

# FEDERATED STATES OF MICRONESIA SWIMMING ASSOCIATION

## CONSTITUTION & REGULATIONS

### **RULE 1: NAME**

The name of the association shall be Federated States of Micronesia Swimming Association (FSMSA).

### **RULE 2: COMPLIANCE WITH FINA RULES**

FSMSA recognises that the Federation Internationale de Natation Amateur (FINA) is the only body, which governs swimming, open water swimming, diving, water polo, synchronised swimming and masters swimming internationally.

FSMSA and affiliated members will comply with, and act according to, all the decisions, Constitution and Rules of the FSMSA and Regulations made by the FINA Congress and the FINA Bureau.

FSMSA acknowledges that if and when there is a conflict between its constitution and that of FINA, FINA Rules will prevail.

The FSMSA must seek approval of the FINA Bureau for any change of name and/or constitution before such changes are valid.

The FSMSA is obliged to notify FINA of the dates and the location of the elections, and to provide the minutes of its meeting to FINA no later than sixty (60) days after conclusion of the meeting.

The FSMSA is obliged to manage its affairs independently and not be influenced by third parties.

FSMSA agrees to abide by the FINA anti doping policies and drug testing both in and out of competition.

All FINA Rules including Anti-Doping Rules shall be deemed as incorporated into and shall be directly applicable to and shall be agreed to and followed by Competitors, Competitor Support Personnel, coaches, physicians, trainers, managers, officials, medical or paramedical personnel, team leaders, and club and Association representatives under the jurisdiction of the FSMSA.

### **RULE 3: OBJECTS**

The objects of FSMSA shall be:-

To promote and encourage the sports of swimming, open water swimming, water polo, diving, synchronised swimming and masters swimming and the teaching thereof throughout the FSM without distinction between persons for reason of race, colour, creed, ability or politics.

To co-ordinate and foster the activities of swimming clubs in the FSM.

To affiliate with and recognise FINA Rules and regulations regarding competitions in swimming, open water swimming, water polo, diving, synchronised swimming and masters swimming.

To regulate and promote all aspects of competitive swimming in the FSM and to provide a uniform set of rules for the conduct of all swimming competitions in the FSM.

To establish the criteria for the selection of swimmers to represent the FSM in international swimming competitions and to select and send those eligible within such criteria.

To affiliate with the FSM National Olympic Committee, the Oceania Swimming Association and FINA

To actively promote the elimination of the use of prohibited substances and techniques from the sport of swimming in the FSM, and to impose sanctions on members committing doping offences.

#### **RULE 4: POWERS**

The powers of FSMSA are:

A/ To make or adopt such rules, bylaws and resolutions by the democratic process described as are necessary for the efficient administration of swimming in the FSM.

B/ To prescribe Affiliation Fees payable by Members

C/ To source funding from public grants, private donations and club/association fundraising to support financially projects aligned with the Objects of the Association.

D/ To purchase, sell, lease, exchange or otherwise deal with property (whether personal or real)

E/ To borrow and/or give security or undertakings for any borrowings, and to lend, either

with or without security, where such borrowings or loans are conducive to the attainment of the objects of FSMSA.

F/ To employ staff, engage contractors or enter into engagements with providers of services

G/ To affiliate with any organisation whose objectives are compatible with those of the FSMSA.

H/ To discipline any Member or Club who transgresses these rules or the rules of FINA or Appendix 1 (a), (b), (c) 'the Swimming Code of Conduct'

I/ To grant awards and bestow honours.

J/ To delegate such of these powers as it may deem appropriate from time to time

K/ To do or cause to be done any action which is conducive to the attainment of the objects of the FSMSA.

## **RULE 5: MEMBERSHIP**

The following shall be members of the FSMSA and will remain so, as long as they shall continue to abide by all rules and bylaws of the club or association to which they belong and of the FSMSA.

Swimming organizations representing a club, region or geographic area in the FSM may be admitted to the Association by a majority vote of those members entitled to vote.

All financial members of clubs/associations affiliated to the FSMSA, as defined by the constitution of said clubs/associations are entitled to vote.

All Life Members of the FSMSA appointed from time to time.

No member shall have any right to take part in the management of the affairs of the FSMSA except the delegates of his Club or Association elected to the FSMSA Board or as hereafter provided.

