

5.3 The Constitution Template

Smile National Federations Incorporated (*Name of Sport*)

CONSTITUTION

PREAMBLE

The Smile National Federation (“hereafter called SNF”), a sport organization supporting the Olympic Movement hereby undertakes to respect the provisions of SASNOC constitution, Olympic Charter, the Smile International Sports Federation (ISF) the World Anti-Doping, and to abide by all decisions of the IOC.

SNF undertakes, in accordance with its mission and the role at national level, to participate in actions and sports activities to promote peace and gender equity in sport.

SNF also undertakes to support and encourage the promotion of sport ethics, to fight against doping and to demonstrate a responsible concern for environment issues. To maintain our green environment through sport.

ARTICLE 1: NAME AND INDEPENDENCE

There exists and shall continue to exist an incorporated society named the **SMILE NATIONAL FEDERATION INCORPORATED** (*insert correct sport body name*). A non-governmental and not for profit organization duly registered in Samoa pursuant to Incorporated Societies Ordinance Act 1952 as administered by the Ministry of Commerce Industry and Labor (“MCIL”).

As declared under Article 15 of the Constitution of the Independent State of Samoa and the Olympic Charter, SNF has and shall continue to be an independent body and shall resist any and all pressure of any kind whether political, religious, racial or economic character and shall continue to impose any policies, decisions, rules, regulations or law that discriminate against any person or body on any or all of these grounds.

ARTICLE 2: MISSION AND OBJECTS

The mission of SNF is to develop, promote, protect and encourage Smiles sports in Samoa in accordance with IF standard and rules and IOC Charter.

1. The role and objects of SNF shall be:
 - a) To promote the Smiles sport and its activities, reflecting fundamental principles and values of Olympism in Samoa particularly in the field of sports and education at all levels of school, sports and physical education institutions and universities.
 - b) To engage people of ages from 14 years old and above (*optional*) gender, religion to participate in Smiles sport activities
 - c) To help in training of coaches and sport managements
 - d) To take action against any form of discrimination and violence in sports.
 - e) To adopt and implement the World Anti-Doping Code and Samoa Medical Anti-doping Agency (SMADA) and Safeguarding Policy.
 - f) To encourage and support measures relating to medical care and health of all athletes and officials.
2. SNF shall be a member of SASNOC and IF at all times.
3. SNF has the exclusive authority to select, nominate its athletes and officials to all competitions either locally or internationally pursuant to Smiles International Federations rules (*Optional*)
4. To achieve the objectives of SNF, shall seek sources of financing from stakeholders, partners, sponsors, SASNOC and government at any time compatible with the Olympic Charter.
5. SNF shall appoint an executive committee and representatives to all commissions offered by SASNOC.
6. SNF shall exercise all its powers to have a bank account, borrow and accountable to its members and donors for all financial received including SASNOC, IOC and government grants.
7. SNF membership and financial year start from January and end in December of same year.

ARTICLE 3. MEMBERSHIP

- 1. All members will be subject to rules, regulations and constitution of SNF upon becoming a member.**

Member criteria:

- a) Shall be a Samoan national;
- b) *Optional* – Expatriate can become a member, vote and cannot hold office.

- g) A person who is 14 (*optional*) years old and over and living in Samoa; (*Archery 14 years old, Samoa Shooting Federations is 16 years old, Samoa Triathlon, Cycling Federations and Bike Samoa both are 18 years old,*
- c) Must pay a fee of \$100 (*amount varies*) by 31 January every year;
- d) A person left Samoa more than 12 months can still be a member but cannot cast a vote;

2. Cessation of Membership – a person ceases to become a member if:

- a) Dies;
- b) Resignation;
- c) Loss of capacity;
- d) Upon expulsion from the federation;
- e) Failed to pay a membership fee;
- f) Dissolution of the Federation;
- g) Convicted in the court of law in Samoa or elsewhere in the world; and
- h) Became bankrupted.

