

# US Olympic and Paralympic Committee Policy



**Policy Name:** Speak Up Policy

**Publication Date:** 12/7/2023

**Policy Owner:** Chief Ethics and Compliance Officer

**Applies to:** USOPC Staff and Volunteers, Board of Directors and Committee

**Purpose:** To support a strong culture of integrity and ethical conduct at the USOPC and among its NGBs by encouraging, valuing, and protecting good faith reporting, by all members of the US Olympic and Paralympic community and particularly athletes, of concerns about potential ethics issues, policy, or legal violations in our community.

**Policy Statement:** Integrity and ethical conduct are and must be at the heart of the USOPC and its work. The USOPC encourages all members of the U.S. Olympic and Paralympic community, particularly athletes, to speak up on issues of concern, including where there may be an ethics violation, a violation of USOPC or NGB policies, or law. Freedom to speak up means being able to raise concerns in whatever way is most comfortable and effective and feeling free to cooperate in investigations that follow. The USOPC has a zero tolerance policy for retaliation of any kind against people who speak up in good faith and will investigate all allegations of retaliation.

The USOPC Code of Conduct requires reporting violations of that policy and it prohibits retaliation against people who do. This Speak Up policy builds on those Code of Conduct principles and provides more specifics to guide all members of our community on how to speak up and help the organization grow stronger.<sup>1</sup>

As to NGBs, all provisions of this policy are mandatory in substance and must be followed as applicable by each NGB. This policy sets forth minimum standards and outlines basic requirements for NGBs to incorporate into their respective policies. NGBs may adopt Speak Up and anti-retaliation standards that are more demanding than this policy, except that no NGB can remove from anyone the right to speak up directly and exclusively to the USOPC, in the first instance, if they so choose.

**Applying this policy to some situations may feel tricky. There's no reason to feel USOPC Team Members<sup>2</sup> have to make a decision without fully understanding the factors in play. Your supervisor, the USOPC Ethics and Compliance team, and / or the People and Culture team are available to help you answer questions and determine a course of action.**

## 1. Violations Covered by This Policy

This policy and the USOPC Integrity Portal discussed below are for use to report misconduct, ethical concerns, or violations of any law or NGB or USOPC policy. If a matter concerns something

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<sup>1</sup> The requirements and protections outlined in this policy are sometimes referred to a whistleblower policies or whistleblower protections.

<sup>2</sup> USOPC Team Members include employees and temporary employees engaged through a staffing service.

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else (for example, ordinary questions about HR policies or office facilities), please discuss with your supervisor or the USOPC People and Culture team. If your matter is an emergency involving imminent physical harm or otherwise requires immediate attention, call 911.

## 2. Other Policies Involved

If you are unsure about whether a matter might be a policy violation, or if you are unsure about your reporting responsibility for a particular type of matter, please start by reviewing the policy involved. USOPC Team Members can use the Policies and Procedures page on the USOPC SharePoint site. NGB staff should refer to their NGB policy resources. And of course, anyone can always reach out to USOPC Ethics and Compliance, Legal, or People and Culture to find out more about USOPC policies.

Also, some violations *must* be reported by you. Specifically, please be familiar with reporting requirements in the USOPC Code of Conduct, which applies to all USOPC Team Members, board and committee members; the NGB and HPMO Athlete Safety Policy, which applies to NGB organizations; and the USOPC Athlete Safety Policy, which includes mandatory reporting requirements for all USOPC Team Members, board and committee members, members of Delegation Events (as defined in that policy), individuals training and/or residing at a USOPC Training Center, and others. And of course, if you suspect any criminal activity against a person or property, you should report directly to law enforcement immediately and to the USOPC's Ethics and Compliance team.

Each NGB is required to maintain its own policy that contains at least the protections and duties set out in this one. And the reporting resources and opportunities in this policy are available to anyone who wants to report a matter that may involve only an NGB and its policies. The USOPC is committed to ensuring that your concern is followed up on by the people best able to do so.

**Nothing in this policy changes or replaces your obligations under the Code of the US Center for SafeSport – see the USOPC policies linked above or talk to the USOPC Athlete Safety team if you have any questions about your athlete safety obligations.**

## 3. Reporting

The USOPC has an open-door policy and encourages you to share your questions, concerns, suggestions, or complaints in the way and to the people you are most comfortable with. That means you have options for how to report any concern you may have.

### a. How to Report

#### i. USOPC Team Members and Board and Committees Members

First, you should feel free to start with your USOPC supervisor – the USOPC open-door policy can always start there. You can also talk to another supervisor or manager.

The USOPC Ethics and Compliance team and People and Culture team are also people who can discuss your concern and help make sure it is addressed. If you are most comfortable talking to a member of one of these teams first, you can start there.

#### ii. All Reporting Parties

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USOPC Team Members, board and committee members, and everyone else – including athletes and others associated with any NGB - are free to use the [USOPC Integrity Portal](#) or the Integrity Hotline at 877-404-9935. This independent 24-hour service accepts reports on a confidential or even anonymous basis. Dedicated USOPC staff monitor and follow up on all reports to the Integrity Portal as discussed below.

Please remember that as a reporter you don't need to (and should not) investigate the matter you are concerned about or determine fault or how to fix it. You have done your part by making it known so that the right people can take action. Investigations of reports are discussed below.

In addition, no NGB may prohibit anyone from reporting any concerns directly to the USOPC through the Integrity Portal or Hotline or by any other means. NGBs cannot require individuals to enter into non-disparagement agreements or other similar agreements that prohibit reports to the USOPC.

