



## WHISTLEBLOWER and ANTI-RETALIATION POLICY

**Policy Owner:** Compliance and Membership Services Manager, USABS

**Effective Date:** December 1, 2022

### Introduction

The Whistleblower and Anti-Retaliation Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct within the USA Bobsled/Skeleton (USABS) community by encouraging, valuing, and protecting good faith reporting of any alleged violation of any applicable law, policy, or any potential ethics issue.

USABS has zero tolerance for retaliation of any kind against people who raise concerns in good faith and/or cooperate in a sanctioned investigation. All Protected Individuals, Good Faith Reporters, and other reasonable parties (i.e. witnesses, victims, etc.) are protected under this Policy.

### Section 1: Application

This Policy, as well as the protection it provides, applies to the following individuals (“Protected Individuals”):

- a) Athletes
- b) Members
- c) Employees
- d) Board of Directors
- e) Officers
- f) Committee Members
- g) Task Force Members
- h) Hearing Panel Members
- i) Volunteers
- j) Contractors

### Section 2. Violations

Alleged Violations covered under this policy include, but are not limited to, the following:

- a) Compliance with the Ted Stevens Olympic and Amateur Sports Act (the “Act”)
- b) Compliance with USOPC Bylaws, Policies and Procedures
- c) Compliance with USABS’ Bylaws, Policies and Procedures
- d) Compliance with State and Federal Laws
- e) Compliance with the U.S. Center for SafeSport Policies and Procedures
- f) Compliance with USADA policies and procedures
- g) Compliance with all applicable accounting and financial practices

If a Protected Individual is unsure about whether a matter might be a policy violation or is unsure about their reporting responsibility for a particular type of matter, please start by reviewing the applicable policy. USABS staff should also refer to the Employee Handbook or contact the CEO for more information.

*Please keep in mind that some violations must be reported due to the mandatory reporting requirements for USABS Participants consistent with the USABS Athlete Safety Policy and the U.S. Center for SafeSport's SafeSport Code ("SafeSport Code") for the Olympic and Paralympic Movement and nothing in this Policy changes or replaces a Participant's mandatory reporting obligations under the SafeSport Code. If you have any questions about these obligations, contact the USABS Director of Operations and Compliance.*

*In addition, if a Protected Individual suspects any criminal activity against a person or property, please report this directly to law enforcement immediately.*

### **Section 3. Retaliation.**

**3.01. Definition.** Consistent with Section 220501(b)(11) of the Act, retaliation includes, but is not limited to, any adverse or discriminatory action, or the threat of an adverse or discriminatory action carried out against a Protected Individual as a result of any communication, including but not limited to, 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 emotional, physical or sexual misconduct or any other alleged Violation covered under this Policy to USABS, the USOPC, the Office of the Athlete Ombuds, the U.S. Center for SafeSport, any law enforcement agency or government entity, or employees of these organizations. Examples of adverse or discriminatory actions that would be considered retaliatory include, but are not limited to, removal from a training facility, reduced coaching or training, reduced meals or housing, or removal from competition.

In addition, no Protected Individual nor the USABS shall take or threaten to take any action against an athlete as a reprisal for disclosing information to, or seeking assistance from, the Office of the Athlete Ombuds. Similarly, no Protected Individual nor the USABS shall retaliate against an employee or contractor with the intent or effect of adversely affecting the terms or conditions of employment or other contractual rights (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, impact on salary or wages, or impact on contractual payments).

### **3.02. No Retaliation**

USABS has zero tolerance for Retaliation against a Whistleblower or any Protected Individual who makes good faith reports or cooperates with investigations of alleged Violations. The USABS community has the right to report alleged Violations and USABS encourages the reporting of such allegations. USABS has an open-door policy and encourages Protected Individuals to share questions, concerns, and/or suggestions.

### **Section 4. Reporting an Alleged or Suspected Violation.**

#### **4.01. Reporting.**

The USABS community has the right, and obligation, to report alleged Violations of this Policy and USABS encourages the reporting of such allegations.

- a) **Process to Report.** Suspected violations shall be considered an Administrative Grievance and reported via the Notice of Grievance Form to both the Judicial Committee Chair ([judicialcommitteechair@usabs.com](mailto:judicialcommitteechair@usabs.com)) and the USABS CEO ([ceo@usabs.com](mailto:ceo@usabs.com)) consistent with USABS Grievance Procedures. Should the allegation be against the Judicial Chair or the USABS CEO, the Notice of Grievance Form should be submitted directly to the USABS Board Chair ([boardchair@usabs.com](mailto:boardchair@usabs.com)).