Any member of a club desiring to transfer to another club shall, with their application, forward to the secretary of the new club a certificate from the former club that he/she is not financially indebted thereto.

## **RULE 6: CLUBS/ASSOCIATIONS**

A club or association will only be recognized by the FSMSA if, upon application, it is granted affiliation to the FSMSA.

A club/association will be eligible to be recognized by FSMSA if upon application it can demonstrate that it:

- 1 - Has a membership of at least 10 fee-paying members, 10 of whom must be registered swimmers
- 2 - Has adopted a Constitution agreeing to be subject to and observing the rules, bylaws and directions of FINA and FSMSA.
- 3 – Has registered as an Incorporated Body within the FSM.
- 4 - Has adopted rules providing for its agreement to meet its financial obligations under these rules, including payment of annual subscriptions, competition levies and swimmer registration fees to FSMSA as set by a FSMSA Annual General Meeting.
- 5 – Has an active program in swimming, open water swimming, diving, water polo, synchronised swimming or masters swimming.
- 6 - Has ensured that all its members have, as a condition of membership, read, understand and agree to abide by the FSMSA Swimming Code of Conduct as set out in Appendix 1. A signed document to this effect must be submitted to the FSMSA annually.

The affiliation of any club to FSMSA shall operate as an agreement binding such club and all of its members to abide by the rules and bylaws of FINA and FSMSA and to accept and enforce all decisions and directions made by the Club, FINA and the FSMSA.

All Clubs shall remit to FSMSA a list of the names and addresses of the members of their clubs as at the 30th day of May in each year.

A Member of a Club, who does any act, or omits to do any act, which brings the sport of swimming into disrepute, or who violates any rule, bylaw or policy of FINA, FSMSA, his/her Club, shall render such violating club and/or member(s) liable to be fined, interimly suspended, suspended or expelled by the Board. If any Member or Club is fined, suspended or expelled by the board of FSMSA, the Member or Club shall have a right of appeal to the Board.

A club that knowingly arranges its affairs such that it fails to pay FSMSA income, fees or levies as they fall due will be liable for disaffiliation or suspension. During any period of suspension of any club, swimmers who remain members of that club will be ineligible to compete in events conducted under the rules of FSMSA.

## **RULE 7: FEES**

FSMSA shall prior to the commencement of its financial year set a membership fee payable to it by

each member and notify all Clubs/Associations of the amount of such fee. Any fees to be set at the Annual General Meeting of the FSMSA.

A member will be ineligible to compete in any swimming competitions conducted by any Club, Association or FSMSA if he/she has not paid to his/her club all club and FSMSA membership fees within 14 days of the dates they fall due.

If any club fails to pay membership fees collected from members to FSMSA, the Board may suspend the club or member until such fees are paid and/or impose any penalty as determined by the Board for such non-payment.

## **RULE 8: BOARD OF DIRECTORS**

For the proper management of the affairs of FSMSA there shall be a Board of Directors, consisting of the following Officers:-

One (1) President

One (1) Vice-President

One (1) Secretary

One (1) Treasurer

One (1) Athlete Representative

Four (4) Directors

FINA Bureau Members in FSM, if any, are ex-officio members of the Board.

Elected Board members will remain in office for a period of two (2) years.

### Directors

Each member Club or Association shall be entitled to appoint two directors through their State Association, Directors shall be members of the Board of FSMSA for a period of two (2) years and their nomination and tenure shall be aligned with the election of the Board.

A director may only represent one Club or State Association.

Conflicts of Interest. All members, staff, persons elected or appointed, individuals engaged in FSMSA activities and/or consultants or contractually connected person/firms representing or serving the FSMSA shall act for the benefit of the Association when making decisions that affect, or may affect, the Association and to do so without reference to their own personal interests, either financial or otherwise.

### Life Members

It shall be competent for members attending an Annual General Meeting to elect Life Members of FSMSA provided that the proposal has been given in writing to the Secretary and written notice to this effect has been given to all financial members that the proposal is

to be considered at the Annual General Meeting

## **RULE 9: ELECTION OF OFFICERS**

**FSMSA shall hold democratic and free elections in order to maintain the principles of integrity and neutrality.**

Nominations for the Officers of the Board of FSMSA shall be in writing and must be signed by both the nominator and nominee and must reach the Secretary at least three days before the date fixed for an in person Annual General Meeting. In the case of a video, telephone or email election, nominations must be submitted to the Secretary or the person nominated by the board no later than 15 days prior to the voting date.

