

# **POLICIES AND PROCEDURES MANUAL**

## **USA WATER SKI & WAKE SPORTS**

**APPROVED BY  
BOARD OF DIRECTORS**

Rev 0	Aug	1999
Rev 1	Jan	2000
Rev 2	Jan	2001
Rev 3	Jan	2002
Rev 4	Jan	2003
Rev 5	Jan	2004
Rev 6	June	2004
Rev 7	Jan	2005
Rev 8	Feb	2005
Rev 9	Jan	2006
Rev 10	Jan	2008
Rev 11	Jan	2010
Rev 12	Jan	2011
Rev 13	Jan	2012
Rev 14	Jan	2014
Rev 15	Jan	2015
Rev 16	Jan	2016
Rev 17	Jan	2017
Rev 18	Jan	2018
Rev 19	June	2019
Rev 20	Aug	2019
Rev 21	Jan	2020
Rev 22	Jan	2021
Rev 23	Mar	2021
Rev 24	Oct	2021
Rev 25	Jan	2022
Rev 26	Jan	2023
Rev 27	Mar	2024
Rev 28	April	2026

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# USA WATER SKI & WAKE SPORTS POLICIES AND PROCEDURES

## 1.0 General

- 1.0 Policies and Procedures
  - 1.0.1 USA Water Ski & Wake Sports Policies and Procedures (USA-WSWS) shall be established per USA-WSWS Bylaws Article VI Section 1(c) and when applicable, shall direct Board action.
  - 1.0.2 These Policies and Procedures may be amended by 2/3 vote of the Board.
- 1.1 Fiscal Year
  - 1.1.1 The fiscal year is the calendar year.
- 1.2 Principal Office
  - 1.2.1 The principal office of USA-WSWS shall be at a location approved by the Board of Directors of USA-WSWS (hereinafter “the Board”).
  - 1.2.2 The principal office of USA-WSWS shall be its registered office. The registered agent of USA-WSWS at such registered office shall be the Executive Director of USA- WSWS.
- 1.3 Construction
  - 1.3.1 These Policies and Procedures shall be applied and construed consistently and not in conflict with the USA-WSWS Articles of Incorporation and Bylaws, and with the Bylaws and all requirements of the United States Olympic & Paralympic Committee (USOPC) as are in effect from time to time.
  - 1.3.2 Throughout these Policies and Procedures, the USA-WSWS Board of Directors shall be referred to as the “Board,” and the USA-WSWS Bylaws shall be referred to as the “Bylaws.”
- 1.4 Non-Discrimination and Gender Equity
  - 1.4.1 USA-WSWS and its members shall conduct the affairs of USA-WSWS without unlawful discrimination on the basis of gender, race, color, religion, national origin, age, or sex.
    - 1.4.1.1 The selection of national and international teams in accordance with IWWF selection criteria which require certain gender “mixes,” or which impose certain age restrictions or requirements, shall not be deemed a violation of this policy.
  - 1.4.2 USA-WSWS shall provide equitable support and encouragement for participation by women in the event separate programs for male and female athletes are conducted on a national basis.
    - 1.4.2.1 International team budgets and funding shall be reviewed by the International Activities Committee to ensure that all such funds have been equitably distributed in accordance with the policies set forth in this Section 1.5.
    - 1.4.2.2 Information regarding USOPC Elite Athlete Health Insurance, support criteria and other benefits available to eligible athletes shall be available for athlete reference online.
- 1.5 Athlete Opportunities
  - 1.5.1 USA WSWS is committed to protecting opportunities for athletes participating in it's sport. USA WSWS will continue to collaborate with various stakeholders with oversight responsibilities, e.g., IOC,

IWWF and USOPC, to ensure that women have a fair and safe competition environment consistent with Executive Order 14201 and the Ted Stevens Olympic & Amateur Sports Act, 36 U.S.C. § 22501, et. Seq.

