 POLICE VETTING POLICY AND PROCESS

The Samoa Aquatics Police Vetting Policy is an essential part of its proactive and preventative approach to ensuring that everyone involved in aquatic sports is treated with respect and dignity and is protected from abuse. Samoa Aquatics is committed to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sports.

Samoa Aquatics will take all practicable steps to verify the suitability of individuals wishing to be involved in national events and other events or activities as identified by Samoa Aquatics, the associations, and clubs.



5.1 Police vetting Policy:

Samoa Aquatics requires individuals who operate at a club, ABSM or national level and wish to act in a role (paid or voluntary) with sole or joint responsibility for children or vulnerable people to undergo a police vetting check (police vet) before being approved. Following the initial satisfactory police vet, coaches are vetted every four years, and technical officials, managers, and others are vetted every five years after that.

Participation at Samoa Aquatics events by any coach, team manager or technical official is subject to the following:

- The individual returning a police vet report stating 'no result' or
- The individual returning a police vet report stating 'released with results', excluding an offence(s) specified under the Family Safety Act 2013

If the returned police vet report **does contain** an offence(s) specified under the Family Safety Act 2013, then the individual's membership of Samoa Aquatics will be suspended immediately, pending further enquiry by Samoa Aquatics. If the returned police vet report **does not contain** an offence(s) specified under the Family Safety Act 2013, then in most cases, participation in Samoa Aquatics events will be approved subject to prior review by the Samoa Aquatics Membership Protection Advisor, who may recommend to Samoa Aquatics that participation at Samoa Aquatics events be denied pending further review of results.

By agreeing to go through the police vetting process, individuals grant Samoa Aquatics the right to inform the relevant Association club/s that the police vet report has been released 'with results'. Samoa Aquatics will provide any details that are contained within the 'with results' report. Samoa Aquatics will strongly recommend the Association, club and individual discuss the results.

