



SAFEGUARDING RULES ON THE PROTECTION FROM HARASSMENT AND ABUSE

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CHAPTER A – INTRODUCTION

Guam Aquatics is committed to creating and preserving a sport setting that ensures positive, healthy, and fulfilling experiences for all individuals. In doing so, Guam Aquatics prioritizes the welfare, safety, and rights of every participant at all times.

In accordance with the IOC CODE OF ETHICS, **a zero-tolerance approach to breaches of safeguarding principles is adopted at all levels.**¹ In furtherance of that objective, the present Safeguarding Rules have been promulgated, having originally commenced in force on 21 May 2024. These Rules are in harmony with the 2016 INTERNATIONAL OLYMPIC COMMITTEE CONSENSUS STATEMENT ON HARASSMENT AND ABUSE IN SPORT and with the WORLD AQUATICS RULES ON THE PROTECTION FROM HARASSMENT AND ABUSE. The Rules have also been developed with due regard to the UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD; THE UNIVERSAL DECLARATION OF HUMAN RIGHTS; the GUAM CHILD PROTECTIVE ACT (19 GCA Chapter 13); and the UNITED STATES AMERICANS WITH DISABILITIES ACT (U.S. Pub. L. 101-336).

These Rules are the foundation for individual safety, well-being and the prevention of harassment and abuse. The Rules define misconduct; create standards that set boundaries between professional and athlete members; mandatory reporting; establish a structure for investigation of complaints and their underlying circumstances; promote greater accountability and compliance; outline measures to prevent safeguarding incidents and the procedures for response when they do occur.

¹ IOC CODE OF ETHICS: BASIC UNIVERSAL PRINCIPLES OF GOOD GOVERNANCE WITHIN THE OLYMPIC MOVEMENT, Principal 3.10.

Guam Aquatics is committed to promoting a non-violent, supporting and safe sport environment for all its members related to the prevention of harassment and abuse in sport, by raising awareness, improving access to reporting, providing education / prevention, decreasing stigma and supporting research to determine the breadth and depth of the problem in the aquatic sports to inform our prevention interventions.

All Covered Persons are responsible for knowing the most recent information as set out herein and, by virtue of being a Covered Person, expressly and impliedly agree to the jurisdiction of Guam Aquatics and the applicability of these Rules to himself/herself, including those governing arbitration before the Court of Arbitration for Sport (CAS). Guam Aquatics reserves the right to make changes to these Rules at all times and as necessary. Once such Rules become public, notice is deemed to have been provided and changes are effective immediately unless otherwise noted.

1. APPLICATION AND SCOPE.

1.1 These Rules apply to all Covered Persons at Covered Events. These Rules do not apply to non-Covered Events or to conduct which does not involve a Covered Person.

1.2 Each Covered Person shall be automatically bound by, and be required to comply with, these Rules by virtue of such participation, assistance, involvement, or preparation in any Covered Events.

1.3 It shall be the personal responsibility of every Covered Person to stay up-to-date and make himself or herself aware of the current version of these Rules including, without limitation, what conduct constitutes Forbidden Conduct and to comply with the requirements set out in these

Rules. Covered Persons should also be aware that Forbidden Conduct may also constitute a criminal offence and/or a breach of other applicable laws and regulations. Covered Persons must comply with all applicable laws and regulations at all times.

2. JURISDICTION.

2.1 Except for matters subject to any mandatory reporting requirements of Guam law, Covered Persons submit to the exclusive jurisdiction of Guam Aquatics to investigate and adjudicate allegations that a Covered Person engaged in one or more acts of Forbidden Conduct during a Covered Event.

2.1.2 If the Forbidden Conduct is alleged to occur in or between both Covered and Non-Covered Events, jurisdiction under these Rules only applies if the predominant nature and duration of the Forbidden Conduct occurred during Covered Events.

2.1.3 If the Forbidden Conduct is alleged to occur at a Non-Covered Event or does not involve a Covered Person, Guam Aquatics does not have jurisdiction. In such situation, the aggrieved party should contact his/her Member Aquatics Team and/or competent legal authorities.

