

# U S Olympic & Paralympic Committee Procedure



**Procedure Name:** USOPC Ethics Procedures

**Governing USOPC Policy:** USOPC Ethics Policy

**Date of Issuance:** 10/30/2023

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

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

## **Purpose:**

To outline the procedures for review of Ethics matters, including Code of Conduct and conflict of interest disclosures, and to document investigation procedures for the USOPC's Ethics and Compliance Committee.

## **Overall Objective:**

To ensure that objective, fair, and repeatable procedures apply to all matters subject to review by the USOPC Ethics and Compliance Committee, the USOPC's Chief Ethics & Compliance Officer, and the USOPC's Ethics Director.

## **I. Conflict of Interest Disclosures**

All USOPC employees, volunteers, and members of the USOPC Board of Directors and committees must disclose any actual or perceived conflicts of interest annually and on an ongoing basis as conflicts or potential conflicts arise. The Ethics Director collects and reviews conflict of interest disclosures on an annual and on an ongoing basis, documents any actual or perceived conflicts, and determines whether any steps must be taken to mitigate conflicts. The Ethics Director may review and resolve any complex or sensitive disclosures, or disclosures from USOPC senior management, Board, or committee members with the Chief Ethics & Compliance Officer, and those disclosures may be escalated to the USOPC's Ethics and Compliance Committee for further review, input, and / or resolution.

All Board and committee member conflict of interest disclosures are presented to the Ethics and Compliance Committee for review, and the Ethics Committee may request additional information from the Board or committee member, including a request to speak to an individual directly. Board member disclosures also will be provided to the entire Board so Board members are aware of sensitive conflicts. In addition, all staff conflict of interest disclosures at the Director level and above and any significant conflicts are provided to the Ethics and Compliance Committee so its members have an opportunity to review and discuss them.

Any USOPC staff member, volunteer, or Board or committee member may reach out to the USOPC's Ethics Director or Chief Ethics & Compliance Officer at any time if they have questions concerning an actual, potential, or perceived conflict of interest. Board members may also reach out to the Chair of the Ethics and Compliance Committee with questions concerning conflicts.

As a requirement of the Ted Stevens Olympic and Amateur Sports Act (TSA) and on an annual basis, a member of the Ethics team will prepare a description of any financial conflicts of interest, including a description of any recusal or other mitigating action taken, relating to members of the USOPC's Board of Directors and the

# U S Olympic & Paralympic Committee Procedure

USOPC's 20 highest paid employees.<sup>1</sup> Those descriptions must be provided to Congress in the USOPC's annual report.

## II. Ethics and Compliance Committee Investigations:

The Ethics and Compliance Committee may determine in its discretion whether a code of conduct or ethics complaint warrants an investigation. In making this determination, the Ethics and Compliance Committee may consider, among other things, the number of parties involved, the complexity of the issue(s) presented, whether there are disputed questions of fact, and whether the Committee's decision may have a broader impact on the United States Olympic and Paralympic movement. The Ethics and Compliance Committee may also decide in its discretion whether the parties or any individuals involved should be interviewed, and what resources would be used for an investigation. The Chair of the Ethics and Compliance Committee may appoint a member of the Committee, the Ethics Director, and / or the Chief Ethics & Compliance Officer, or may work with outside counsel to conduct interviews and gather additional information.

All Ethics and Compliance Committee deliberations are confidential and led by the Ethics and Compliance Committee Chair. The USOPC's Ethics Director and / or Chief Ethics & Compliance Officer may be present during deliberations to answer questions about the investigation and the initial complaint, and to provide administrative support to the Committee. Ethics and Compliance Committee decisions and any action or remedy required as a result of the investigation must be agreed upon by a simple majority of the members present.<sup>2</sup> The Ethics and Compliance Committee may provide a written decision to the complainant and the respondent explaining the reasons for its decision(s) and shall copy the USOPC's Chief Executive Officer (CEO) and Board Chair. All Ethics and Compliance Committee decisions are confidential and final, and there is no right of appeal. The outcome of Ethics and Compliance Committee investigations are also reported to the USOPC Board of Directors. The Ethics Committee may reopen a matter for further review if the Committee learns of additional evidence that would have changed the outcome of its decision.

As outlined in the USOPC's [Speak Up Policy](#) and [Compliance Investigations Procedure](#), the Ethics and Compliance Committee will handle any reports of misconduct that the USOPC Ethics and Compliance team would otherwise review but from which it is recused because the subject of the complaint is a member of the Ethics and Compliance team or a USOPC employee to whom the team reports. As with any complaint referred to the Ethics and Compliance Committee, it may, in its discretion, conduct an investigation into the allegations in accordance with the procedures outlined above, except that independent outside counsel will be retained to advise, consult, and/or act on behalf of the Committee in the place of the Chief Ethics and Compliance Officer and the Ethics Director. Members of the USOPC Ethics and Compliance team shall have no involvement in such reviews or investigations, except where the Committee determines they may be witnesses or respondents with relevant information—in which case, they only shall be involved to the extent any witness or respondent would provide information to or engage with the Committee. At the conclusion of any review or investigation, the Committee will provide a report of its findings to the USOPC's CEO and General Counsel for action consistent with the Committee's findings. If the CEO is the subject of the report, the Committee will provide the report to the USOPC Board of Directors. The Committee may, in its discretion, make recommendations to the CEO and / or General Counsel, or, where appropriate, the USOPC Board of Directors, for remedial or disciplinary action consistent with the USOPC's employment policies.