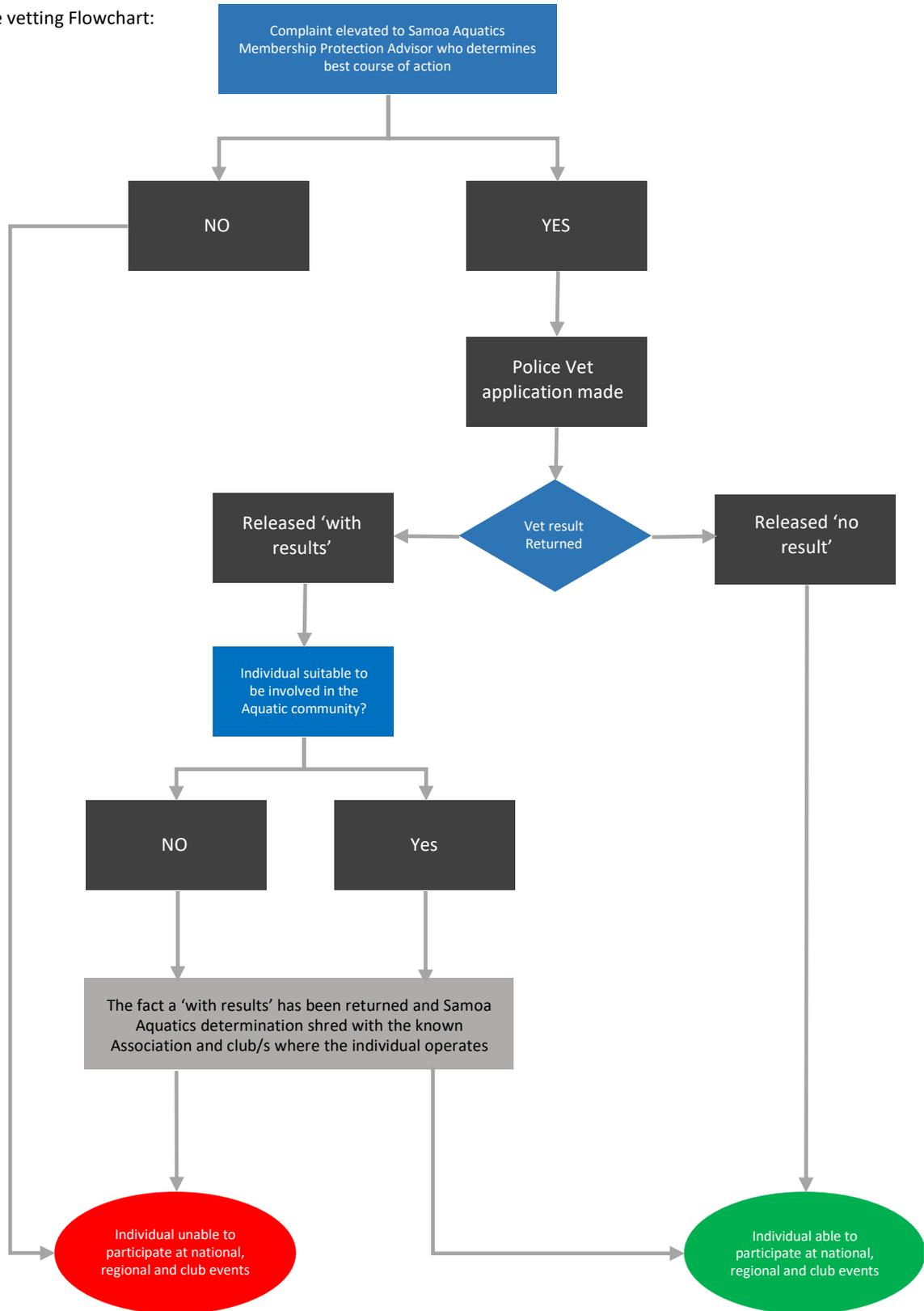
If the individual does not grant Samoa Aquatics the right to inform the relevant ASBMs and club/s that the police vet report has been released 'with results', then application for participation will strongly recommend the ASBMs, club, and individual discuss these results.

Notwithstanding the standard four- or five-year cycle, Samoa Aquatics may undertake further police vetting of an individual at any time it considers appropriate (subject to fresh consent by the individual). If the procedure reports a previously undisclosed incident or behaviour relevant to this Policy, the future of the individual's continued involvement with Samoa Aquatics will be reviewed and may, if appropriate, be terminated.

Samoa Aquatics will appoint a Membership Protection Advisor (MPA) who will work with Samoa Aquatics, sporting associations, and clubs to help enforce the Policy and offer skilled advice and support in the event that any released 'with results' reports are returned.



Police vetting Flowchart:





