

June 2024



CONFLICT OF INTEREST POLICY

OF

U.S. BIATHLON ASSOCIATION



1. Purpose

The U.S. Biathlon Association (USBA) is committed to sustaining an ethical organization free of conflicts of interest and perceived conflicts of interest. Each Affiliated Individual (as defined below) has the responsibility to administer the affairs of USBA honestly and prudently, and to exercise their best care, skill, and judgment for the sole benefit of USBA. Those persons will exercise the utmost good faith in all transactions involved in their duties, and they will not use their positions with USBA or knowledge gained therefrom for their personal benefit. The interests of the organization must be the first priority in all decisions and actions. USBA requires that any of its Affiliated Individuals recognize, attempt to avoid activities or investments that involve, might appear to involve, or could result in a potential conflict of interest.

This 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 or “**transactions**” where potential conflicts of interest often arise. A “**transaction**” is any contract, transaction, agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a grant or loan, or the establishment of any other financial relationship with USBA.

2. Applicability of Policy

This Conflict of Interest Policy is applicable to all USBA Affiliated Individuals. “**Affiliated Individuals**” include, but are not limited to, members of USBA’s Board of Directors (the Board of USBA), officers, committee members, task force members, hearing panel members, employees, and volunteers. Additionally, if USBA uses contractors, where reasonable, they will be required to comply with this policy through their written contract.

3. Definitions

“**Conflict of Interest**” or “**Conflict**” exists when an Affiliated Individual’s activities interests, or relationships interfere with, influence, or have the potential to interfere with or influence his or her responsibilities on behalf of the USBA or undermine the interests of the USBA. The activities and interests of an Affiliated Individual’s relatives and close associates must also be considered when evaluating whether a conflict of interest exists. Relatives and close associates (RCAs) include spouses/domestic partners, children, siblings, parents, in-laws, close friends, and business partners.



A “**conflict of interest**” can exist in the context of athlete or team selection when an Affiliated Individual participates in a selection decision that involves or impacts an athlete who is an RCA of the Affiliated Individual or when an Affiliated Individual participates in a benefits or services allocation decision that directly impacts the Affiliated Individual or their RCAs.

4. Areas in Which Conflicts May Arise

Conflicts of interest often arise due to the relationships Affiliated Individuals have with the following third parties:

- a) Persons or entities supplying goods and services to USBA;
- b) Persons or entities leasing property or equipment to USBA;
- c) Persons or entities with whom USBA is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities or other property;
- d) Competing or affinity organizations;
- e) Donors and others supporting USBA;
- f) Agencies, organizations, and associations which affect the operations of USBA; or
- g) RCAs and other employees of USBA.

Potential conflicts of interest often arise when Affiliated Individuals have an interest, directly or indirectly, with any persons or entities mentioned above. Examples of potential conflicts of interest are listed below. The list below is not intended to be an all-inclusive list of every instance that may create a potential conflict of interest, but, rather, is simply a sample of the types of relationships and activities that may give rise to a conflict of interest. If an Affiliated Individual or other disclosing individual has any question as to whether a relationship or activity may create a conflict of interest, a disclosure must be made.

Examples of potential conflicts of interest that should be disclosed are listed below:

- i. Affiliated Individual or an RCA owns stock or holds debt or other proprietary interests in any third party dealing or who may potentially deal with USBA.



EXAMPLE: An USBA board member owns a 70% interest in a company seeking to enter into a contract with USBA to provide consulting services.

- ii. Affiliated Individual or an RCA owns a business, maintains a second job, or provides goods or services under a provider, contractor, or consulting agreement, where by the outside business provides goods or services to USBA, the USOPC, or any other NGB.

EXAMPLE: USBA is contemplating entering into an agreement with a HR consulting company owned by an USBA employee's husband.

- iii. Affiliated Individual or an RCA holds a position of executive, officer or director, participates in the management of, or is otherwise is employed (or formerly employed) by any third party dealing with USBA.

EXAMPLE: An USBA board member is the CEO of a technology company negotiating a contract with USBA to provide IT services.

- iv. Affiliated Individual uses USBA's time, personnel, equipment, supplies, or goodwill for anything other than USBA-approved activities, programs, and purposes.