3. Application for membership;

- a) Attend one of the SNF meetings and inform members of his/her interests;
- b) Pay a fee;
- c) Comply with SNF rules, regulations and constitution

4. Rights and duties of members:

- a) Voting members shall have the right to vote, to elect, to be elected and to nominate members for elections to the Executive Board;
- b) Non-voting members may attend the meetings or Annual General Meeting (AGM) or Special General Meetings (SGM) with the right to speak only.
- c) Members must respect and implement decisions /resolutions made by the Executive Board.
- d) Members must act in accordance with the IF, SASNOC and IOC Charter

5. Measures and sanctions against an infringing member.

When a member fails to fulfill his/her duties accordingly, the following measures and sanctions may apply (depending on the gravity of the facts and the level of damage or infringement)

- a) Warning;
 - b) Suspension; and
 - c) Expulsion.
6. Any decision to address a warning shall be made by the Executive Board after having given an opportunity to the member concerned to be heard. The Executive shall report the matter accordingly at the next AGM
7. Any decision to suspend or expel a member shall be made in accordance with the procedure mentioned in *Article 4 section 16* after given a reasonable opportunity to the member concerned to be heard.

ARTICLE 4: COMPOSITION OF EXECUTIVE BOARD

- 1. The executive Board is selected at the Annual General Meeting and is made of the following officers. (*An option is available for 1-4 year term*) the selected executive members must reflect a balance of male and female representatives at all times.**

- 1) President;
- 2) Vice President;
- 3) Secretary General;
- 4) Treasurer; must be an Accountant
- 5) Athlete Representative (male or female)
- 6) Para-Athlete Representative (male or female)
- 7) Event Co-coordinator (coach/trainer)
- 8) Two other members plus one if your sport does not have para-athletes

- 2. Criteria for election of an Executive Board Member.**

- 1) Must have a clean police record;
- 2) Had not expelled from another sports federation either local or overseas
- 3) Good standing in the community
- 4) Active or retired sport person

- 3. Powers of the Executive Board**

- a) The Executive Board is the supreme governing body of SNF.
- b) Adopt the agenda of the meeting and the minutes of the previous meeting.
- c) Determine and approve the strategic plan and general policies of SNF.

- d) Hear, examine and approve the annual report of activities of SNF presented by the President or Vice-President on behalf of the executives.
- e) Examine and approve the audited financial statements of the preceding year and examine and approve the annual budget for the following year proposed by the Executive Board.
- f) Elect the officers and members of the Executive Board.
- g) Elect the members of the Sports Commissions namely, Sport, Education. Athlete and Equity etc.
- h) Elect the auditor which shall review SNF financial statements annually.
- i) Elect the legal advisor.
- j) Take final decisions on admission, suspensions and/or removal or expulsion of members as specified in the constitution
- k) Determine and specify from time to time the annual subscription fee to be paid by each member, the payment of which entitles a member to participate and vote at the AGM or other meetings of SNF.
- l) Accept any financial or materials assistance or donations in accordance with this constitution.
- m) Consider and adopt this constitution and any further amendments by decision taken by at least two-thirds (2/3) of the votes cast by the voting members present at the AGM.
- n) Consider and approve any additional by-laws or any internal regulations proposed by SASNOC and SNF executives, and should not contradict with this constitution and IOC Charter.
- o) Decide on the dissolution of SNF (in the presence of a quorum of at least two-third (2/3) of the voting members at the AGM.).
- p) Exercise any other powers as per this constitution.
- q) In general, decide on matters on its agenda and on any matter which is not provided for in this constitution, as the case may be, and subject to the Olympic Charter.

4. Meetings or AGM of the Smile Sport Federations (SNF)

- a) The meetings must be annually and should be conducted in the first quarter of the year (optional to go in line with the financial year year)
- b) A public notice is posted on newspapers and emails of members at least fourteen (14) days from date of AGM.
- c) If a vacant position is to be elected, nominations must be submitted at the AGM

- d) An Extraordinary meeting may be convened at the request of the President or the Secretary General and should be called on a fourteen (14) days-notice to all members.
- e) The meetings are chaired by the President, in his/her absence the Vice President, in his/her absence, the Secretary General
- f) The quorum of all meetings must be two-third (2/3) of members. If quorum cannot be reached the meeting shall be adjourned to seven (7) days later. If the quorum is still not reached at this second meeting, the meeting will take place provided that at least one-third (1/3) of the voting members are present.
- g) Voting shall be conducted by shows of hands or online by one (1) by vote per member. (*optional to secret ballot or online voting and most NFs have less than 30 members*)
- h) Voting by proxy is not allowed. (*Optional if NFs wish to allow proxy meetings and voting*)
- i) Copies of the minutes shall be distributed to all members after 30 days of the meetings.
- j) The Secretary General shall be responsible for establishing the minutes of all meetings.

