

## APPENDIX U

### CONFLICT OF INTEREST POLICY

Amendments to this Appendix U are the responsibility of the USAAS Board of Directors.

#### INTRODUCTION

Those who choose to serve USA Artistic Swimming, Inc. (“USAAS”) are held to a high standard of conduct. They must do so without personal gain in order to avoid any institutional loss or embarrassment and to behave in such a way that the organization's trust and public confidence are enhanced. It is important to properly disclose and react to any conflict of interest, actual or perceived.

While no set guidelines can guarantee acceptable behavior, the principles that guide behavior in this area are disclosure, and non-participation in the decision-making process where personal, family or professional gain is a possibility. Any individual accepting the honor of serving USAAS must also accept the burdens of public disclosure and public scrutiny.

In our complex society the intermix of volunteer work, business interests, governmental activity, and family relationships (as defined in 1.01 B below) often creates potentially conflicting interests. It is imperative that individuals recognize and attempt to avoid any activity or investment that constitutes an actual, potential, or perceived conflict of interest. Although not all conflicts of interest can be anticipated or identified herein, examples of conflicts of interest include, but are not limited to:

- Making decisions that could place personal, family, financial or professional interests ahead of those of USAAS.
- Making decisions that could place the interests of your club or team, your club or team’s athletes or your business ahead of those of USAAS.
- Using, or allowing others to use, USAAS properties, services, opportunities, authority and influence for private benefit.
- Failing to exhibit honesty, loyalty, candor and professional competence in relationships with USAAS directors, employees, members and contractors.

#### ARTICLE 1

##### 1.01 Definitions:

A. **Interested Party(ies):** This Appendix U applies to the following individuals (“Interested Party(ies)”):

- USAAS Employees;
- Members of the USAAS Board of Directors (“Board of Directors”);
- USAAS Committee and Task Force Members;
- USAAS Hearing Panel Members;
- Volunteers with substantial decision-making authority (as designated by USAAS); and
- Contractors (as identified in the Contractor Agreement).

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

**B. Family relationship(s):** For the purposes of the USAAS disclosure process, “family” is defined as spouse, child, stepchild, parent, sibling, domestic partner, parent of spouse/domestic partner, and sibling or child of domestic partner.

- C. **Conflict of Interest:** USAAS 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 USAAS.

For example:

- An Interested Party benefits financially as part of a contract negotiation on behalf of USAAS.
- A committee member is the former coach of a National Team athlete.
- The Board of Directors is contemplating a conflict of interest disclosure of a sibling of an Athlete Representative.
- An Athlete Representative serves on a committee hearing a Team selection grievance wherein they were selected to be on the Team in question.

## 1.02 Procedures:

The following procedures govern USAAS Conflict of Interest Policy:

- A. All Interested Parties must complete and file with the USAAS Executive Director (“Executive Director”) the Conflict of Interest Disclosure Form (Attachment A) on an annual basis. In the event of a material change in circumstances, an amended form must be completed and filed. Disclosure forms for the Executive Director must be filed with, and reviewed by, the Board of Directors and the Board of Directors disclosure forms must be filed with, and reviewed by, the USAAS Ethics Committee.
- B. Any Interested Party who believes they have a conflict of interest, actual, potential, or perceived, must disclose that conflict.
- C. Any Interested Party who becomes aware of a potential or actual conflict of interest, which has not been disclosed and which involves a fellow Interested Party, shall disclose the conflict to the Executive Director on the Conflict of Interest Disclosure Form pursuant to Section 1.02 A above. If the Interested Party believes there is a conflict in disclosing the violation to the Executive Director, they may submit the disclosure form directly to the Board of Directors via email at [president@usaartisticswim.org](mailto:president@usaartisticswim.org).
- D. In the event of an oral disclosure of any conflict of interest, a Conflict of Interest Disclosure Form shall be completed and filed with the Executive Director as soon as possible thereafter.
- E. The Executive Director shall annually compile all Conflict of Interest Disclosure Forms, 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 the conflict of interest.
- F. The Executive Director and/or the USAAS Ethics Committee shall gather information and facts as needed to ensure potential conflicts are adequately assessed.
- G. The Executive Director shall provide relevant forms and associated decisions to the applicable USAAS committee, team or group of members, including the USAAS President (“President”) on behalf of the Board of Directors.
- H. The Executive Director (and/or Board of Directors) shall communicate the decision via email and provide direction for managing conflict, if applicable, to the Interested Party with the conflict of interest.
- I. Should the Interested Party with the conflict of interest disagree with said decision, the conflict of interest and the reason for their grievance shall be referred to the Executive Director, President or Board of Directors, pursuant to the [USAAS Grievance Procedures](#) (Appendix K), to be reviewed by the USAAS Ethics Committee. The USAAS Ethics Committee, after full consideration, will advise the Executive Director, President or Board of Directors as to the proper response to the conflict of interest. The Executive

Director will communicate the USAAS Ethics Committee decision and provide direction for managing conflict, if applicable, to the Interested Party.

- J. At the start of each Board of Directors meeting and each USAAS Committee meeting, members must declare conflicts with any anticipated agenda item. These disclosures must be recorded in the minutes along with the associated recusal from the applicable agenda item. This requirement does not supersede the annual disclosure requirement outlined in 1.02 A above.
- K. 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 USAAS membership and/or affiliation.