Notice of the Annual General Meeting, whether it be in person or otherwise as previously specified, shall be received by the members eligible to vote, and must include Nomination forms for the election of Office Bearers.

Election of Office Bearers shall be by secret ballot with a simple majority of those eligible to vote deciding the outcome.

If for any reason whatsoever no nominations be received for all or any of the offices, it shall be competent for the Annual General Meeting if it sees fit to fill any office for which no nominations have been received. Where the number of nominations is greater than the number of offices to be filled, a secret ballot shall be held.

Proxies shall not be accepted.

## **RULE 10: BOARD MEETING**

The Board shall meet at least one (1) time per year and more frequently if it shall so decide and at such places as it shall from time to time decide. Board Meeting can be in person, video, telephone or email conversations.

At every meeting of the Board the President, if present, shall be Chairman or in his/her absence, one of the Vice-Presidents or any member chosen by the meeting shall be Chairman.

The quorum for a meeting of the Board shall be five (5) office bearers. In the event of a Quorum not being met, a meeting will be re advertised and held at the earliest convenient time, place or method.

In the event of a meeting being held via video, telephone or email conversations, Board members must indicate their willingness and availability to participate in the conversation no later than seven (7) days prior to the meeting date. Minimum quorum applies.

All votes will be by secret ballot unless modified by a majority of those attending the meeting. A simple majority will confirm or deny a motion.

In the event of the office of the President becoming vacant during the year, the Board shall be competent to elect one of the Vice-Presidents to the office of President.

The Board may replace any member ceasing to be a member of the Board by appointing a person in his/her place.

Proxies shall not be accepted at Board meetings.

An officer shall automatically vacate his/her seat if he/she fails to attend without good cause two (2) consecutive meetings of the Committee.

If the number of votes passed for and against a motion is equal then the Chairman shall have a second or casting vote.

### **RULE 11: MANAGEMENT**

The affairs of FSMSA shall be conducted by the Board who shall meet to:-

Manage the finances of FSMSA and to ensure that proper books of account are maintained.

Appoint such sub-committees as may be necessary or desirable and to fix their terms of reference. Such sub-committees shall consist of no less than two persons and shall report to the Board from time to time as required.

Summon and conduct meetings of FSMSA during National Championships/Micronesian Games and to appoint officials and assist in the organization of said events when requested.

Draw up and publish a list of technical officials competent to carry out the duties of referees, starters, judges, time keepers and timing judges, diving, referees, judges and recorders and water polo referees. FSMSA shall have the power to remove the name of any official appointed who is subsequently considered incompetent to fulfill the duties.

Maintain a register of FSM records, and take such other steps, as may be considered necessary or desirable to carry into effect the objects of the Association.

### **RULE 12: FINANCIAL ADMINISTRATION**

The control and investment of the funds and all other property of FSMSA shall be in the hands of the Board.

The revenue of FSMSA may be comprised of Members' fees and annual subscriptions, revenue

generated by the marketing programme of FSMSA, fines imposed by the authorised bodies, grants being received from FINA, Olympic Solidarity and the Federated States of Micronesia National Olympic Committee, funds allocated from the Government, and any other revenues subject to the approval of the Executive Board.

All monies due to FSMSA shall be paid to the Treasurer who shall deposit the same in a bank to the credit of the Association. All disbursements shall be made by cheque signed by the Treasurer and the President or such other officer as the Board shall authorise. All disbursements shall be authorised or confirmed by a Minute of the Board.

The financial year of FSMSA shall be the calendar year July 1<sup>st</sup> to June 30<sup>th</sup>.

For each financial year, the Treasurer shall establish a statement of accounts.

### **RULE 13: ANNUAL GENERAL MEETING**

FSMSA shall hold the Annual General Meeting not later than 2 months after the end of the financial year each year.

FINA shall be notified of the dates and the location of the General Assembly sixty (60) days before the general assembly. The minutes shall be provided to FINA within sixty (60) days of the general assembly.

a. The business of the Annual General Meeting shall be:-

To receive the report of the Board and review the activities of FSMSA and to plan future policy.

