



CONFLICT OF INTEREST POLICY

Policy Owner: Director of Operations and
Compliance, USABS
Effective Date: December 1, 2022

Introduction

USA Bobsled/Skeleton (USABS) is committed to sustaining an ethical organization free of conflicts of interest and perceived conflicts of interest. Each individual has the responsibility to administer the affairs of USABS honestly and prudently, and to exercise their best care, skill, and judgment for the sole benefit of USABS. Each individual will exercise the utmost good faith in all transactions involved in their duties, and they will not use their positions with USABS or knowledge gained therefrom for their personal benefit. The interests of the organization must be the first priority in all decisions and actions. USABS requires all individuals recognize and attempt to avoid any activity or investment that constitutes, might appear to constitute, or could result in a potential conflict of interest.

The Conflict of Interest Policy ("Policy") does not attempt to provide an exhaustive list of every possible circumstance that might give rise to a conflict of interest, but provides examples of situations where potential conflicts of interest may or often arise.

Section 1. Application

This Policy applies to the following individuals ("Interested Party/ies"):

- a) Employees
- b) Board of Directors
- c) Officers
- d) Committee Members
- e) Task Force Members
- f) Hearing Panel Members
- g) Technical Members
- h) Contractors (*as designated as subject to this Policy by USABS*)

Note: Applicable to Athlete Representatives serving in one (or more) of the above-mentioned categories.

Section 2. Definition

USABS defines a Conflict of Interest as any situation in which an Interested Party (or the Interested Party's family member or close associate's activities) is in a position to derive, or be perceived to derive, personal benefit from actions or decisions made in their official capacity. Further, it is the existence of a personal or financial relationship with the Interested Party (and/or a family member or close associate) that could influence, or be perceived to influence, an Interested Party's objectivity when representing or conducting business for, or on behalf of, the USABS.

A Conflict of Interest also exists in the context of athlete or team selection when an Interested Party participates in a selection decision that involves or impacts an athlete with whom the Interested Party has a direct or indirect relationship. Or, when an Interested Party participates in a benefits or services allocation decision that directly impacts themselves.

For example, (1) an Athlete Representative serves on a committee hearing a team selection grievance wherein they were selected to be on the team in question, (2) an Interested Party benefits financially as part of a contract negotiation on behalf of USABS, or (3) the Board of Directors is contemplating a Conflict of Interest disclosure of a sibling of an Athlete Representative on the Board of Directors.

Section 3. Disclosure

3.01. Procedure for Disclosure

- a) **Annual Disclosure.** All Interested Parties must complete and file with the CEO the Conflict of Interest Disclosure Form (Attachment A) on an annual basis. Disclosure forms for the CEO, the Board of Directors and Officers, must be filed with, and reviewed by the Ethics Committee. The disclosure forms for the Ethics Committee must be filed with, and reviewed by, the Board of Directors.
 - i. **Material Change.** In the event of a material change in circumstances and/or as new conflicts arise, an amended form must be completed and filed.
- b) **Verbal Disclosure.** In the event of a situation resulting in a real-time verbal disclosure, the CEO should be consulted immediately and a Conflict of Interest Disclosure Form shall be completed and filed as defined in 3.01(a) as soon as possible, but no later than 30 days after the verbal disclosure is made.
- c) **Disclosure Review.** The CEO shall compile all Conflict of Interest Disclosure Forms annually, and as new forms are submitted, shall assess any conflict and determine whether the Interested Party with the conflict needs to refrain from participation or decision-making, or if any action is necessary to respond to, or mitigate, the conflict of interest. The same disclosure review will be conducted by the Ethics Committee for the CEO, Board of Directors, and Officers and by the Board of Directors for the Ethics Committee.
- d) **Information/Inquiries.** The CEO and/or the Ethics Committee shall make inquiries, gather information, and/or facts as needed to ensure potential conflicts are adequately assessed.
- e) **Decision.** The CEO (or his/her designee) shall communicate acknowledgement of the disclosure, decision, and/or provide direction for managing conflict to the Interested Party via email. Likewise, the Ethics Committee will communicate via email to the CEO, Board of Directors, and Officers and the Board of Directors to the Ethics Committee.
- f) **Managing Conflict of Interest Acknowledgement.** The Conflict of Interest Disclosure Form shall serve as the Interested Party's acknowledgement that all directives for managing conflict will be followed as a condition of membership and/or USABS affiliation.
- g) **Appealing Decision.** An Interested Party may appeal a decision and/or directive(s) for managing the conflict made by the CEO via email to the Chair of the Ethics Committee at ethicscommitteechair@usabs.com. Decisions made by the Ethics Committee may be appealed to the Board of Directors. Appeals should include the following:
 - i. Conflict of Interest Disclosure Form
 - ii. Email communicating decision
 - iii. Rationale for appealing decision and/or the directives for managing conflictAfter full consideration, the Ethics Committee (or Board of Directors) will communicate the decision via email to the Interested Party. Decisions made upon appeal will be final.
- h) **Board of Director and Committee Meeting Disclosures.** Disclosures and associated outcomes reviewed by the CEO and/or the Ethics Committee must be documented in the meeting minutes and must be presented to the Board of Directors. The disclosure presented must be documented in the Board of Directors meeting minutes. The Board of Directors meeting minutes will also document the Ethics Committee Members disclosures, review, and associated outcomes.