EXAMPLE: An USBA employee uses an USBA vehicle for a personal road trip.

- v. Affiliated Individual solicits gifts or gratuities using their USBA role or accepts personal gifts, loans, gratuities, or discounts from third parties, including situations that may or may not constitute a violation of USBA's Gift & Entertainment Policy. No personal gift of money should ever be accepted.

EXAMPLE: An USBA employee using her position at USBA to obtain box seats to a sporting event from a vendor for personal use.

EXAMPLE: Accepting tickets to an NFL game worth \$250 from a business seeking to obtain a contract to provide landscaping services for USBA headquarters.



EXAMPLE: An USBA board member gets paid a commission if USBA enters into a particular contract with a third party.

- vi. Affiliated Individual or an RCA acts as an agent, representative, or consultant to a business whose interests may conflict with the interests of USBA.

EXAMPLE: An USBA board member agrees to promote another NGB in negotiations with potential sponsors or licensees.

- vii. Affiliated Individual or an RCA has a business relationship with a sponsor, supplier, licensee, or vendor of USBA (for a current list of USBA sponsors, suppliers, and licensees, go to www.teamusa.org/us-biathlon/usba-partners).

EXAMPLE: An USBA employee's spouse provides legal services to an USBA sponsor.

- viii. Affiliated Individual awards USBA business to, or provides favorable treatment to, a business owned or controlled by a volunteer or an RCA.

EXAMPLE: USBA is contemplating entering into a contract for landscaping services with a company because the landscaping company is owned by an employee's brother.

- ix. Affiliated Individual drafts selection procedures or participates and/or votes within a discretionary selection committee of USBA when they have a relationship with an athlete who is potentially impacted by the selection procedures (e.g., as coach, trainer, parent, etc.) or when Affiliated Individual might benefit directly or indirectly from the selection method.

EXAMPLE: An USBA employee participating in a decision to select an athlete on USBA's team for World Championships or major international competition when the USBA employee is athlete's current coach or family member.

EXAMPLE: The athlete representative assisting with drafting, voting on, and/or signing the procedures is also



competing for a spot on the team for which the procedures are written.

- x. Affiliated Individual engages in activities or maintains interests and relationships that interfere with or influence, or have the potential to interfere with or influence, the satisfactory performance of their responsibilities on behalf of USBA or undermine the interests of USBA.

EXAMPLE: An USBA board member has a significant client who owns or operates a facility being considered as the host of an USBA event.

EXAMPLE: An Affiliated Individual serves on a hearing panel or appeal panel involving discipline against a member of the Affiliated Individual's club / team / family.

EXAMPLE: An athlete is the potential recipient of benefits or services that are being allocated by USBA and participates in the allocation decision.

5. Interpretation of This Policy

The examples listed in Section 4 are not exhaustive. Affiliated Individuals should disclose all relationships and activities which may give rise to a potential conflict of interest, whether or not listed expressly in Section 4.

Disclosure of a conflict or potential conflict of interest does not necessarily prohibit involvement in the disclosed activity or with USBA. For example, the conflict might not be material enough to be of practical importance, or if it is material, it might be possible for USBA and Affiliated Individual to implement appropriate mitigating measures upon full disclosure of all relevant facts and circumstances. However, it is USBA's policy that the existence of any of the interests described or similar in nature to those described in Section 4 will be disclosed before any transaction is consummated or any vote taken on an action, contract, relationship, or decision that would give rise to the potential conflict of interest. It is the continuing responsibility of each Affiliated Individual to scrutinize his/her transactions, outside business interests, and relationships for potential conflicts and to immediately make such disclosures.

6. Disclosure Policy and Procedure



In addition to the mandatory self-disclosures required from each Affiliated Individual under Sections 9 and 10 of this policy, any individual with a good faith belief that another Affiliated Individual has a conflict of interest may notify the USBA Nominating, Governance & Ethics Committee of such perceived conflict pursuant to the procedures set forth below. Such notice may be provided anonymously. Furthermore, should any Affiliated Individual become aware of any undisclosed conflict of interest, or any conflict of interest not fully disclosed, such person should make full disclosure of their knowledge of the potential conflict of interest involved to USBA's Nominating, Governance and Ethics Committee.