## 2.0 MEMBERSHIP

2.1 Sport Disciplines. USA-WSWS shall be comprised of the following Sport Disciplines:

- American Barefoot Club (ABC)
- American Kneeboard Association (AKA)
- American Water Ski Association (AWSA)
- National Collegiate Water Ski Association (NCWSA)
- National Show Skiers Association (NSSA)
- National Water Ski Racing Association (NWSRA)
- US Hydrofoil Association (USHA)
- USA Adaptive Water Ski & Wake Sports (USA-AWSWS)
- USA Wake Sports (USA-WAKE)

2.2 Association Members. USA-WSWS shall have the following Association Members: USA Water Ski & Wake Sports Foundation (USA- WWF) Water Sports Industry Association (WSIA)

2.3 Members who do not specify a membership class shall be placed in a “No Preference” class. This class shall have neither voice nor vote on the Board.

2.4 Membership classes and fees (including individual and club memberships) in USA-WSWS shall be as determined by the Board from time to time. These classes and fees are currently as follows:

2.4.1 2022 Annual Memberships, types and fees (one year from date of enrollment) shall be:

Active (25 and Older)	\$85
Under 25 Active U25	\$55
Key	\$20
Family Active HOH, Spouse, U17	\$175
Grass Roots Active (restricted)	\$40
Guest	\$10

2.4.2 2022 Club Membership (calendar year) fees \$125

## 3.0 GOVERNANCE

3.1 Determining Sport Discipline Membership

3.1.1 Membership on Dec 31 of the odd numbered years shall be used to establish Sport Discipline membership for the ensuing two (2) year time frame.

3.1.2 Annually, during membership renewal, members shall designate a primary Sport Discipline.

3.1.3 Members that do not specify a primary Sport Discipline shall be placed in the “No Preference” classification.

3.1.4 After a formal review of the membership numbers in 2016 by the USA-WSWS Bylaws Committee and with the approval of the USA-WSWS Board of Directors, the membership numbers as of December 31, 2015, shall be used for the ten-year review on December 31, 2017 and going forward, for

retaining Sport Discipline status.

**NEW MEMBERSHIP NUMBERS 12/31/2015**

<u>Sport Discipline</u>	<u>Actual</u>	<u>Percent SD Total</u>	<u>No Preference</u>	<u>Adjusted Total</u>
ABC	436	2.80	5	441
AKA	119	0.77	1	120
AWSA	7152	46.01	82	7234
NCWSA	937	6.03	11	948
NSSA	5714	36.76	66	5780
NWSRA	281	1.81	3	284
USA-WB	739	4.75	9	748
USHA	55	0.35	1	56
USA-AWSWS	112	0.72	1	113
Total SD	15,545	100.00	175	15724
No preference	179			
Total	15,724			

**This table contains the December 31, 2017 primary and secondary Sport Discipline membership designations and numbers that were used for Article V Section I of the USA-WSWS Bylaws for retaining Sport Discipline status.**

<u>Sport Discipline</u>	<u>PRIMARY MEMBERS</u>	<u>SECONDARY MEMBERS</u>	<u>Adjusted Total</u>
ABC	399	961	1,360
AKA	129	242	371
AWSA	6,675	994	7,669
NCWSA	855	479	1,334
NSSA	5,623	462	6,085
NWSRA	273	90	363
USA-WB	472	1,082	1,554
USHA	64	44	108
USA-AWSWS	97	53	150
Total SD	14,587	12,684	14,771

3.2 Delegation of Board seats

3.2.1 Each Sports Discipline is guaranteed one voting Director and up to a maximum of five (5) based upon membership.

3.2.2 For purposes of determining Board seats, "No Preference" members shall be allocated to active Sport Disciplines based upon percentage of the Sport Disciplines membership to

- 3.2.3 “Total” Sport Discipline membership (see Table in 3.1.4).  
The following table, based upon the adjusted membership totals (see 3.1.4) is to be used to determine Sport Discipline Board seats effective 12/31/19: 1/19

From	To	Director Seats
0001	2500	1 Director
2501	5000	2 Directors
5001	7500	3 Directors
7501	10000	4 Directors
10001	Plus	5 Directors (maximum)

- 3.2.4 The following table lists the membership numbers that were used in the ten-year review of the Sports Disciplines on December 31, 2017. After a formal review of the membership numbers in 2016 by the USA-WSWS Bylaws Committee and with the approval of the USA-WSWS Board of Directors the membership numbers as of December 31, 2015, shall be used for the ten year review on December 31, 2017 for Sport Discipline retainage status only.