**1.03 Areas of High Risk:** Pursuant to this USAAS Conflict of Interest Policy, all conflicts of interest must be disclosed. However, the following areas are deemed high risk and warrant specific attention.

- A. Any Interested Party, including any Athlete Representative(s), involved in the drafting, creation or enforcement of Team selection procedures, who has an actual, potential, or perceived conflict of interest **must** disclose the potential conflicts pursuant to Section 1.02 above.
  - 1. To ensure no Interested Party participating in the creation, drafting or enforcement of Team selection procedures has a conflict of interest, additional provisions are provided in the [USAAS National Team, Olympic Development Program and All-Star Camp Selection Procedures](#) (Appendix E).
- B. Any Interested Party empowered to resolve grievances (e.g., USAAS Ethics Committee, National Board of Review) **must** disclose any actual, potential, or perceived conflicts pursuant to Section 1.02 above.
  - 1. To ensure no Interested Party empowered to investigate potential violations and/or resolve grievances has a conflict of interest, additional provisions are provided in the USAAS Grievance Procedures (Appendix K).

**1.04 No Retaliation:** USAAS 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 Party(ies) who reports a concern in good faith. This applies to the complainant and other Interested Parties before, during, and after the process of resolving a grievance. Such actions will be considered a violation of the [USAAS Whistleblower and Anti-Retaliation Policy](#) (Appendix S).

**1.05 Reporting:** The USAAS membership has the responsibility to report alleged violations of this USAAS Conflict of Interest Policy and USAAS encourages the reporting of such allegations.

- A. Suspected violations shall be considered an Administrative Grievance and reported via the Notice of Grievance Form to the Executive Director ([ceo@usaartisticswim.org](mailto:ceo@usaartisticswim.org)) and the President ([president@usaartisticswim.org](mailto:president@usaartisticswim.org)) consistent with USAAS Grievance Procedures (Appendix K). If the allegations are against the Executive Director or President, the Notice of Grievance Form shall be submitted directly to the USAAS Ethics Committee Chair ([ethics@usaartisticswim.org](mailto:ethics@usaartisticswim.org)). Refer to Appendix K.

**1.06 Investigation, Resolution and Enforcement:**

- A. USAAS takes its obligation seriously to investigate, resolve and enforce potential violations of this USAAS Conflict of Interest Policy. Alleged violations reported to USAAS will be resolved, and any applicable decisions communicated, pursuant to the USAAS Grievance Procedures (Appendix K).
- B. USAAS provides for an opportunity for a hearing pursuant to the USAAS Grievance Procedures (Appendix K).

- C. Review, investigation, resolution and enforcement will be executed by individuals who are unbiased, impartial and free from conflicts of interest pursuant to the USAAS Grievance Procedures (Appendix K).

**1.07 Points of Contact and Resources:**

- A. Interested Parties in need of further information, guidance and/or the enforcement thereof, in relation to this Appendix U, may contact the Executive Director at:

**Phone:** (719) 866-2219  
**Email:** [ceo@usaartisticswim.org](mailto:ceo@usaartisticswim.org)

- B. In addition, the USOPC Ethics and Compliance team may serve as a secondary resource for questions or concerns regarding this Appendix U. The USOPC Ethics and Compliance team may be contacted at:

**USOPC Integrity Hotline:** (877) 404-9935  
**USOPC Integrity Portal:** <https://usopc.ethicspoint.com>

- C. **USOPC Athlete Ombuds Assistance:**

The USOPC Athlete Ombuds (“Athlete Ombuds”) provides cost-free, independent and confidential advice regarding athlete rights; resolving disputes or grievances; and any sport rule, policy, or process, including USAAS-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. The Athlete Ombuds may be contacted at:

**Phone:** (719) 866-5000  
**Email:** [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org)  
**Website:** [www.usathlete.org](http://www.usathlete.org)

**ATTACHMENT A**  
**USA ARTISTIC SWIMMING, INC**  
**CONFLICT OF INTEREST**  
**DISCLOSURE FORM**

I certify that I have read and understand the USAAS Conflict of Interest Policy (Appendix U) 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 notify the USAAS Executive Director and complete an amended Conflict of Interest Disclosure Form. I further agree that I will adhere to any instruction from the USAAS Executive Director and/or Board of Directors as to the appropriate response to any conflict as a condition of my membership and/or relationship to USAAS as an Interested Party.

\_\_\_\_\_  
Name (please print/individual completing form)

- Employee                       Board of Directors     Committee or Task Force Member
- Hearing Panel Member     Volunteer                       Contractor
- Other (Athlete Representatives, etc.)
- I have no known or anticipated conflict of interest(s), as defined by the USAAS Conflict of Interest Policy (Appendix U).

- The following are my personal, family, financial, professional, club, team or business interests that could conflict with the interests of USAAS, as defined by the USAAS Conflict of Interest Policy (Appendix U):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- I am reporting a potential conflict of interest with an Interested Party other than myself:

Name: \_\_\_\_\_

Role (if known): \_\_\_\_\_

Description of Conflict:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature / Date

\_\_\_\_\_

Approver / Position / Date