5. Electoral procedure at the AGM

The procedure for the election of members of the Executive Board shall be as follows:

- a) Nominations are tabled at the AGM verbally and seconded by another member;
- b) Nominations must be checked by the Secretary General on criteria prescribed in this constitution
- c) If there are two (2) candidates for position, another vote should be casted by vote of hands (*optional/secret ballot*) and the President has another final vote.

6. Replacement of a/ or an Executive Board Member.

The President or Vice-President in his/her absence may call a Special Meeting for the purpose to electing replacements for vacant positions of the Executives.

Follow 12 (a) to (b)

7. Vacation of Office.

For the purpose of these rules, the position of an office of SNF or any ordinary Executive members become vacant if the Officer or Executive member;

- a) Dies;
- b) Resignation;
- c) Living overseas more than 12 months or permanently resides overseas; (*number of months is optional*)
- d) Loss of capacity;
- e) Upon expulsion from the federation;
- f) Failed to pay his/her membership fee;
- g) Dissolution of the Federation;
- h) Convicted in the court of law in Samoa or elsewhere in the world; and
- i) Became bankrupted.

8. Measures and Sanctions against an officer, an Executive Board Member.

- a) Where a member (s) breached any of the SNF constitution, SASNOC constitution, Internal Affiliated Federations (IF) and IOC Charter.
- b) Where a members breached the criteria to become a member and to be elected as Executive Board Member.
- c) The Executive Board will call a meeting to discuss details of such behaviors or complaints against a member or members and issue him/her a letter (“the notice”) signed by the Secretary General / President informing the concerned member (s) of the allegations or breaches raised against him/her
- d) A notice is served allowing fourteen (14) to respond in writing. Once a response is provided the Executive will meet again whether to invite him/her for more questions or to make a decision.
- e) A concerned member has the right to a representation or legal advisor if required and may allow extra seven (7) days to respond.
- f) In the event the concerned member (s) does not wish to respond after fourteen (14) days the Executive may issue a decision.

9. Penalties and Appeals.

Penalties imposed by the Executive Board on matters that concern members as prescribed in *section 15* of this constitution depending on the severity and gravity of the conduct.

- a) Warning;
- b) Suspension; and
- c) Expulsion.

A report must be submitted to all members of the action taken against such member by emails or during the AGM by the Secretary General.

10. Powers and Duties of the Executive Board.

- a) The Executive Board is charged with the responsibility of managing the affairs of SNF. It performs the following duties;
- b) Administer the programs of SNF;
- c) Prepares submissions, propose changes and makes recommendations for SNF.
- d) Administer the finances of SNF
- e) Facilitates all activities including fundraising, sponsorships, income-generating development programs, awards etc
- f) Comply with spending and reporting of all funding and grants by Government of Samoa, SASNOC, IF, local and international partners etc.
- g) Accountable to monies receive for SNF and must reflect in audited accounts.
- h) Follow up on sports activities and sports calendars of all events including local and international competitions including Oceania and Pacific Games, World championships scheduled by IF, Commonwealth and Olympic games.
- i) Administer reports and results on athletes, coaches, trainers, Anti-Doping, Commissions (Athlete, Education, Equity etc)
- j) Appoint representatives to participate in relevant SASNOC Commissions and report back to SNF.
- k) To borrow on the security of SNF property.

11. Meetings of the Executive Board

- a) The Executive Board shall meet once in every two months (*optional*)
- b) Urgent meetings of the Executive Board may be convened as necessary by the President or Vice-president at the request of at least one-third (1/3) *optional* of the members.
- c) For urgent meetings, at least fourteen (14) days from date of meeting with the agenda and matters to be discussed.

Follow what is stated in **section 11 (f) to (j)**

12. Responsibilities of the President

- a) The President shall represent SNF to SASNOC or IF meetings and/or in country meetings
- b) The President shall act and sign as the legal representation of SNF
- c) The President shall co-sign together with the Treasurer in any financial authorization or expense
- d) The President shall convene and all chair the meetings of the Federations
- e) The President shall ensure the observance of this constitution and the Olympic Charter
- f) The President shall promote the Olympic principles and ethical behaviors within the Federations, country, IF and Olympic Movement.