1. A police vetting report will provide information regarding convictions, dates of those convictions, types of offences and the sentence imposed. The report will also advise whether the Police recommend that the individual does not have access to children, young people or vulnerable members of society due to behaviour of a violent or sexual nature (that may not, for whatever reason, have resulted in a conviction)
2. Samoa Aquatics requires individuals to authorise the request of a police vetting report by completing the official Consent to Disclose Information form. As part of the process, the individual will be required to agree to authorise Samoa Aquatics to have the right to immediately advise any club/s or associations that engage in services of the individual if a 'released with results' report is returned (the details of the report are not shared)
3. In some cases, it will be necessary to obtain the equivalent of a police vetting report or a copy of a criminal conviction record from another country where the individual concerned has resided.
4. Individual associations and clubs are responsible for administering the process and loading of completed police vetting checks to the MPA and Samoa Aquatics Board. The MPA will be accountable for dealing with any police vet reports returned with results.
5. The individual concerned is entitled to request a copy of the Police vetting report obtained by Samoa Aquatics.
6. If the Police vetting report is returned 'released with results, ' the Board will send the report to the MPA, who will decide the suitability of the individual to be involved with aquatics in Samoa. When making this decision, the MPA may consider the following when assessing the results of a vetting report:
 - The nature of the offence and relevance to involvement with Samoa Aquatics
 - Length of time since the crime was committed
 - Age and maturity now as compared to when the crime was committed, the seriousness of the crime, e.g. length of sentence, use of a weapon, the circumstances at the time of violent behaviour
 - A pattern of offending, e.g. a short spate, may indicate a 'phase', but a regular pattern may indicate continued inappropriate behaviour
 - Any other factors deemed relevant
7. If the MPA deems the results **do not** meet the threshold to exclude the individual from participating in national events, they will:
 - Advise the individual of the outcome
 - Inform the club/x that engages the individual that the police vet has been released 'with results' (report details are not to be shared)
 - Inform associations and any other relevant parties of the 'with results; report if deemed necessary required
 - Record that the police vet has been completed in the Aquatics Database.
8. If MPA deems the results **do** meet the threshold to exclude individuals from participating in national events or maintaining Samoa Aquatics membership, they will pass on the information to the Samoa Aquatics President, who will:
 - Advise the individual of the outcome
 - Work in conjunction with the individual to understand the full circumstances of the details contained within the report
 - Inform the club/s that engage with the individual that the police vet has been released 'with results' (report details will not be shared) with a recommendation that could include immediate suspension of the Member pending a further investigation
 - Inform ASBMs and any other relevant parties of the 'with results' report if deemed necessary



- Make a recommendation to the Samoa Aquatics Board as to the suitability of continued Samoa Aquatics membership
9. If Samoa Aquatics already engages the individual, they may suspend the individual pending the decision to cease or continue their involvement with Samoa Aquatics. If the individual is applying to participate in a national event for the first time, their application for accreditation will be placed on hold pending the outcome of the police vet report.

6 COMPLAINTS AND DISCIPLINE POLICY AND PROCESS

6.1 Complaint and Discipline Policy:

Samoa Aquatics believes that all members (athletes, coaches, clubs, and associations) deserve and should always show respect and understanding for each other.

A member may wish to make a formal complaint about a wide variety of actions, decisions or processes that affect them or another member. When people involved in aquatics get into disagreements or disputes, it can become a significant issue. Responding quickly, fairly, and thoughtfully to address complaints and disputes is vital to everyone involved.

The purpose of the **Complaints and Discipline Policy and Process** is to:

- Provide processes to resolve disputes that arise between people involved in aquatics in Samoa that cannot, in the first instance, be resolved between parties
- Provide processes to deal with alleged breaches of the Samoa Aquatics Code of Conduct and severe breaches of Samoa Aquatics policies
- Provide a process to determine appeals against a decision involving suspension, expulsion, penalty, or material detriment to an individual

Any person who considers a member has engaged in harassment, discrimination or abuse may make a complaint. A complaint may concern an act, behaviour, omission, situation, or decision that the complainant considers unfair, unjustified, unlawful and/or breach of Samoa Aquatics Code of Conduct.

Every effort will be made to resolve any complaint at the lowest level possible. Therefore, if a complaint is an issue of concern related to behaviour or incident that occurred at a club or regional level, then this should be reported to and handled by the relevant club or sporting Association. Where a complaint cannot be resolved at the club or sporting association level, it should be directed to Samoa Aquatics through its Membership Protection Advisor.

Improper Complaints

Samoa Aquatics aims for any complaints to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If, at any point in the complaints process, a complainant has knowingly made an untrue complaint or is malicious or intended to cause distress to the person complained of, the matter may be dealt with as a disciplinary matter.

Disputes between Members

Disputes that are sufficiently serious that they are escalated to Samoa Aquatics will be subject to this Policy.

Relationship to the Samoa Aquatics Constitution

This Policy must not be interpreted as restricting or limiting the powers of Samoa Aquatics, the Board as provided for in the Constitution or the powers of an association and ASBM under its rules.



Relationship to law

Any action taken under this Policy will be without prejudice to any right or remedy a member, Samoa Aquatics or sporting Association may have in law.