2.2 Final decisions and decisions on provisional suspensions rendered by Guam Aquatics are appealable exclusively to the Appeals Arbitration Division of the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland in accordance with the CAS Code of Sports-related Arbitration. The CAS shall also have exclusive jurisdiction over all orders of Guam Aquatics and the Guam Aquatics Integrity Unit, including interlocutory orders; and no other court or tribunal shall have authority to

issue orders relating to matters before the CAS, Guam Aquatics, or the Guam Aquatics Integrity Unit.

2.3 If a Major Event Organization has its own rules on the protection from harassment and abuse (or similar), and either (a) an allegation asserting Forbidden Conduct against a Covered Person is first filed with the Major Event Organization; or (b) it is determined by a Safeguarding Focal Point Officer that the predominant nature of the alleged Forbidden Conduct took place during an event organized by a Major Event Organization, Guam Aquatics may defer jurisdiction to the Major Event Organization.

3. DEFINITIONS.

3.1 **“Abuse”** means action that harms or threatens to harm another person. Abuse can be psychological, physical, sexual or neglect.

3.2 **“Aquatics”** means all sport disciplines governed by World Aquatics, including Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming, Masters, and any other discipline that may be governed by World Aquatics from time to time.

3.3 **“Child”** means person under the age of 18 years old.

3.4 **“Child protection”** means actions taken when there exists a specific concern that a child is at risk of significant harm.

3.5 **“Claimant”** means the Covered Person(s) (or legal guardian in the event the Claimant(s) is a minor or incapacitated) who is alleged to have experienced conduct that constitutes a violation of these Rules.

3.6 **“Covered Event”** means a Guam Aquatics Championships, a Guam Aquatics Competition, Competition of Major Event Organization or any Guam Aquatics-sanctioned or organized meeting (i.e. Guam Aquatics Congress or meeting, any Guam Aquatics activity, etc.).

3.7 **“Covered Person”** means any natural person(s) who participates in, assists in, is involved in, or prepares an Athlete(s) to participate in a Covered Event, which includes any natural person(s) belonging to one of the following categories:

3.7.1 **“Athlete”** means any person or group of persons, participating or qualified to participate in a Covered Event.

3.7.2 **“Athlete Entourage Member”/“Athlete Support Person”** means any coach, trainer, manager, agent, parent/guardian, team staff, team official, media, medical or paramedical personnel and all persons working with an Athlete, or treating an Athlete, participating in or preparing for an Aquatics competition or event.

3.7.3 **“Official”** means all Guam Aquatics Members, persons selected, elected, or appointed to any position within Guam Aquatics, Referees and other individuals engaged in Guam Aquatics activities in any capacity, including volunteers, staff, organizers, consultants, and contractors and other accredited or engaged persons in contact with Athletes, or who are bound by Guam Aquatics rules and policies, or who are acting on behalf of Guam Aquatics.

3.7.4 Any other persons who agree in writing to be bound by these Rules.

3.8 **“Forbidden Conduct”** means any conduct set out in Section 4 herein and in Sections 12.06.03(a) through (h) of the Guam Aquatics Bylaws.

3.9 **“Guam Aquatics”** means the National Federation and National Governing Body organized under the laws of Guam that is affiliated on behalf of Guam to World Aquatics and is recognized as a sport country by World Aquatics.

3.10 **“Harm”** means the damage caused by violence, abuse, harassment, and neglect, and includes emotional, physical, and sexual harm.

3.11 **“Independent Investigation Officer”** means the person appointed by Guam Aquatics or the Guam Aquatics Safeguarding Focal Point Officer to conduct an independent Investigation.

3.12 **“Independent Protection Officer”** means the Guam Aquatics Safeguarding Focal Point Officer or his/her designated appointee.

3.13 **“Major Event Organization”** means any international, multi-sport organization that acts as the ruling body for any continental, regional or other international Competition.

3.14 **“Member Aquatics Team”** or **“Member”** means an Aquatics team or club recognized by and admitted to membership in Guam Aquatics.

3.15 **“Minor”** means a person under the age of 18 years.

3.16 **“Non-Covered Event”** means any event that is not a Covered Event.

3.17 **“Rules”** means the present Safeguarding Rules On The Protection From Harassment And Abuse.

3.18 **“Rules and Regulations”** means and collectively includes the Articles of Incorporation or Constitution, Charter, Bylaws, terms, conditions, directives, decisions, orders, codes, policies, standards, rules and/or regulations whatsoever promulgated by Guam Aquatics or other pertinent authority, including all amendments, updates, and reenactments thereto as may adopted from time to time.