#### **NEW MEMBERSHIP NUMBERS 12/31/2021 FOR DIRECTOR SEAT ALLOCATIONS**

<u>Sport Discipline</u>	<u>Actual</u>	<u>Percent SD Total</u>	<u>No Preference</u>	<u>Adjusted Total</u>
ABC	341	2.52	5	346
AKA	78	0.58	1	79
AWSA	6,419	47.37	87	6506
NCWSA	753	5.56	10	763
NSSA	5,290	39.03	71	5,361
NWSRA	204	1.51	3	207
USA-WB	315	2.32	4	319
USHA	36	0.27	0	36
USA-AWSWS	116	0.86	2	118
Total SD	13,552	100.00	183	13735
No preference	183			
Total	13,735			

The 2018 ten-year review found that AWSA did not meet the 50% required membership retainage number to keep the guaranteed 5 seat allocation and going forward from January 1, 2018 they will receive director seating per the table in 3.2.3.

**REVIEW TABLE PER THE 12/31/2021 MEMBERSHIP NUMBERS AND CURRENT SPORTS DISCIPLINE FOR DIRECTOR ALLOCATIONS.**

	Membership	Directors	Effective date
ABC	346	1	1/22
AKA	79	1	1/22
AWSA	6506	3	1/22
NCWSA	763	1	1/22
NSSA	5361	3	1/22
NWSRA	207	1	1/22
USA-WB	319	1	1/22
USHA	36	1	1/22
USA-AWSWS	118	1	1/22
AAC*	NA	7	1/22
Independent Director		1	1/22

\*based upon the required AAC Director seats per USOPC Bylaws.

**3.2.5 Sports Discipline Director**

Seating per Article VI, Section 4(a) effective January 2026

	<u>Odd Year Seating</u>	<u>Even Year Seating</u>
ABC	<u>1</u>	<u>0</u>
AKA	<u>0</u>	<u>1</u>
AWSA	<u>1</u>	<u>2</u>
NCWSA	<u>1</u>	<u>0</u>
NSSA	<u>2</u>	<u>1</u>
NWSRA	<u>1</u>	<u>0</u>
USA-WAKE	<u>1</u>	<u>0</u>
USHA	<u>1</u>	<u>0</u>
USA-AWSWS	<u>0</u>	<u>1</u>
INDEPENDENT DIRECTOR	<u>1</u>	<u>0</u>
AAC	<u>3</u>	<u>4</u>
TOTAL DIRECTORS	<u>12</u>	<u>9</u>

**3.2.5 Association Director seats**

USA-WWF One (1) seat effective 1/99  
 WSIA One (1) seat effective 1/99

**3.2.5.1 Affiliated Members**

USA-WSWS shall on its own, or upon written request and notice by a sports organization, recognize "Affiliates" as follows; 1. Affiliates are organizations or entities which conduct national programs or regular national amateur athletic competitions in a Sport Discipline on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and 2. Which ensure that the representation reflects the nature, scope, quality, and strength of the programs and competitions of the Sport Discipline in relation to all other programs and

competitions in the Sport Discipline in the United States. 3. All Affiliates shall be provided with reasonable direct representation on the board of directors with a seat on the Board. If no Affiliate satisfies the above listed criteria, this seat will remain vacant and open until filled.”