Doping

This Policy does not apply to Samoa Medical and Anti-Doping Agency Rules violations. The Samoa Medical and Anti-Doping Agency Rules provisions will bind members.

Selection appeals

This Policy does not apply to appeals against:

- A Member's non-selection to a Samoa Aquatics Sports Association team
- A Member's non-nomination to a Samoa Olympic, Commonwealth, or Pacific Games Team.

Any appeal relating to the non-selection of athletes must be made directly to the Samoa Aquatics Board and Sporting Association within seven days of notification of non-selection/nomination.

If unsure whether the Complaints and Disputes Policy applies to your situation, the Samoa Aquatics Membership Protection Advisor can provide guidance and can be contacted on mpa-samoaaquatics@gmail.com

6.2 Complaints and Discipline Process:

6.2.1 Lodging a complaint:

A complaint or issue of concern is constituted when submitted in writing. It is recognised that when complaints are highly sensitive, it may be required to preserve the complainant's anonymity. The complaint form and any accompanying notes must be kept confidential and safe. Complaints must be made in writing within 14 days of the event(s). use the attached Complaint Form where possible.

Generally, if a complaint or issue of concern is related to behaviour or an incident at a club or ASBM level, this should be reported to and resolved by the relevant club or Association.

Where a complaint or issue concern cannot be resolved at a club or sporting association level or it relates explicitly to an occurrence at a national event, it should be directed to Samoa Aquatics through its Membership Protection Advisor (MPA).

The Membership Protection Advisor can forward a complaint to any party they deem appropriate to assess and resolve the issue.

Complaints involving children

If the complaint involves children, the Samoa Aquatics *Child Protection Plan* must be followed, and the Membership Protection Advisor must be informed. If the complaint involves serious risk to the safety of children, then the Police should be contacted immediately.

6.2.2 Club Resolution:

- a. Where there is an alleged breach of the *Code of Conduct* or breach of a Samoa Aquatics policy, the incident should be initially raised with the relevant club. The club may resolve



the issue by taking informal steps such as holding a meeting, reviewing a process or decision, or requesting an apology.

- b. Where the club has no rules that deal with disciplinary matters, the club will determine the case per this *Complaints and Discipline Policy*. In such situations:
 - i. The club committee will choose the members of the Panel (taking into consideration independence and experience) to consider the matter
 - ii. Concerning breaches of the *Code of Conduct* and Samoa Aquatics policies, there will be a right of appeal to Samoa Aquatics only per 6.2.5.
- c. Where the club cannot reach a satisfactory resolution, the issue is too severe to be addressed informally, or the club is unable to run a proper process (e.g. where the club is involved in the alleged breach), the matter will be dealt with the Sports Association whose Member is allegedly in breach.
- d. Where the club, Associations, or ASBM cannot reach a satisfactory resolution, the alleged breach may escalate to Samoa Aquatics.

6.2.3 Association Resolution:

- a. Where any breach or dispute is to be determined by an Association, it will be determined per the rules of that Association.
- b. Where the Association has no rules that deal with disciplinary matters, the club will determine the case per this *Complaints and Discipline Policy*. In such situations:
 - a. The Board (or executive committee) of the Association will choose the members of the Panel (taking into consideration independence and experience) to consider the matter
 - b. Concerning breaches of the *Code of Conduct* and Samoa Aquatics policies, there will be a right of appeal to Samoa Aquatics only per 6.2.5

6.2.4 Process for Club and ASBM Resolutions:

- a. A process for resolving an alleged breach of the *Code of Conduct* or a significant breach of a Samoa Aquatics policy may be simple and straightforward, or it may be more formal and include reviewing documents, data, and interviewing witnesses.
- b. All processes for resolving matters must be run in good faith and follow the principles of natural justice. Achieved by not jumping to conclusions before going through a proper process. A simple test for processes and decisions is 'What would a fair and reasonable person have done in the circumstances?'
- c. Critical elements of a fair process:
 - i. The person complained about or accused of the breach should be told details of the allegation(s);
 - ii. The person who complained about or was alleged with the breach should be given a reasonable opportunity to respond and
 - iii. Any explanations should be fully considered before conclusions are reached
 - iv. The outcome, with a summary of the allegation(s), the evidence considered, any submissions made, and the reasons for the decision, should be recorded in writing and given to the people directly involved.