3.19 **“Safeguarding”** means the policies, procedures, and actions delivered by Guam Aquatics to minimise the risk of abuse and respond appropriately to concerns when they arise.

3.20 **“Safeguarding Focal Point Officer”** means the Independent Protection Officer appointed by Guam Aquatics to act as a Safeguarding Focal Point Officer. The Safeguarding Focal Point Officer is authorized to designate and appoint an Independent Investigation Officer to assist with duties.

3.21 **“Safe Sport”** means an environment where athletes can train and compete in healthy and supportive surroundings; an environment which is respectful, equitable, and free from all forms of harassment and abuse for all persons.

CHAPTER B - RULES

4. FORBIDDEN CONDUCT.

4.1 The following Forbidden Conduct shall constitute a violation of these Rules:

4.1.1 **Harassment.** Any acts of hazing, neglect, psychological abuse, physical abuse, and sexual harassment. These forms of harassment and abuse may occur in combination or in isolation.

4.1.2 **Hazing.** Any intentional action taken or any situation created that causes embarrassment, harassment or ridicule, and risks emotional, physical or sexual harm to a Covered Person, regardless of the individual's willingness to participate.

4.1.3 **Neglect.** The failure of a Covered Person with a duty of care towards another Covered Person to provide a minimum level of care to that Covered Person which is causing harm, encouraging harm, allowing harm to be caused, or creating imminent danger of harm.

For example, forced training in unsafe training venues/equipment; failure to provide adequate nutrition/fluids while training; or failure to protect the athlete from environmental risks (heat/cold/dangerous open water swimming environments).

- 4.1.4 **Psychological Abuse.** A pattern of deliberate, prolonged, repeated non-contact behaviors within a power differentiated relationship. This form of abuse is at the core of all other forms.
- 4.1.5 **Physical Abuse.** Any deliberate and unwelcome act – such as, for example, punching, beating, kicking, biting and burning – that causes physical trauma or injury. Such act can also consist of forced or inappropriate physical activity (e.g., inappropriate age or physique training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.
- 4.1.6 **Sexual Harassment.** Any verbal or physical conduct of a sexual nature which is unwelcome. Sexual Harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct is made either explicitly or implicitly. Sexual Harassment may take the form of Sexual Abuse.
- 4.1.7 **Sexual Abuse.** Any conduct of sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given. The activities may include, but are not limited to assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. Sexual Abuse may also include non-contact activities, such as involving individuals in looking at, or in the production of, sexual images, watching sexual activities, encouraging to behave in sexually inappropriate ways, or grooming a person in preparation for abuse (including through the internet).

- 4.18 **Code of Conduct Violations.** Any prohibited conduct identified in the Guam Aquatics Code of Conduct related to Safeguarding or Safe Sport, including conduct set out in Sections 12.06.03(a) through (h) of the Guam Aquatics Bylaws.
- 4.19 **Complicity and Collusion.** Any attempt or agreement to solicit, induce, instruct, persuade or encourage any person to engage in Forbidden conduct (whether by act or omission) that would amount to a violation of these Rules if committed by the Covered Person themselves; and/or any attempt or agreement that authorises, causes, or knowingly assists, encourages, aids and abets, covers up or attempts to cover up, or is otherwise complicit in, any act or omission by any person that would amount to a violation of these Rules if committed by the Covered Person themselves.

The following are not considered Forbidden Conduct and shall not be reported under these Rules: pool or equipment issues; financial disputes; scores; competitive progression concerns; and/or employment disputes. Moreover, Forbidden Conduct does not include professionally accepted coaching methods within Aquatics for skill enhancement, physical conditioning, team building, appropriate discipline, or techniques used to improve Athlete performance.

5. PROCEDURE.

5.1 **Reporting Requirements.** Any Covered Person may report an incident under these Rules. The reports of harassment and abuse may be made in writing or verbally to Guam Aquatics or the Safeguarding Focal Point Officer so long as the allegations concern Forbidden Conduct

against a Covered Person during a Covered Event. Reports shall be made in writing (by email) and addressed to the president of Guam Aquatics. All reports shall include the following information:

- The name, title, address, contact information and signature of the Claimant (or legal guardian in the event of a minor), subject to Article 5.2;
- The name and surname of the Covered Person alleged to have committed Forbidden Conduct;
- A complete factual description of the alleged Forbidden Conduct, including date(s) and location(s) of the Forbidden Conduct;
- Any evidence in the Claimant's possession supporting the allegation that Forbidden Conduct occurred; and
- Provision(s) of these Rules that are alleged to have been breached.