To receive the audited accounts for the previous year and consider the financial position.

To elect where required the President, Vice Presidents, Secretary General and Treasurer.

To ratify the nominated Directors for each State and confirm their eligibility.

To consider motions, if any, of which due notice had been given.

To appoint an Auditor who shall examine the annual returns prepared by the Treasurer and verify the same with the accounts and vouchers relating thereto and shall issue his usual auditor's certificate. The AGM may choose not to appoint an Auditor if the meeting so decides.

To consider any other business as the Chairman may permit.

b. No less than 30 days notice shall be given to members of the time, date, place and business of the Annual General Meeting.



c. Quorum for an AGM is five (5) Office Bearers

#### **RULE ~~14~~: SPECIAL GENERAL MEETING**

The Secretary shall convene a Special General Meeting which shall be open to all members on receiving a petition setting forth the objects of such meeting signed by not less than 50% of affiliated clubs. Only such business as that for which the meeting was convened shall be discussed. No less than 30 days notice shall be given to members of the time, date, place and business of the Special General Meeting. Quorum as per AGM.

#### **RULE 15: AMENDMENTS OF THE CONSTITUTION**

Any amendment to the Constitution rules shall be made at an Annual General Meeting or Special General Meeting of FSMSA and shall be in accordance with the following provisions:-

Notice of the intended amendment is given in writing to the Secretary at least 30 days prior to the Meeting at which the proposed change is to be considered.

Written notice has been given to all financial members that the proposed amendment to the Constitution is to be considered at the Meeting.

The majority (51% or more) of those attending the Meeting vote in favor of the amendment.

#### **RULE 16: RIGHT TO COMPETE**

A swimmer will only be eligible to take part in competitions organised by any club or association of FSMSA if he/ she is a member of FSMSA and has paid affiliation fees that are due. FINA athlete eligibility rules govern FSMSA right to compete rules and athlete eligibility.

Refere to Appendix 1 and 2

#### **RULE 17: FSMSA SWIMMING RECORDS**

To be eligible to hold a FSMSA swimming record, a swimmer must both be a member of FSMSA and a Micronesian citizen.

Micronesian citizen means any member who holds a FSM passport, as per Rule 18.

FSMSA shall maintain a register of all FSM Long & short-course individual and regional relay records.

FSM records will be accepted when times are recorded by automatic timing or semi-automatic timing. In the event of automatic timing system being unavailable, three certified stopwatches are used per lane by certified timekeepers, and shall be recognized to 100th (one hundredth) of a second.

Swimmers will be recognized as joint holders of the record when more than one has the same time.

The distances for FSM individual and relay records and age-group records for males and females shall be:

#### Long Course and Short Course Open & Age Group Records

50m –FR, BK, BR, BU

100m –FR, BK, BR, BU

200m –FR, BK, BR, BU

400m –FR

800m –FR

1500m –FR

400m IM

200m IM

100m IM

Relays

4 x 50m MED

4 x 50m FR

4 x 100m MED

4 x 100m FR

FSMSA age group records will be recognized for males and females in yearly ages as follows:-under 9 years, 9 - 11 years, 12 - 14 years, 15 -17 years, 18 years and over. Age will be determined as at the date of the swim.

A swimmer may establish a record for an intermediate distance within an individual record distance. The swimmer must successfully complete the entire distance for the record to be accepted.

The first swimmer in a relay event may establish a record for an individual record distance. The individual performance shall not be nullified by any team disqualifications for violations after the record is achieved.

**RULE 18: INTERNATIONAL REPRESENTATION**

To represent FSM at International Competitions all swimmers must be FSM Citizens holding a current FSM passport and must be a member of a FSM Swimming Club affiliated with the FSMSA. The FSMSA eligibility rules to represent FSM at all international events will differ to the FINA and the Olympics eligibility rules, see Appendix 2 A & B.

Coaches and team officials must be members of the FSMSA and fulfill the eligibility requirements as from time to time are promulgated by the FSMSA, National Olympic Committee and FINA.

**RULE 19: DRUG TESTING/ANTI DOPING**

Every member of FSMSA agrees as a condition of such membership to:

Comply with the Anti - Doping Rules set out by FINA.