Please remember as a reporter, Protected Individuals do not need to (and should not) investigate the matter of concern or determine fault. The Protected Individual does their part by making the concern known so the right people can act.

- b) **Erroneous Reporting.** Should an individual incorrectly report a possible Violation to a Protected Individual, all Protected Individuals are ***strongly encouraged*** to report the Violation. However, it is a **requirement** of USABS Employees, Board of Directors, Officers and Committee Members to forward any report of a potential Violation which may be erroneously reported directly to them.
- c) **Applicable Policy Exception.** The Judicial Committee Chair may redirect a report if, based on the matter reported, it is more appropriate to be addressed under a more applicable policy.

**4.02. Confidentiality.** Cooperation of the Good Faith Reporter and/or the Whistleblower can be helpful to reach the right resolution. Reports will be treated as confidential as possible. However, disclosure of an individual's identity or identifying information may be required in some situations, such as in order to conduct a thorough investigation, provide accused individuals' fair process, and where USABS is required by law to report a matter to law enforcement. As USABS has an obligation to investigate alleged Violations, please remember there is no such thing as an "unofficial" or "off the record" report.

**4.03. 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 allegations. As such, individuals reporting a perceived Violation must have some reasonable basis for believing there may be a Violation. Knowingly making a false allegation is a Violation of this Policy and shall be reported as such.

#### **Section 5. Investigation, Resolution and Enforcement.**

- a) **Obligation.** USABS takes its obligation to investigate, resolve and enforce potential violations of this Policy seriously. Alleged violations reported to USABS will be resolved pursuant to the USABS Grievance Procedures. Violations may lead to serious consequences, including, but not limited to termination of employment or participation.
- b) **Whistleblower Protection.** Whistleblowers who believe they have been retaliated against may file a written complaint with the Chair of the Ethics Committee at [ethicscommitteechair@usabs.com](mailto:ethicscommitteechair@usabs.com).
- c) **Retaliation Remedy.** A proven complaint of retaliation shall result in a proper remedy for the individual harmed and the initiation of disciplinary action against the retaliating individual, up to and including dismissal or removal from membership. This protection from retaliation is not intended to prohibit the Board of Directors, CEO, or managers/supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- d) **Employment Suspension/Termination.** As required by Section 220509(c)(2) of the Act, if it is found that a USABS Employee has retaliated against a Protected Individual, the employee will be immediately terminated or suspended without pay.
- e) **Disinterested Parties.** All investigative, resolution and enforcement activities will be executed by individuals who are unbiased, impartial, and free from prejudice and conflict of interests.

#### **Section 6. Definitions.**

**Good Faith Reporter.** An individual who acts with honesty and good intent when reporting an alleged Violation of this Policy.

**Protected Individual.** Defined in Section 1 (Application) of this Policy.

**Retaliation.** Defined in Section 3 (Retaliation) of this Policy.

**Whistleblower.** A Protected Individual, Good Faith Reporter, or other reasonable party (i.e. witnesses, victims, etc.) who reports an alleged Violation as defined in Section 2 of this Policy. All Whistleblowers acting in good faith are protected under this Policy.

**Section 7. Points of Contact.**

Individuals in need of further information, guidance and/or enforcement in relation to this Policy may contact the following:

Judicial Committee Chair	Email: <a href="mailto:judicialcommitteechair@usabs.com">judicialcommitteechair@usabs.com</a>
CEO	Email: <a href="mailto:ceo@usabs.com">ceo@usabs.com</a>
Director of Operations and Compliance	Phone: 518.241.6254
	Email: <a href="mailto:compliance@usabs.com">compliance@usabs.com</a>

The USOPC Ethics & Compliance team can serve as a secondary resource for questions or concerns regarding this Policy. The USOPC Ethics & Compliance team may be contacted at:

Integrity Hotline: 877.404.9935  
Integrity Portal: <https://usopc.ethicspoint.com>

**For Athletes with Questions Regarding this Policy:**

The Athlete Ombuds provides cost-free, independent, and confidential advice regarding athlete rights; resolving disputes or grievances; and any sport rule, policy, or process, including NGB-athlete agreements, codes of conduct or team selection procedures. The Athlete Ombuds can also help athletes connect with legal counsel or mental health resources if needed. Athletes may contact the Athlete Ombuds at:

PHONE: (719) 866-5000  
EMAIL: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org)  
WEBSITE: [www.usathlete.org](http://www.usathlete.org)