5.2 Anonymous Reporting. Reporting under these Rules may be made anonymously. Anonymity means that the Safeguarding Focal Point Officer will not know the personal information of the anonymous reporter. However, an anonymous report may limit the Safeguarding Focal Point Officer's ability to investigate and respond to a report. Consequently, Guam Aquatics encourages Claimants to provide their name and contact information when reporting.

The identity of any Claimant may only be disclosed if such disclosure is both necessary for the purposes of any investigation into an alleged violation of these Rules and the consent in writing of the person to the disclosure of his or her identity has been obtained.

5.3 Initiation of Complaint. When a complaint of Forbidden Conduct that falls within the jurisdiction of Guam Aquatics is received, the Safeguarding Focal Point Officer will conduct a preliminary inquiry with the Claimant and/or Covered Person, and (if appropriate) undertake an investigation into the alleged violation of these Rules.

Notice under these Rules to a Covered Person who is under the jurisdiction of a Member Aquatics Team shall be accomplished by delivery of the notice to the Member. The Member Aquatics Team shall be responsible for making immediate contact with the Covered Person to whom the notice is applicable.

5.4 Parties. The parties to a complaint are the Claimant and the accused Covered Person.

Neither the Claimant nor accused Covered Person are required to participate in the investigation or any form of resolution under these Rules. Cooperation and participation in the resolution process, however, is important to ensure that all relevant information and evidence are adequately presented to determine whether a violation occurred. If a Claimant or accused Covered Person declines to cooperate or participate in an investigation, the Safeguarding Focal Point Officer and or the Guam Aquatics Integrity Unit will make their decision based on the available evidence. Alternatively, a Safeguarding Focal Point Officer may, in his/her discretion, choose not to proceed.

Where a Claimant declines or is otherwise unable to participate in an investigation, procedure or hearing, the ability to resolve the allegations may be limited. A Safeguarding Focal Point Officer may, nevertheless, pursue the allegation in his/her sole discretion if it is possible to do so

without the Claimant's participation (e.g., where there is other relevant evidence of the Forbidden Conduct, such as recordings, corroborating reports from other witnesses, or physical evidence).

A Safeguarding Focal Point Officer shall notify the guardians of any Claimant and/or any Covered Person regarding any perceived health or safety risk as a result of any alleged Forbidden Conduct.

5.5 Mandatory Reporting of Suspected Child Abuse or Neglect by Covered Persons. In all cases involving Covered Persons who are Minors where a Safeguarding Focal Point Officer or a Covered Person has reasonable cause to suspect that the Minor is an abused or neglected child, he/she shall immediately by telephone report the suspicion to Child Protective Services or to the Guam Police Department. A follow-up written report shall be made within 48 hours after the oral telephone report. [See, Title 19 G.C.A. art, 2, Sections 13200-13207].

5.6 Notification of parents or guardians. The parents or guardians of the Minor shall be notified of the suspicion and that a report has been made to the appropriate law enforcement authorities.

5.7 Investigation. Following the initiation of a complaint, the Claimant and accused Covered Person will have an opportunity to submit information and relevant evidence, identify witnesses who may have relevant information, and to submit questions that they believe should be directed by a Safeguarding Focal Point Officer to each other or to any witness.

If during the investigative process (i.e., prior to the issuance of any report prepared by a Safeguarding Focal Point Officer), information or evidence that was available to the Claimant and/or accused Covered Person, including testimonial evidence, is not provided or disclosed to a

Safeguarding Focal Point Officer, such information or evidence may not be considered in determining whether a violation of the Rules occurred. If such information or evidence is provided after the investigative process, absent good cause, it may be afforded less weight during any subsequent hearing by Guam Aquatics

5.8 Investigation/Case Management Team. A Safeguarding Focal Point Officer may set up a case management team and/or designate and appoint an Independent Investigation Officer(s) to investigate the alleged Forbidden Conduct. The investigation shall employ a trauma-informed approach.