13. Responsibilities of the Vice-President

- a) The Vice-President, by protocols order, shall perform the duties and assume the responsibilities of the President in his absence or incapacity.
- b) The Vice-president shall perform any other functions as may be prescribed by the Executive or President from time to time.

14. Responsibilities of the Secretary General

- a) The Secretary General shall manage the administration of SNF, monitor and oversee all administrative work as directed by SNF
- b) The Secretary General shall make all necessary arrangements for the meetings of the Federations and document all minutes.
- c) The Secretary General shall keep the register of all members up to date.
- d) The Secretary shall coordinate the work of members representing the Commissions and obtain their reports for the information of SNF
- e) The Secretary General shall perform any other function and work prescribed by the Executive and SNF.

15. Responsibilities of the Treasurer.

- a) The Treasurer shall have specific qualifications and skills to exercise his/her functions properly

- b) The Treasurer shall receive all dues, fees or any funds or property paid or donated to SNF.
- c) The Treasurer shall deposit all funds received in a designated bank account nominated and approved SNF in the name of Smile National Federation (SNF)
- d) The Treasurer shall co-sign all payments with the President or any other members of the Executive authorized by the Executive.
- e) The Treasurer shall maintain and administer the accounts of SNF
- f) The Treasurer shall maintain proper, accurate and regularly updated records of all expenditures, revenues, grants and other financial transactions of SNF.
- g) The Treasurer shall prepare all necessary financial statements, reports and annual budgets for the Executive Board and SNF.
- h) The Treasurer shall ensure that the financial statements of SNF are properly and annually audited by the elected Auditor.

ARTICLE 5: FINANCES

1. The Finances of SNF may come from the following sources:

- a) Financial supports from IF;
- b) Financial support from SASNOC;
- c) Financial support from membership fees as decided by SNF
- d) Financial support from sponsors and partners
- e) Revenues derived from marketing and sponsors are used directly to sports development of SNF athletes, coaches, trainers etc
- f) Others

2. All funds and grants received by SNF shall be accounted for, audited and reported back to the Executive and members.

The financial year for SNF begins on 1st January and ends on the 31 December of the same year (*optional*)

3. Once audited accounts are approved it must be filed with MCIL including AGM minutes, list of members and pay a fee. This will renew the incorporated certificate every year and submit to SASNOC and IF for annual registrations.

ARTICLE 6: AUDITOR

1. An auditor shall be appointed at the Annual General Meeting for the ensuing year, and shall be eligible for re-appointment.

ARTICLE 7: LEGAL ADVISOR

1. A legal advisor shall be appointed at the Annual General Meeting for the ensuing year, and shall be eligible for re-appointment.

ARTICLE 8: ALTERATIONS

1. The constitution may be altered, amended or repealed on a Notice of Motion only at an Annual General Meeting, or at a Special General Meeting duly called for that purpose.
 - a) The Notice of Motion must be communicated in writing to the Secretary General of SNF not less than 21 days before the date of the General Meeting at which it is to be considered.
 - b) In the meeting, a quorum of two-third (2/3) must be present for any alterations to be made and approved
 - c) The submissions for alterations must be presented to SNF by a lawyer and would allow the members to ask questions. No alternations can be made that would be inconsistent with IF constitution, SASNOC constitution and IOC Charter.
 - d) Only when the alterations are approved to be made, a copy must be provided to SASNOC and MCIL for their records.

ARTICLE 9: STANDING ORDERS AND INTERPRETATION

1. On questions concerning the interpretation of rules, regulations, standing orders or points of order, the president's decision shall be final; provided that it should be competent. Otherwise, SNF executive may adjourn the matter and engage legal counsel to explain further details and to be discussed in another meeting.
2. Amendments.
 - a) No further amendments shall be received by the President until the one already before the meeting is disposed of;
 - b) Amendments must always be put to the meeting first, then the motion for discussion.
 - c) Members are free to ask and hear their views and to be documented in the minutes.

3. Order of business for Meeting

- a) Minutes of previous meeting;
- b) Business arising out of minutes;
- c) Correspondence and business arising therefrom;
- d) Current statement of Income and Expenditure;
- e) Report of Officers and Representative of Commissions
- f) Notices of Motion; and
- g) General Business.