### **b. Acting in Good Faith**

Just as we need to make sure that no one in our community is fearful of speaking up, we also need to make sure that no one in our community is fearful about false reports that might harm them.

With that in mind, anyone reporting a concern or perceived ethical, policy, or legal violation must be acting in good faith and have some basis for believing there may be a violation. Anyone that makes a false report knowing that it is false or that it has no basis is violating this policy and the USOPC Code of Conduct in the same way as someone retaliating against a good faith reporter. Such a violation may itself be reported under this policy and it may lead to serious consequences, including termination.

### **c. No Retaliation**

The USOPC has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, or legal violations, financial misconduct, or any other concerns of misconduct, or who cooperate with investigations of those reports. That means no USOPC or NGB staff, Board/Committee member, or volunteer may threaten, harass, discriminate against, or take any negative action, including negative employment or related action (e.g., discharge, demotion, suspension, negative review), on that basis.

In addition to the USOPC's no retaliation policy for good faith reports made to the USOPC and NGBs, the USOPC maintains a strict no retaliation policy that prohibits any employee, contractor, agent, volunteer, or member of the USOPC or any NGB from taking or threatening to take any action against an athlete for reporting information to or seeking assistance from the Office of the Athlete Ombuds. Similarly, the USOPC has a zero tolerance policy for retaliation against any athlete serving in an athlete representative role for making a good faith effort to report concerns on behalf of other athletes.

Any reports of retaliation will be investigated by the USOPC and can be reported as described above in the same way as any other policy violation. Retaliation is treated as a violation of this policy and the USOPC Code of Conduct. In addition, if the USOPC or the U.S. Center for SafeSport finds that one of the USOPC's employees, or if the USOPC, the Center, or an NGB finds that an NGB employee has engaged in retaliation prohibited by the Ted Stevens Olympic

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and Amateur Sports Act<sup>3</sup> the USOPC or the NGB, as applicable, must immediately terminate the employment of that employee or suspend the employee without pay. In addition, the victim of such retaliation may be able to seek compensation from the USOPC.

## 4. Investigations

Once you have made your report in one of the ways described above, the person you reported to is responsible for getting that report to the person who can best address your concern, based on the matter reported (e.g., Athlete Safety, Security, Legal, People and Culture.) In the case of a report that involves NGB matters, it may be a person at that NGB or someone within the USOPC. In all cases, the USOPC is committed to ensuring that no good faith report goes unheard or ignored.

The USOPC Chief Ethics and Compliance Officer (CECO) is responsible for coordinating among these people so that reporters can be confident that reported concerns get to the people best positioned to act on them. The CECO will report regularly to the USOPC Ethics and Compliance Committee on USOPC compliance activity and is responsible for the investigation and resolution of ethics and compliance reports.

For reports involving allegations that the CECO, anyone reporting to the CECO, or anyone to whom the CECO reports has engaged in misconduct that otherwise would be investigated by the USOPC Ethics and Compliance team, the Ethics and Compliance team will be recused, and the matter will be handled independently by the USOPC's Ethics and Compliance Committee in accordance with the procedures outlined in the [USOPC Ethics Procedures](#).

### a. Confidentiality

In many cases, a reported matter will require investigation to reach the right resolution. Your cooperation as a reporter or otherwise may be very helpful and much appreciated. Reports will be treated as confidentially as possible; some information may have to be disclosed to certain parties to conduct a thorough investigation, to comply with the law, and to provide accused individuals access to due process.

If you report a matter anonymously and choose to remain anonymous as it is investigated, the USOPC will respect that and your report will be treated with the same attention as other reports. Note, however, that if you choose to remain anonymous, the USOPC or an NGB will be limited in its ability to ask follow-up questions that may be essential to fully investigating your report.

### b. Follow Up

If you report an alleged violation of ethics, another USOPC or NGB policy, or applicable laws, or any other misconduct concern the USOPC (or in some cases, the affected NGB) will report back to you on progress and investigation results as appropriate. And of course, you are always free

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<sup>3</sup> The Act defines "retaliation" as "any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with the Center; a coach, trainer, manager, administrator, or official associated with the corporation; the Attorney General; a Federal or State law enforcement authority; the Equal Employment Opportunity Commission; or Congress." 36 U.S.C. § 220501(11); see also 36 U.S.C. § 220509(c).

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to follow up to learn more from the person or Integrity Portal you reported to. Confidentiality and legal obligations may affect the details available.

If the investigation of a report that was made in good faith is not to your satisfaction, then you have the right to report that, too.

Thank you for helping to ensure that the USOPC is a safe zone for speaking up in good faith on matters important to us all.

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## 5. Policy History

Publication Type	Policy Approver	Enabling Action	Publication Date	Next Scheduled Review	Revision Summary
Initial Publication	Board of Directors	Board Vote, June 22, 2020	June 22, 2020	N/A	N/A – original publication
Revision	Board of Directors	Board Vote, June 17, 2021	June 17, 2021	N/A	Added references to investigations into retaliation and prohibiting retaliation against individuals who report information or seek assistance from the Office of the Athletes Ombuds Office
Revision	Board of Directors	Board Vote, March 16, 2023	March 16, 2023	March 2024	Added reference to delegation to Ethics & Compliance Committee for investigation when Ethics & Compliance team is recused; reconciled formatting to USOPC policy format requirements
Revision	Board of Directors	Board Vote, December 7, 2023	December 7, 2023	December 2024	Clarified scope of retaliation prohibitions; clarified prohibition on barring reports to USOPC.