Upon the conclusion of the investigation, a report shall be prepared setting out the findings, conclusions, and recommendations. Such report will be addressed to Guam Aquatics, with copies provided to the Claimant and accused Covered Person.

5.9 Methods of Resolution.

5.9.1 Administrative Closure. A Safeguarding Focal Point Officer, in his/her discretion, may administratively close a matter. This may be done as a result of lack of jurisdiction, insufficient evidence, a Claimant who elects not to participate in the resolution process, or other factors as determined by a Safeguarding Focal Point Officer. A Safeguarding Focal Point Officer may, upon receipt of new information or evidence, or a change in circumstances, reopen the matter for further investigation.

5.9.2 Informal Resolution. The accused Covered Person may, at any time before a matter is final, elect to resolve allegations of

Forbidden Conduct by accepting responsibility for a violation of these Rules. In doing so, a Safeguarding Focal Point Officer will determine the appropriate sanction following consultation with the parties and in accordance with Section 6 of these Rules. An informal resolution constitutes a final and binding disposition of the matter. The outcome and sanctions of an informal resolution may be published by Guam Aquatics.

5.9.3 Formal Resolution. Formal resolution occurs after an investigation is completed, the parties are heard (in writing or otherwise), and the Guam Aquatics Integrity Unit issues its decision.

If the Guam Aquatics Integrity Unit determines that the allegations of Forbidden Conduct are false, vexatious, retaliatory or frivolous, they may recommend disciplinary action against the Claimant.

The outcome of a formal resolution may be published by Guam Aquatics.

5.10 Referral to the Guam Aquatics Integrity Unit. If, following an investigation, the procedure is not administratively closed or informally resolved, the complaint will be forwarded by the Safeguarding Focal Point Officer to the Guam Aquatics Integrity Unit via the Guam Aquatics Board of Directors for formal resolution.

The Guam Aquatics Integrity Unit shall have the competence to conduct a de novo or other further investigation and/or to adjudicate the alleged violation of these Rules, as needed. If, after consulting the parties, the Guam Aquatics Integrity Unit considers itself sufficiently well informed to

decide the complaint based on all associated documents and evidence submitted during the investigation, it may decide to issue its decision without an oral hearing. Unless otherwise provided for in these Rules, the proceedings before the Guam Aquatics Integrity Unit shall be governed as set forth in the Guam Aquatics Integrity Code.

5.11 Suspension of the Proceedings. A Safeguarding Focal Point Officer and/or Guam Aquatics shall have the discretion to suspend any investigation pending the outcome of investigations and/or legal procedure conducted by other competent authorities, notably law enforcement authorities or criminal courts.

5.12 Burden of Proof. The Claimant (or a Safeguarding Focal Point Officer, in the event the Claimant declines or is unable to participate in the procedure) bears the burden of gathering sufficient evidence to reach a determination, based on the preponderance of the evidence, that a Covered Person violated these Rules. A “preponderance of the evidence” means “more likely than not.”

5.13 Consolidation. Complaints involving more than one Claimant or more than one accused Covered Person may, in the discretion of Guam Aquatics be consolidated into a single matter.

5.14 Confidentiality. Complaints, decisions, investigation and interview reports, audio and/or video recordings, transcripts and other work product produced under the Rules are confidential, except where disclosure is required by law. Any violation of this provision, including by an advisor and/or associate of a Covered Person, may constitute an abuse of process.

While physical documentation and/or recordings must remain confidential, Guam Aquatics may disclose the outcome of the matter, including a summary of any decision, to those parties or organizations with a need to know so that the outcome can be properly effectuated or understood.

If any person or entity misrepresents the process by which the outcome was determined, the underlying facts, or the outcome of a matter, Guam Aquatics reserves the right to publicly correct the record.

5.15 Obligation to Report. All Covered Persons shall have the obligation to report to Guam Aquatics, in accordance with these Rules, any act or behavior that may objectively be considered Forbidden Conduct, or retaliation for not reporting Forbidden Conduct, for investigation and possible charge. Failure to report under these Rules may result in consequences under these Rules.

6. SANCTIONS.

6.1 Range of Sanctions. If the Guam Aquatics Integrity Unit decides that a Covered Person has committed Forbidden Conduct, the Guam Aquatics Integrity Unit shall be entitled to impose the following sanctions in accordance with these Rules.