6.2.5 Appeals from Sporting Association Members and Member Clubs:

- a. A Member may appeal a decision made by a Club or Association only if the outcome is:
 - Suspension
 - Expulsion
 - Penalty; or
 - Any other material detriment



- b. A decision made by a Club or Association can only be appealed to Samoa Aquatics on the ground that the decision and/or penalty (as listed above) is incorrect, excessive, or manifestly unjust.
- c. Any appeal to Samoa Aquatics should be provided in writing to the Samoa Aquatics Board President within 28 calendar days of the date of the decision appealed against.
- d. The written notice will:
 - a. Include a copy of the decision being appealed against
 - b. Include a summary of the reasons why the Member wishes to appeal against the decision
 - c. Indicate whether the Member wishes to appeal against a part of the decision (and if so, the grounds for doing so) or wishes to have a re-hearing of the entire matter
 - d. Be copied to the Association or Member Club, which made the decision being appealed against.
 - e. Upon receipt of the notice, Samoa Aquatics Board may either:
 - i. Convene a Panel per Rule 6.2.6 below or
 - ii. Require that the Association Member / Member Club and the Member submit to the jurisdiction of the Sports Tribunal for the Hearing of the appeal

6.2.6 Investigation of Complaints by Samoa Aquatics:

- a. Where a formal complaint is made or referred to Samoa Aquatics, the Board President may refer it to the Membership Protection Advisor (MPA), who will assess it and make a recommendation about where the complaint should be directed, what process should be followed, and who the decision maker should be. Options might include an informal process, investigation, facilitation or mediation, or disciplinary process.
- b. The President/MPA will acknowledge receipt of the complaint within three working days of receiving it. Details of the complaint will be entered into the Complaints Register.
- c. The complaint will be assessed with the following matters to be considered:
 - What the complaint is about
 - How severe or urgent the complaint is
 - Whether there is a prescribed process for the type of complaint
 - Whether the matter should be dealt with under the Disciplinary and Appeals Policy
 - Whether the complaint may indicate a systemic problem
 - What risks does the complaint raise for the Club / Associations / ASBM / Samoa Aquatics and
 - The kind of resolution sought by the complainant
- d. After investigating these matters, a recommendation can be made by the MPA to the President as to whether:
 - There is no clear basis for the complaint, and no action can be taken (and an explanation given to the complainant); or
 - The complaint can be resolved informally and, therefore, is referred to the club or Association for resolution or
 - A formal process is needed, or
 - A hearing is required (6.2.7)
- e. If a formal process is required, the President may decide (at their sole discretion to appoint a suitably qualified/experienced person) to undertake an investigation, such as the Membership Protection Advisor
- f. Any investigation of an alleged breach or enforcement may be postponed where there is a separate investigation by an outside agency.



6.2.7 Hearing:

a. *Appointment of Panel*

The President will appoint a panel of enquiry of three individuals made up as follows:

- An appropriately qualified person (for example, a lawyer, a Justice of Peace, or an HR professional) who will act as the Panel's Chair
- Two other people the President deems appropriate to hear the matter

b. *Conflict of Interest*

No person with an actual or potential conflict of interest may sit on the Panel, which may affect their impartiality in the hearing matter.

c. *Procedures to be Adopted*

In hearing any matter under this Policy, the Panel will have the right to determine all procedures to be adopted.