---

<sup>1</sup> Section 220511(b)(4)(B)(ix)(II) states that the USOPC must provide a description of financial conflicts of interest for any USOPC senior management. Because the TSA does not define senior management personnel, the USOPC has interpreted that category of individuals to include the USOPC's 20 highest paid employees, which is consistent with the requirement in §220511(a)(4)(B)(v) that the USOPC disclose "the amounts spent on compensation and services for executives and administration officials of the corporation, including the 20 employees. . . who receive the highest amounts of compensation."

<sup>2</sup> Committee members may submit edits to or approval of written decisions by email to ensure decisions are rendered efficiently.

# U S Olympic & Paralympic Committee Procedure

## **III. Charitable Contributions Involving USOPC Board Members, Committee Members, and Officers**

In determining whether to approve a contribution made on the USOPC's behalf to any non-profit entity associated with any USOPC Board Member, Committee Member, the USOPC's CEO, or any of their spouses or family members (collectively, "Leadership-Associated Contributions") in accordance with the Charitable Giving Policy, the Committee will consider, along with any additional information it deems appropriate, whether the contribution aligns with the USOPC's [Mission, Vision, Global Purpose, Core Principles, and / or Core Values](#); whether it violates the USOPC's ethics policies and obligations, including, but not limited to the [Conflicts of Interest Policy](#) and [Anti-Bribery and Anti-Corruption Policy](#); and whether providing the Leadership-Associated Contribution will create the appearance of favoritism.

The Chief Ethics and Compliance Officer and/or Ethics Director will provide relevant information about the proposed Leadership-Associated Contribution to the Committee for its consideration. In its discretion, the Committee may request additional information from the relevant Board or committee member or CEO, including by speaking to an individual directly. In its discretion, the Committee also may request the viewpoints of other USOPC stakeholders, including the USOPC's Community Relations or Development Teams.

## **IV. Internally Managed Sport Conflicts of Interest**

The USOPC manages a number of Olympic and Paralympic high performance programs for sports that do not have a National Governing Body. Among the most important responsibilities of the USOPC's Internally Managed Sports (IMS) team is publishing selection criteria and selection procedures and selecting teams. In some cases, a selection committee selects teams using discretionary criteria and those committees include athlete representatives, some of whom may be currently competing or have close personal relationships with athletes who are vying for a discretionary spot on a team.

To identify actual, potential, or perceived conflicts of interests, IMS selection committee members complete conflicts of interest disclosure forms. The Chief Ethics & Compliance Officer and / or the Ethics Director will review the disclosures, and if a selection committee member discloses a conflict, the CECO and / or the Ethics Director will attempt to resolve the conflict by providing direction to mitigate the conflict. If a selection committee member or an effected athlete or their representative, e.g., coach, disagrees with the proposed resolution, the conflict will be escalated to the Ethics & Compliance Committee.

If the Ethics & Compliance Committee is asked to resolve a conflict, the Chief Ethics & Compliance Officer and / or Ethics Director will notify the relevant IMS Athletes' Advisory Group (AAG) so it can select an AAG member to participate in the Ethics & Compliance Committee's discussion of the conflict. The AAG representative must also disclose any conflicts and will serve as a subject matter expert in that sport and will provide any other context the Ethics & Compliance Committee may find useful. During its review, the Ethics & Compliance Committee may ask a selection committee member for more information at its discretion. The AAG representative will not participate in the Ethics & Compliance Committee's deliberations or decision. Once a decision has been made, the Ethics & Compliance Committee will provide a written decision, including directions to mitigate the conflict, to the affected parties and to USOPC IMS staff. The Ethics & Compliance Committee's decision is final and is not subject to further review.

# U S Olympic & Paralympic Committee Procedure

## *Revision History*

Publication Type	Procedure Approver	Enabling Action	Publication Date	Next Scheduled Review	Revision Summary
Initial Publication	Ethics and Compliance Committee	March 2, 2021 Committee Meeting	March 10, 2021	N/A	N/A – original publication
Revision	Ethics and Compliance Committee	March 3, 2023 Committee Meeting	March 3, 2023	March 2024	Added procedures for Committee's review of matters from which the USOPC Ethics & Compliance team is recused; clarified Committee review procedures of disclosed conflicts
Revision	Ethics and Compliance Committee	September 5, 2023 Committee Meeting	October 30, 2023	September 2024	Added procedures for review of the provision of certain charitable contributions and conflicts of interest relating to Internally Managed Sport selection committees.