ARTICLE 10: DISSOLUTION AND WINDING UP

1. SNF may be dissolved by decision of the Members in the presence of a quorum of at least two-third (2/3) of the voting members and by resolution taken by at least two-third (2/3) of the votes cast by the voting members present.
2. In case of dissolution, all debts and liabilities legally incurred on behalf of SNF and shall be fully discharged and the residuary fund shall be donated to the legal successor or, if not, to such organization pursuing similar objectives as may decide by Members at the AGM

ARTICLE 11: COMMISSIONS

1. The Executive Board must recommend members of SNF to SASNOC Commissions to strengthen and promote the work of SNF at various levels.

The Commissions may include:

- a) Athlete Commission;
- b) Sports Program and Development Commission;
- c) Olympic Academy;
- d) Equity Commission
- e) Sports Medical, Anti-Doping and Safeguarding Commission; and
- f) Sports Education Commission.
- g) Ethics Commission.

The executive board may constitute any other commission they consider relevant.

ARTICLE 12: EVENTS AND COMPETITIONS

1. A Games Committee shall be set up for every event or games competition coordinated by the Event Coordinator.

- a) A competition/event Manager will be selected by the coaches and endorsed by the Executive Board.
- b) Rules of all sport events must be complied with IF standard rules and guidelines.
- c) Dates and schedules of all competitions must be advertised publicly
- d) Results of all events and competitions must be kept for records.

2. Team selection

- a) Coaches and Trainers have the full responsibilities to select athletes for all competitions whether local or international competitions.
- b) Follow the selected criteria;
- c) Confirm training records and performances;
- d) Final team selection is approved by the Executive Board.

ARTICLE 13: COMMON SEAL

1. SNF Common Seal

SNF shall have a Common Seal in such form as may be fixed by the Executive Board. It shall be in custody of the Secretary General and shall be affixed to any documents pursuant to a resolution of the Executive Board.

ARTICLE 14: REGISTERED OFFICE

1. Registered Office for SNF

The office of SNF is located at 14 Beach road, Apia Town centre, Samoa. (*optional*) or any location that may be determined by the Executive Board and the Members.

ARTICLE 15: ALTERNATIVE DISPUTE RESOLUTION PROCESS

1. Alternative Dispute Resolution Process

- a) Any sport-related or institutional dispute arising with SNF or between SNF and its members shall be resolved by the competent governing bodies of SNF (in consultation with the IF and SASNOC). Matters can be resolve outside of Court and may be referred to mediations or Alternative Dispute Resolution Rules.

- b) Every concerns or issues will be reviewed by a special committee appointed by the Executive Board. Opportunities will be given to the complainant (s) or victims to respond and may/must have their representation with them during formal discussions of the matters.
- c) Final decision will be made by the Executive Board. Appeal process can also be activated should the matter has taken that further steps.

2. Disciplinary Process and Procedure.

- a) When a concern, compliant or issue is raised against a member by a person, club, bystander etc. It must refer directly to the Executive Board of SNF. The Board will appoint a Disciplinary Committee consists of three (3) members to review and report back to the Executive within 10 working days of receiving a complaint.
- b) Complaint(s) must be in writing to the President and/or Secretary;
- c) The opportunity will be given to the person alleged to provide a respond in writing and his/her free will have a representation with him/her when request for a meeting.
- d) If the Disciplinary Committee concludes that the complaint(s) does not have a merit or substance, they can submit a recommendation to the Executive to end the review; and
- e) If the findings warrant further information, review and meetings with people or club involves the committee has the power to request for further information and report back to the Executive with a recommendation; and
- f) Can also write to SASNOC for guidance and/ or appoint an independent mediator to mediate the matter.
- g) If the findings are of criminal nature, the matter can be referred to Police immediately. Examples of criminal offense, theft or conversion of property, sexual nature, breach of safeguarding rules and regulations, criminal activities etc.

ARTICLE 16: SASNOC ASSISTANCE

1. SNF may use the help and assistance of SASNOC whenever required but not limited to:

- a) SASNOC may assist with the mediation process for any issues that could not be handled by the Federation;
- b) Arbitration is also available should mediation process failed; and

- c) Recommend an independent mediator to deal with any matters referred to them either by the SNF or the Courts of Samoa

ARTICLE 17: FINAL PROVISIONS

1. The constitution of SNF shall, at all times comply with the IF, SASNOC and IOC Charter.
2. This constitution, and any subsequent change or amendment made be always be submitted to IF and SASNOC for approval.
3. This constitution shall become effective once adopted