d. *Non-Attendance by Party at Hearing*

Once a hearing date is decided and notified to the people directly involved in the appeal, the Panel can make a determination on the available evidence on or after the date set for the Hearing, whether or not any party attends the Hearing or makes a written submission.

e. *Documents*

Where a party to the Hearing wants to submit a document, it must be sent to any other party and the Panel at least five business days before the date convened for the Hearing. The Panel can exclude any documents not received per this rule.

f. *Witnesses*

The Panel can, concerning any hearing, request the attendance of any person, ask any questions and call any evidence that the Panel, in its absolute discretion, thinks fit. The Panel has no legal power to compel witnesses to attend other than Members who are contractually required.

g. *Written Submissions*

Any party to a hearing (including the President) may make written submissions to the Panel if these are copied to the Panel and the other parties five business days before the Hearing.

h. *Representation/Support Person*

At any Hearing, any Member may be represented by a lawyer, advocate, or support person who can make submissions on that Member's behalf. A representative or support person cannot give evidence on that Member's behalf.

i. *Confidentiality*

All hearings before the Panel will be confidential, and any matters discussed will be held in the strictest confidence between those attending the Hearing.

6.2.8 Determination:

a. *General Justice and Fairness*

The Panel will make its determinations in the following manner:

- Consistent with natural justice
- Consistent with any contractual or employment rules that apply



- Based on the evidence presented to the Panel and
 - Reflective on the seriousness of the breach
- b. *Written Reasons*
The Panel will provide a written determination to the parties, which sets out the reasons for the Determination, as soon as possible after the Hearing.
- c. *Determinations Final and Binding*
Subject only to the right of appeal set out in 6.2.5, all Panel Determinations will be final and binding.
- d. *Determinations Confidential*
All Determinations of the Panel will be confidential between the parties unless the Panel decides that publication for the Determination is in the sport's best interests (for example, name suppression to deter others from similar conduct).
- e. *Manifest Error*
The Panel may at any time correct, vary or set aside a Determination where there is a manifest error in the Determination.
- f. *What the Panel can Determine*
After hearing the evidence, the Panel can make one or more of the following orders:
- a. Concerning alleged breaches of the *Code of Conduct* or Samoa Aquatics policies:
 - i. Make an Order that the Member is found to have breached the *Code of Conduct* or Samoa Aquatics Policy and will commit no further breach
 - ii. Find the alleged breach of the *Code of Conduct* or Samoa Aquatics Policy to have been proven and impose a sanction
 - iii. Find the alleged breach of the *Code of Conduct* or Samoa Aquatics Policy or any part to be proven, but decline to take any further action in the matter
 - iv. Find the alleged breach of the *Code of Conduct* or Samoa Aquatics Policy or any part of it not proven and dismiss the allegation.
 - b. Concerning an appeal by a Member from a decision of an ASBM, Association or Member Club:
 - i. Allow the request and set aside the Determination being appealed against and substitute its own decision or
 - ii. Dismiss the appeal

6.2.9 Sanctions:

Sanctions Available

If a Member is found to have breached any part of the *Code of Conduct* or Samoa Aquatics policies, the Panel can impose one or more of the following sanctions:

- a. Issue a written warning
- b. Direct that the Member attend counselling to address their behaviour as a condition of their membership
- c. Withdrawal of any awards, placings, records, activities, or events sanctioned by Samoa Aquatics
- d. Suspend the Member's membership rights in Samoa Aquatics for a stated period
- e. Suspend the Member from participating in any Aquatics activities which are run under the auspices of Samoa Aquatics, ASBM, an Association or a Member Club
- f. Require an apology, or order reparation or compensation to any Member affected by the breach