3.02. Areas of High Risk

Pursuant to this Policy, all Conflicts of Interest must be disclosed. However, the following areas are deemed high risk and warrant specific attention.

a) **Interested Parties Involved in the Creation or Enforcement of Selection Procedures.** Any Interested Party involved in the drafting, creation, or enforcement of selection procedures, including the athlete representative, who has a potential conflict of interest **must** disclose the potential conflicts pursuant to Section 3.01(a, b).

To ensure no Interested Party participating in the creation, drafting or enforcement of selection procedures has a conflict of interest, additional protections are provided in the USABS Selection Procedures.

b) **Interested Parties Empowered to Resolve Grievances.** Any Interested Party empowered to resolve grievances (e.g. Ethics Committee, Judicial Committee, or Hearing Panels) **must** disclose any potential conflicts pursuant to Section 3.01(a, b).

To ensure no Interested Party empowered to investigate potential violations and/or resolve grievances has a conflict of interest, additional protections are provided in the USABS Bylaws.

Section 4. Reporting

The USABS community has the right, and obligation, to report alleged Violations of this Policy and USABS encourages the reporting of such allegations. Individuals shall report possible Violations to the Chair of the Ethics Committee at ethicscommitteechair@usabs.com.

Section 5. Enforcement

- a) **Investigation.** The Ethics Committee shall have the responsibility to investigate alleged Violations of this Policy and will make a final determination on Violation and sanctioning, if applicable.
- b) **Decision.** The Ethics Committee shall communicate their decision to the Interested Party via email.
- c) **Appeals.** An Interested Party may appeal the decision of the Ethics Committee by filing an administrative grievance to the Judicial Committee pursuant to USABS Bylaws.
- d) **Disinterested Parties.** Enforcement will be executed by individuals who are unbiased, impartial, and free from conflicts of interests.

Section 6. No Retaliation

USABS will not encourage, allow, or tolerate attempts from any individual or group of individuals to retaliate, punish, allow or in any way harm any Interested Part(ies) who reports a concern in good faith. This applies to Interested Parties before, during, and after the process of resolving a conflict of interest matter. Such actions will be considered a violation of the USABS Whistleblower and Anti-Retaliation Policy.

Section 7. USABS Point of Contact

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

Ethics Committee Chair
CEO
Director of Operations and Compliance

Email: ethicscommitteechair@usabs.com
Email: aron.mcquiere@usabs.com
Phone: 518.241.6254
Email: morgan.tracey@usabs.com

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

Integrity Hotline: 877.404.9935

For Athletes With Questions Regarding This Conflict of Interest Policy:

The Athlete Ombudsman 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 Ombudsman can also help athletes connect with legal counsel or mental health resources if needed. Athletes may contact the Athlete Ombudsman at:

PHONE: (719) 866-5000

EMAIL: ombudsman@usathlete.org

WEBSITE: www.usathlete.org



**CONFLICT OF INTEREST
DISCLOSURE FORM**

I certify that I have read and understand the Conflict of Interest Policy and that the following information is true and complete to the best of my knowledge. I agree that if there is a material change in any statement or information provided below, I will immediately complete and submit an amended Conflict of Interest Disclosure Form. I further agree that I will adhere to any instruction from the Ethics Committee, CEO and/or Board of Directors as to the appropriate response to any conflict as a condition of my membership and/or relationship to USABS.

Name (please print)

- Employee Board of Director Officer Contractor
 Committee Member Task Force Member Hearing Panel Member Volunteer

I have no known or anticipated conflict of interest(s), as defined by the USABS Conflict of Interest Policy.

The following are my personal, family, financial, professional, club, team or business interests that could conflict with the interests of USABS, as defined by the Conflict of Interest Policy:

I am reporting a potential Conflict of Interest with an Interested Party other than myself:

Name: _____

Role (if known): _____

Description of Conflict:

Signature / Date

For internal record keeping only:

Reviewed on _____ by _____