Affiliated Individuals are required to disclose conflicts whenever they may arise or whenever the Affiliated Individual becomes aware of them. Affiliated Individuals must update their annual written disclosures as new conflicts arise. All Board and Committee Members must disclose any potential conflicts of interest as applicable during meetings so they may be recorded in the notes/minutes.

After disclosure of the conflict or potential conflict of interest and all material facts, and after any discussion with the interested person and any other relevant party, the Ethics Committee will decide if a conflict of interest exists pursuant to the procedures set forth in Section 7 below, as applicable, and if there are mitigating measures that could be implemented to permit USBA to move forward with the transaction or activity.

7. Procedures for Addressing Potential Conflicts of Interest

a) With Respect to USBA Transactions or Business

In the event a potential conflict of interest exists with respect to a proposed transaction or arrangement, then promptly and before any decision is made regarding the proposed transaction or arrangement, the potential conflict of interest will be addressed as follows:

- i. The interested person may make a presentation to disinterested members of the Nominating, Governance and Ethics Committee, which may be convened telephonically, regarding the transaction or arrangement involving the potential conflict of interest.
- ii. The interested person will then recuse themselves from any and all discussion and approval (if applicable) of the conflict of interest.
- iii. The Nominating, Governance and Ethics Committee will determine whether an actual or apparent conflict of interest exists. For transactions, the Nominating, Governance and Ethics Committee



may consider whether a competitive bid or competitive evaluation exists.

- iv. If the Nominating, Governance and Ethics Committee determines that an actual or apparent conflict of interest exists, it will determine whether there are mitigating measures that can be implemented to alleviate the conflict and/or what steps the interested individual and/or USBA must take or not take in order to avoid the conflict. The Nominating, Governance and Ethics Committee may determine in some cases that the NGB cannot engage in the transaction or arrangement at all due to the conflict or potential conflict of interest. In all cases, the Nominating, Governance and Ethics Committee will communicate its determinations in writing.

b) With Respect to Drafting Selection Procedures and Athlete/Team Discretionary Selection

The following more particularized disclosure requirements and procedures apply in the context of drafting selection procedures and athlete/team discretionary selection decisions in order to ensure that no Affiliated Individual participating in the process has a conflict of interest that will impact his/her ability to make a fair and unbiased decision in the athlete or team selection process.

Any Affiliated Individual involved in the drafting of procedures, including the athlete representative, or on a discretionary selection committee who has a potential conflict of interest must disclose it to the Nominating, Governance and Ethics Committee for review. The following process will be followed:

- i. The Interested Person may make a presentation to disinterested members of the Nominating, Governance and Ethics Committee, which may be convened telephonically, regarding the potential conflict of interest.
- ii. The interested person will then recuse themselves from any and all discussion regarding the potential conflict of interest.
- iii. The Nominating, Governance and Ethics Committee will determine whether an actual or apparent conflict of interest exists
- iv. If the Nominating, Governance and Ethics Committee determines that a conflict of interest is exists, it will either mandate the individual's recusal from the process or determine to what extent, if any, that individual can participate in the process The Nominating,



Governance and Ethics Committee may determine that the individual can still participate in the drafting of the procedures or be included in the discussions for discretionary selection of a team, but not take part in any sign-off, vote, or decision. For example, a national team coach or high performance director may provide information to the selection committee so long as such information is provided in a fair and unbiased manner and the committee member who disclosed the conflict of interest does not vote toward the final decision.

- v. Under no circumstances will a person with an actual or potential conflict attempt to unduly influence other members of the committee in the selection process.

If the Affiliated Individual is recused and a vacancy on the committee exists, either in the drafting process or on the discretionary selection committee, USBA will use its best reasonable efforts to fill that vacancy. If a vacancy results in the athlete representative position, another athlete representative who meets the qualifications for that committee will be appointed and approved by a representative group of athletes.

In all cases, the Nominating, Governance and Ethics Committee will communicate its determinations in writing.