Submit to doping control testing, including out-of-competition doping control, when requested to do so by FSMSA and FINA, (including any other testing agency or body duly authorised by any of them to undertake doping control testing on their behalf).

**RULE 20: WINDING UP**

FSMSA may be wound up at either an annual general meeting or a special general meeting if a resolution to so wind up is passed by a majority of at least 75% of those present and entitled to vote.

If, in the event of FSMSA being wound up or dissolved, there remains after the satisfaction and discharge of all debts, liabilities and obligations, any property or assets, the same shall be given or transferred to an association or organisation having objects similar to FSMSA.

Constitution and codes of conduct adopted at the Special General Meeting of the FSMSA

Date.....

Signed.....President (Name).....

Signed.....Secretary (Name).....

## **APPENDIX 1: A**

### **CODE OF CONDUCT - GENERAL**

This Code of Conduct shall apply to all FSMSA Members and persons participating in or connected to FSMSA activities

The following requirements must be met in regard to your conduct;

Respect the rights, dignity and worth of others.

Be fair, considerate and honest in all dealings with others.

Be professional in, and accept responsibility for your actions. Make a commitment to providing quality service and performance.

Be aware of, and maintain an uncompromising adherence to standards, rules, regulations and policies.

Operate within the Constitution, Regulations, Policies and Procedures of FSMSA and FINA.

Abide by the Sports Anti - Doping Policy

Understand the possible consequences of breaching the FSMSA Code of Conduct. Immediately report any breaches of FSMSA members to the appropriate authority.

Refrain from any form of harassment, discrimination, victimisation or any form of abuse towards others.

Provide a safe environment for the conduct of all activities

Show concern and caution towards others who may be sick or injured.

Be a positive role model.

To not provide comment to any media on behalf of FSMSA.

To not speak to any media in a negative way regarding FSMSA.

Never act in any way that may bring disrepute or disgrace to FSMSA members, its stakeholders and/or its sponsors, potential sponsors and/or partners.

FSMSA expects all members, supporters, advisors, staff and associates of FSMSA to abide by a Code of Conduct that upholds the principles and values of the organisation and the FSMSA Member Protection Policy. Members should recognise that at all times they have a responsibility to a duty of care to all FSMSA members.

I AGREE TO ABIDE BY THE FSMSA CODE OF CONDUCT - 1 A

Name.....

Signed..... Date.....

## **APPENDIX 1:B**

### **CODE OF CONDUCT – TEACHER/COACH/TEAM MANAGER**

#### Teacher / Coach will:

Respect the rights, dignity and worth of every individual athlete as a human being and treat everyone equally regardless of gender, disability, ethnic origin or religion.

Respect the talent, developmental stage and goals of each athlete in order to help each athlete reach their full potential.

Operate within the rules of your sport, maintaining high standards of integrity and in the spirit of fair play, while encouraging your athletes to do the same.

Advocate a sporting environment free of drugs and other performance enhancing substances.

Do not disclose any confidential information relating to their athletes without written prior consent.

Be a positive role model for your sport and athletes and act in a way that projects a positive image of coaching/teaching.

All athletes are deserving of equal attention and opportunities

Be fair, considerate and honest with athletes

Encourage and promote a healthy lifestyle – refrain from smoking and drinking alcohol around athletes.

Display high standards in your language, manner, punctuality, preparation and presentation

Display control, courtesy, respect, honesty, dignity and professionalism to all involved within the sphere of sport - this includes opponents, coaches, officials, administrators, the media, parents and spectators.

Encourage your athletes to demonstrate the same qualities.

Be professional and accept responsibility for your actions.

You should not only refrain from initiating a relationship with an athlete, but should also discourage any attempt by an athlete to initiate a sexual relationship with you, explaining the ethical basis of your refusal.

Accurately represent personal coaching qualifications, experience, competence and affiliations.

Refrain from criticism of other coaches.

Seek continual improvement through ongoing coach education, and other personal and professional development opportunities.

Provide athletes with planned and structured training programs appropriate to their needs, goals and individual abilities.

Seek advice and assistance from professionals when additional expertise is required.

Adopt appropriate risk management strategies to ensure that the training and/or competition environment is safe and ensure equipment and facilities meet safety standards.