- g. Recommend the expulsion of the Member from either Samoa Aquatics, the Member's Sporting Association or Member Club
- h. Enforce any sanction imposed by the IOC, World Aquatics, or the Sports Tribunal in addition to any sanction of its own which it thinks appropriate in the circumstances
- i. Any other form of discipline the Panel considers appropriate
- j. Where the Member is a Sporting Association or Member Club:
 - i. Direct that any funding granted or given to it by Samoa Aquatics cease from a specified date
 - ii. Direct that any rights, privileges or benefits provided cease from a specific date
 - iii. A direction that Samoa Aquatics cease to sanction events held or under its auspices
- k. Decline to take further action
- l. In determining what sanction to impose, the Panel will consider the following factors:
 - i. Nature and seriousness of the breach
 - ii. Whether the person knew or should have known of the behaviour was a breach
 - iii. Level of remorse demonstrated
 - iv. The effect of the proposed disciplinary measures on the person, including any personal, professional, or financial consequences
 - v. If there have been relevant prior warnings or disciplinary action
 - vi. Ability to enforce discipline if the person is a parent/guardian or spectator
 - vii. Any mitigating circumstances

6.2.10 Costs:

Each party will be responsible for bearing its costs concerning the Hearing.

6.2.11 Appeals to the Sports Tribunal:

At its sole discretion, Samoa Aquatics may refer or allow an appeal of a decision of the Board of Samoa Aquatics to the Sports Tribunal. Any appeal will be decided under the rules of the Sports Tribunal, and the outcome will be binding on the Member, Club, Association and/or Samoa Aquatics.

6.2.12 Communicating the Outcome:

Once the complaint/investigation process has concluded, the Decision Maker will verbally advise the person the complaint is made against of the outcome within five business days of the decision being made, followed by written confirmation. Any applicable appeal right will be outlined in the written outcome.

The Panel Chair or their delegate will advise the complainant of the outcome. The outcome should be in writing and after the person complained about has been advised of the outcome. The complainant will be notified of:

- The outcome of the complaint
- The reasons for any decision that has been made
- Any remedy that is offered; and
- Information about any other remedy that might be available, such as to seek a review or appeal

The club or Association is responsible for storing all paperwork relating to the complaint.