8. Violations of The Conflicts of Interest Policy

If the Nominating, Governance and Ethics Committee has reasonable cause to believe an Affiliated Individual has failed to disclose an actual or potential conflict of interest, it will promptly inform the Affiliated Individual of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

If, after hearing the Affiliated Individual's response and after making further investigation as warranted by the circumstances, the Nominating, Governance and Ethics Committee determines the Affiliated Individual has failed to disclose the conflict or potential conflict of interest, it will take appropriate disciplinary and corrective action. The Nominating, Governance and Ethics Committee's decision will be final.

While any such failure to disclose a conflict or potential conflict of interest is under investigation, the Affiliated Individual will be precluded from engaging in further decisions of USBA that bear any relation whatsoever to the matter that is the subject of the conflict or potential conflict of interest.



Reporting Violations of the Conflicts of Interest Policy

Any individual with a good faith belief that an Affiliated Individual has a conflict of interest may notify the CEO, Director of Operations and/or the Nominating, Governance and Ethics Committee of such perceived conflict by

USBA CEO Contact: ceo@usbiathlon.org;

Director of Operations: sara@usbiathlon.org

Chair of the Nominating, Governance and Ethics Committee: Harry Brakeley

hapbrakeley@outlook.com

9. Anti Retaliation

USBA has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, financial or legal violations, or who cooperate with investigations of those reports. That means no Affiliated Individual may threaten, harass, discriminate against, or take any negative employment (where applicable) or participation related action (e.g., discharge, demotion, suspension, non-assignment, negative review) on that basis.

Any such retaliation can be reported as described above in the same way as any other policy violation. It will be treated as a violation the Anti-Retaliation Policy and USBA's Code of Conduct and may lead to serious consequences including termination of employment or participation for anyone involved in retaliation.

All good faith reports of violations of this policy are protected under the provisions of the USBA Whistleblower Policy. Consult the USBA [\[link\]](#) for additional information.

10. Annual Disclosure Statements



Each Affiliated Individual will annually sign and submit to the Nominating, Governance and Ethics Committee and USBA's Director of Operations a statement, using the standardized form, affirming that they:

- 1) Have received a copy of the conflicts of interest policy;
- 2) Have read and understand the policy;
- 3) Have agreed to comply with the policy, and
- 4) Understand that USBA is a charitable organization and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes. Each annual disclosure will be reviewed and addressed by the Nominating, Governance and Ethics Committee.

Any actual, perceived, or potential conflict of interest should be disclosed in the annual statement. The disclosures will be reviewed as follows:

1. The CEO and board member/officer disclosures will be reviewed by disinterested members of the Nominating, Governance and Ethics Committee;
2. All other disclosures may be reviewed by disinterested members of staff.
3. Individuals with conflicts will be provided direction for managing the conflict, including written communication provided for actual conflicts identified for board members, designated Committee members or the CEO.

Any new USBA employee will submit a conflict of interest disclosure statement within 14 days of his or her hiring by USBA. Any other new Affiliated Individual will submit a conflict of interest disclosure statement by the earlier of 14 days after his or her appointment or his or her first board, committee, or task force meeting. In no event will an Affiliated Individual participate in any decisions to commit USBA to a proposed transaction or in athlete or team selection procedures prior to submission of his or her conflict of interest disclosure statement. USBA will maintain copies of all Annual Statements submitted under this Section 10 in accordance with the document retention policies and procedures.

11. Periodic Statements/Updates



In addition, each director, officer, committee member, task force member, hearing panel member, and employee will submit to the Ethics Committee a signed statement as necessary describing any new potential conflicts of interest as and when such potential conflicts of interest arises. USBA will maintain copies of all periodic statements or updates submitted under this Section 10.

12. Conflict of Interest Policy Lead

The USBA Director of Operations can be contacted with any questions about this policy.

Sara Studebaker-Hall
sara@usbiathlon.org
(208) 340-5489

For Athletes With Questions Regarding This Conflict of Interest Policy:

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

*PHONE: (719) 866-5000
EMAIL: ombudsman@usathlete.org
WEBSITE: www.usathlete.org*

To Make a Report to the USOPC Integrity Portal:

*<https://www.usopc.org/reporting-a-concern>
(<https://secure.ethicspoint.com/domain/media/en/gui/53006/index.html>)*