Ensure equipment, rules, training and the environment is appropriate for the age, physical and emotional maturity, experience and physical ability of the athletes.

Show concern and caution toward sick and injured athletes and encourage athletes to seek medical advice when required. Allow further participation in training and competition only when appropriate and provide a modified training program where appropriate.

Protect your athletes from any form of personal abuse. Be alert to any forms of abuse directed towards athletes from other sources while in your care.

Refrain from any form of verbal, physical and emotional abuse towards your athletes. Refrain from any form of sexual and racial harassment, racial vilification and harassment on the grounds of disability.

Any physical contact with athletes should be appropriate to the situation and necessary for the athlete's skill development.

Maintain appropriate records.

In addition a Team Manager will:

Be responsible for the overall welfare and well being of team members and officials when travelling with a team.

Not participate (or benefit from assisting others involved) in sports betting or gambling activity associated with swimming events and/or swimming results in which they are participating or have been directly involved in.

Maintain a 'duty of care' towards team m the team.

Foster a collaborative approach to the management of the team.

I AGREE TO ABIDE BY THE FSMSA CODE OF CONDUCT - 1 B

Name.....

Signed..... Date.....



**APPENDIX 1: C**

**CODE OF CONDUCT – SWIMMERS**

Swimmers will;

Agree to abide by the General code of conduct.

Never argue with or verbally abuse an official. Always use the appropriate rules and guidelines to resolve a dispute.

Not participate (or benefit from assisting others involved) in sports betting or gambling activity associated with swimming events and/or swimming results in which they are participating or have been directly involved in.

Conduct yourself in a sportsman-like manner and respect fellow swimmers, coaches, managers, staff, officials and the achievement of opponents.

Do not bully or take an unfair advantage of another competitor.

Cooperate with your coach, manager team mates and opponents.

Refrain from possessing, consuming prohibited substances while in FSMSA camps or on tours. Do not consume or purchase alcohol and tobacco while in FSMSA camps or on Tours without the agreement of the Team Manager and Head Coach.

Comply with training, competition, curfew and behavior requirements directed by FSMSA, while in camp or on tours.

I AGREE TO ABIDE BY THE FSMSA CODE OF CONDUCT – 1C

Name.....

Signed..... Date.....

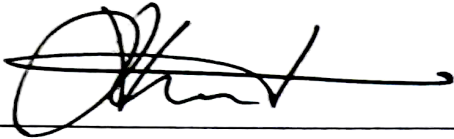
The Federated States of Micronesia Swimming Association hereby adopts and accepts this constitution as a current operating guide regulating the actions of members.



Mae Bruton-Adams, President

12 MAR 2021

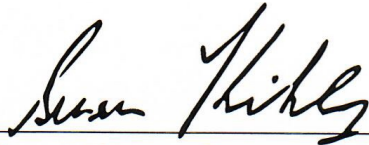
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Ruotpong Pongliyab, Vice President

03/15/21

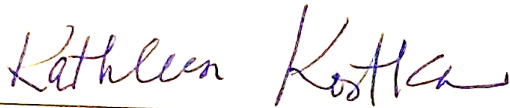
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Susan Kihleng, Secretary General

March 10, 2021

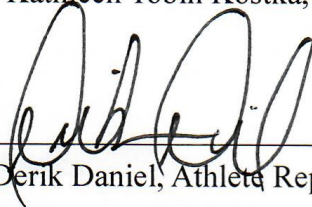
Date



Kathleen Tobin Kostka, Treasurer

03/19/2021

Date



Derik Daniel, Athlete Representative

March 17, 2021

Date



Marvann Eneriam, Pohnpei State Representative

March 17, 2021

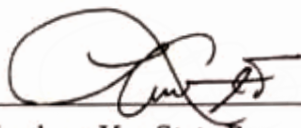
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Wisney Nakayam, Chuuk State Representative

16 MARCH 2021

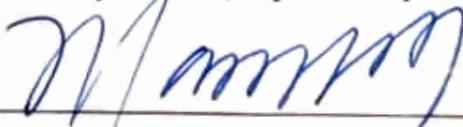
Date



Larry Uweluer, Yap State Representative

MARCH 11, 2021

Date



Marciano Waguk, Kosrae State Representative

April 13, 2021

Date