6.1.1 Warning. An official, written notice and formal admonition that a Covered Person has violated these Rules and that a more severe sanction may result should the Covered Person be involved in other violations.

6.1.2 Probation. A specified period of time, during which should any further violations of these Rules occur, additional disciplinary

measures, including a period of suspension or permanent ineligibility may apply. This sanction may also include loss of privileges or other conditions, restrictions, or requirements.

6.1.3 Ineligibility. A suspension from the participation, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Guam Aquatics or a Member Aquatics Team, or at a facility under the jurisdiction of the same, for a period up to the lifetime of the Covered Person.

A Covered Person is eligible to return after the suspension lapses, but reinstatement may be subject to certain restrictions or contingent upon the Covered Person satisfying specific conditions noted at the time of suspension.

6.1.4 Other Discretionary Matters. Guam Aquatics may, in its discretion, impose other sanctions, including, but not limited to, other loss of privileges, no contact directives, requirement to complete educational or other programs, return of Guam Aquatics awards, or any other restrictions or conditions as deemed necessary or appropriate.

In the discretion of the Guam Aquatics Integrity Unit, a sanction may include restrictions or prohibitions from some types of participation but allowing participation in other capacities.

6.2 Aggravating and Mitigating Factors. In imposing sanctions in accordance with these Rules, Guam Aquatics and or the Guam Aquatics Integrity Unit shall be entitled to consider the existence of any aggravating and/or mitigating factors.

Aggravating factors may include:

6.2.1 Failure to cooperate by the Covered Person with any investigation or requests for information by the Safeguarding Focal Point Officer, the Independent Investigation Officer, and/or the Guam Aquatics Integrity Unit.

6.2.2 Forbidden Conduct directed towards a Minor(s) or other dependent person(s), notably, but not limited to, conduct arising from positions of power, caregiving, employment or any other form of dependent relationship.

6.2.3 The type of and/or repeated nature of the Forbidden Conduct.

6.2.4 Any previous violation under these Rules (or other rules of domestic law or related governing Forbidden Conduct) by the Covered Person.

6.2.5 Lack of remorse of the Person bound by these Rules.

6.2.6 Any other aggravating factor that the Guam Aquatics Integrity Unit deems relevant.

Mitigating factors may include:

6.2.7 Cooperation by the Covered Person with any investigation or requests for information.

6.2.8 Timely admission of a violation by the Covered Person.

6.2.9 The Covered Person's clean disciplinary record.

6.2.10. Youth or inexperience of the Covered Person.

6.2.11. The Covered Person's remorse for his/her actions.

6.2.12. Any other mitigating factor that the Guam Aquatics Integrity Unit deems relevant.

6.3 Educational Measures and Rehabilitation. As part of an informal or formal resolution of any matter, a Covered Person may be required to complete an appropriate education or rehabilitation program pertaining to the prevention of harassment and abuse as a condition of eligibility or as an independent sanction.

6.4 Provisional and Voluntary Suspension. Upon request from a Safeguarding Focal Point Officer and/or the Claimant, and after hearing from the accused Covered Person, the Guam Aquatics Integrity Unit shall have discretion, in circumstances where it considers that the seriousness of the allegations against a Covered Person, the safety or well-being of the Claimant, or the dignity of the sport of Aquatics could otherwise be seriously undermined, to provisionally suspend a Covered Person pending the investigation and adjudication of the alleged violation.

Alternatively, a Covered Person bound by these Rules may accept a voluntary suspension from the participation in the sport of Aquatics provided that it is confirmed in writing to a Safeguarding Focal Point Officer. A voluntary suspension shall be effective only from the date of receipt of such written confirmation to a Safeguarding Focal Point Officer. Where a provisional suspension is imposed upon a Covered Person, consideration of time served shall be credited in the determination of any

further period of suspension or other sanction which may be ultimately imposed.

The Guam Aquatics Integrity Unit can also impose other provisional measures it deems appropriate such as no contact directives and chaperones.

6.5 Costs. The Guam Aquatics Integrity Unit may order a Covered Person who has committed a violation of these Rules, to pay to Guam Aquatics a contribution towards the costs and expenses of and incidental to any investigation, hearing and adjudication of the matter.

6.6 Publication and Notification. Any determination of a violation made under these Rules, including any associated sanction, may be publicly disclosed by Guam Aquatics. Regardless of public disclosure, all determinations shall be reported to the appropriate Member Aquatics Team, as well as to law enforcement authorities if necessary or appropriate.