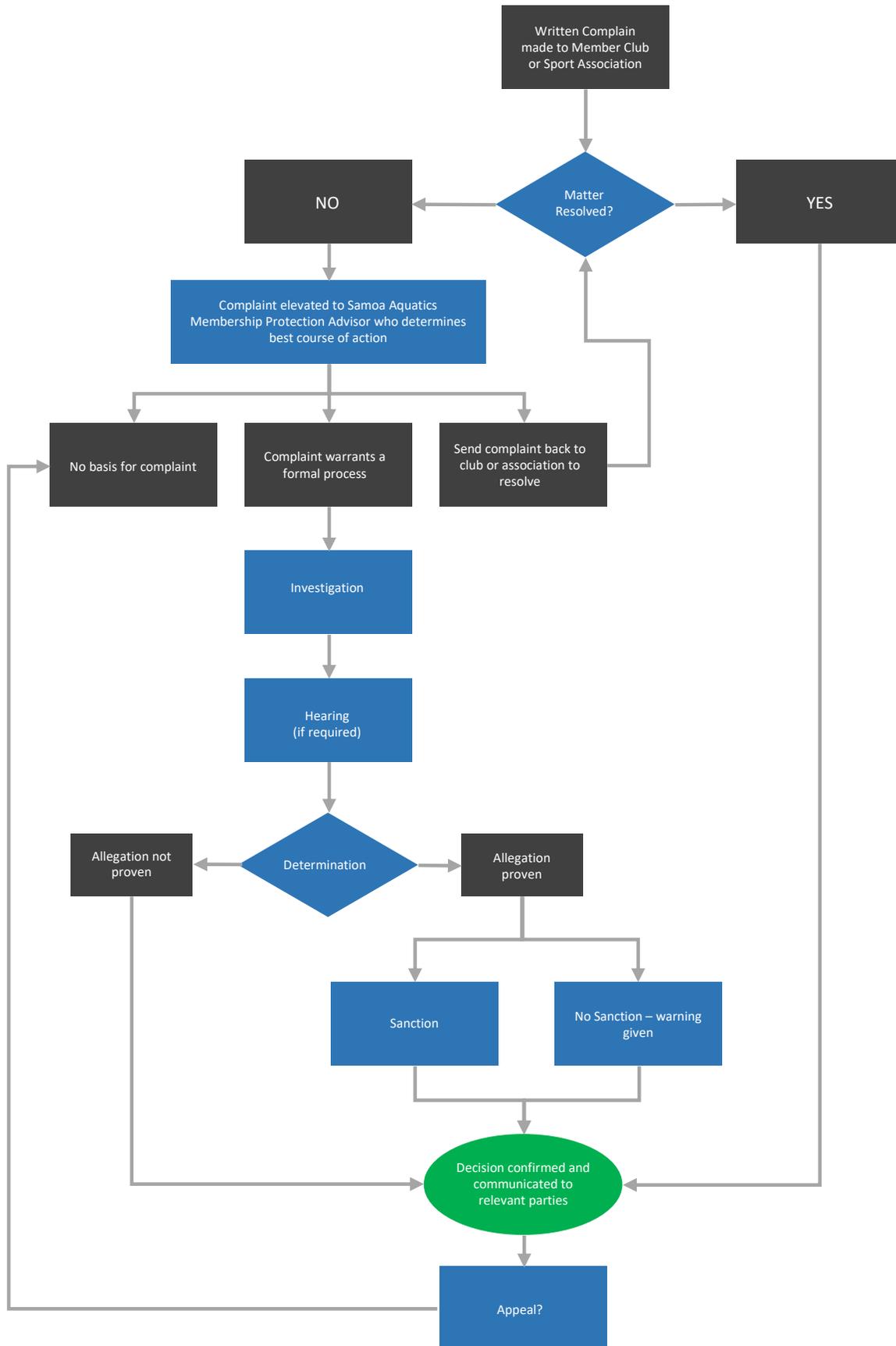


The details of all complaints are to be treated as confidential unless otherwise agreed between the parties.

All matters related to a complaint should be recorded in writing and stored in the complaints file, including summaries of phone conversations, witness statements, and supporting documents.



Formal Decision-Making Flowchart:





6.3 Official Complaints Form:



OFFICIAL COMPLAINT FORM					
Details of person making complaint (Adult to fill in this form if complainant is under 18)					
Complainant's Name			Age:		
Date:		Time:			
Phone Number:			Email Address:		
Club:			Sports Association:		
Complainant's Role					
<input type="checkbox"/> Administrator	<input type="checkbox"/> Athlete	<input type="checkbox"/> Coach	<input type="checkbox"/> Official		
<input type="checkbox"/> Parent	<input type="checkbox"/> Spectator	<input type="checkbox"/> Support Personal	<input type="checkbox"/> Other		
THE INCIDENT					
Name of the accused:			Role of the accused:		
Date & time of alleged incident:			Location of alleged incident:		
Nature of complaint (can tick more than one):					
<input type="checkbox"/> Harassment	<input type="checkbox"/> Verbal Abuse	<input type="checkbox"/> Disability	<input type="checkbox"/> Other		
<input type="checkbox"/> Discrimination	<input type="checkbox"/> Racism	<input type="checkbox"/> Child Abuse			
<input type="checkbox"/> Unfair Decision	<input type="checkbox"/> Bullying	<input type="checkbox"/> Neglect			
<input type="checkbox"/> Coaching methods	<input type="checkbox"/> Physical Abuse	<input type="checkbox"/> Religion			
Description of incident/complaint:					
Witnesses					
Name:		Contact:			
Name:		Contact:			
ACTION TAKEN					
Parent / caregivers contacted?		YES / NO	Date:	Other organisation/s contacted?	

All information contained in this form shall be kept in confidence and will only be shared to the relevant parties
 Complainant must be aware that the accused parties will be advised of this complaint and be given the opportunity to respond prior to the membership Protection Advisor making their determination