7. IMPLEMENTATION BY MEMBER AQUATIC TEAMS.

7.1 Member Aquatic Teams shall implement similar rules and regulations or incorporate the present Rules into their rules or Bylaws, as modified appropriately for national-level (Guam) competition, in order to prevent against Forbidden Conduct in their respective teams or clubs.

7.2 To the extent allegations of Forbidden Conduct occurring at a Non-Covered Event are filed with a Member Aquatics Team, such Member shall immediately inform Guam Aquatics. To the extent the Member Federation does not timely investigate and/or resolve the allegations of Forbidden

Conduct, Guam Aquatics and the Safeguarding Focal Point Officer may open a procedure for investigation and resolution under these Rules.

7.3 Any violations(s) or sanction(s) determined under these Rules shall be reciprocally recognized and enforced by and between all Member Aquatics Teams.

7.4 Any decision rendered by a Member Aquatics Team concerning Forbidden Conduct shall be immediately reported to the Safeguarding Focal Point Officer, who will initiate the necessary recognition and enforcement procedures, as needed. Any determination by the Guam Aquatics Integrity Unit recognizing the decision of a Member Aquatics Team shall be enforced by all other Member Aquatic Teams.

The failure of a Member Aquatic Team to comply with Sections 7.1 - 7.4 may be referred to the Guam Aquatics Integrity Unit.

8. STATUTE OF LIMITATIONS.

8.1 **Statute of Limitations.** The statute of limitation period for claims filed under these Rules is (10) years from the last date upon which the Forbidden Conduct is alleged to have occurred. In the event the Forbidden Conduct is alleged to have occurred while the Claimant was a Minor, the statute of limitation period is ten (10) years from the date upon which the Claimant turns the age of majority in the country where the predominant nature of the alleged Forbidden Conduct occurred.

Notwithstanding the above, for claims alleging Sexual Abuse, Sexual Harassment, or other incidents involving criminal sexual conduct, the applicable statute of limitations shall be as set forth in Guam law.

9. AMENDMENTS AND INTERPRETATION.

9.1 These Rules may be amended from time to time by the Guam Aquatics Board of Directors.

9.2 The headings and sub-headings in these Rules are for convenience only and shall not be deemed to be part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.

9.3 If any subpart(s) of these Rules is held to be invalid, unenforceable or illegal for any reason, it shall be deemed to be deleted and the Rules shall otherwise remain in full force and effect. If a Covered Person retires, ceases to participate in, assist in, or remain involved in the sport of Aquatics while a disciplinary procedure under these Rules is underway, Guam Aquatics shall retain jurisdiction to complete the relevant procedure and to impose any appropriate sanction. If the Covered Person retires, ceases to participate in, assist in, or remain involved in the sport of Aquatics before any disciplinary procedure has begun, Guam Aquatics shall nevertheless have jurisdiction to conduct the relevant procedure and impose any appropriate sanction.

9.4. Any deviation from any provision of these Rules and/or any irregularity, omission, technicality, or other defect in the procedures followed hereunder will not invalidate any finding, procedure or decision unless it is proven to render the proceedings unreliable or to have caused a miscarriage of justice.

9.5 Any lacuna in these Rules shall be filled, and any unforeseen circumstances arising in relation to these Rules shall be addressed, by reference to, and in a manner consistent with, its plain meaning and the objectives underlying these Rules.

9.6 Guam Aquatics (including without limitation its Officials, Members, employees, Athletes' Commission Representatives, agents, advisors, Staff Members/Volunteers, consultants, Safeguarding Focal Point Officer(s), Independent Investigation Officer(s), and the members of the Guam Aquatics Integrity Unit) shall not be liable to any person howsoever for any act or omission in connection with any investigation or proceeding or other matter arising under or in relation to these Rules save where the act or omission is shown by that person to constitute conscious and deliberate wrongdoing by the individual or entity alleged to be liable.

9.7 These Rules come into full force and effect on the Commencement Date of 21 May 2024, and shall supersede the former Guam Swimming Federation Code of Conduct. Its procedural provisions will apply to matters where the violation is alleged to have occurred before the Commencement Date, but its substantive provisions will not, unless they are more favourable to the person(s) involved.