3.3 Number and Allocation of Board Votes

- 3.3.1 Each Board ballot/vote shall have 100 votes, to be allocated and weighted in accordance with USA-WSWS Bylaws Article VI Section B.
- 3.3.2 One-third (1/3) of the votes (by weight) shall be allocated to the AAC Directors.
- 3.3.3 A vote (by weight) shall be allocated to the Independent Director equal to the vote of one AAC director.
- 3.3.4 Sport Discipline votes shall be allocated to the individual Sport Disciplines based upon percentage of Sport Discipline membership, and weighted, in accordance with USA-WSWS Bylaws Article VI Section B. The Sport Discipline allocation shall be calculated as follows:
  - 3.3.4.1 The formula is the product of Sport Discipline votes available times the ratio of the Sport Discipline’s membership to the sum total of all Sport Disciplines members minus the votes allotted to the AAC Directors and the Independent Director. See “Actual” column in 3.1.4.
  - 3.3.4.2 Where the resulting product is less than one, the Sport Discipline shall have one vote.
  - 3.3.4.3 Where the product is greater than one the product will be rounded down to the nearest integer.
  - 3.3.4.4 Should the Sport Disciplines allocation exceed or be less than a whole number of votes, the Sport Disciplines shall resolve the difference prior to any Board votes.
  - 3.3.4.5 If a Sport Discipline is not represented at a meeting their vote(s) shall not be cast.
  - 3.3.4.6 Sport Disciplines shall determine how to divide their votes among their Director(s)
  - 3.3.4.7 Sport Discipline votes, calculated below, shall be effective at the January 2021 Annual USA-WSWS Board meeting, and shall remain in effect for a period of one (1) year thereafter.

**BASED ON 12/31/2021 MEMBERSHIP NUMBERS, WHICH IS USED IN THE FORMULA TO DETERMINE THE NUMBER OF VOTES ALLOCATED TO EACH SPORT DISCIPLINE.**

Sport Discipline	Actual	Divided By Total Members	Times number of SD seats	Vote Calculations	Votes
ABC	341	13552	59.1	1.49	1
AKA	78	13552	59.1	0.34	1
AWSA	6419	13552	59.1	27.99	27.55
NCWSA	753	13552	59.1	3.28	3
NSSA	5290	13552	59.1	23.07	22.5
NWSRA	204	13552	59.1	0.89	1
USA-WB	315	13552	59.1	1.37	1
USHA	36	13552	59.1	0.16	1
USA-AWSWS	116	13552	59.1	0.51	1
Total	13552			59.1	

3.3.4.8 Compensation of Directors

No Director or board member shall receive any form of compensation for services on the board. There shall be no reimbursement of travel expenses from USA-WSWS unless specifically authorized by the Board, except that Athlete Advisory Council representatives and the Independent Director shall (upon documented request) be reimbursed per diem expenses.

3.3.4.9.1 Each Sport Discipline and the AAC, and the Board in the case of the Independent Director or Affiliated Organization Director, shall have the authority to remove and replace a director elected or selected by them, for "cause." "Cause" shall include the failure of the director to attend or participate in more than two (2) meetings during any calendar year, the failure to fulfill the duties of director as generally set forth in USA-WSWS Bylaws, and Policies and Procedures, or the violation of in USA-WSWS Bylaws, and Policies and Procedures. Any decision regarding the removal or replacement of a director shall require a majority vote of the USA-WSWS or Sport Discipline Board or AAC, as applicable. Notice of any such proposed action shall be provided to the responding director, and to all other members of the USA-WSWS or Sport Discipline Board or AAC (as applicable), at least fourteen (14) days prior to a vote on any such proposal. The responding director shall have an opportunity to provide a written response to any such proposal, at least seven (7) days prior to a vote on any such proposal.

- 3.4 USA-WSWS Honorary National Directors
  - 3.4.4 AWSA NGB voting Directors and elected Officers shall be credited for their years of service on the AWSA NGB Board as if all service years had been on both the USA-WSWS NGB and the AWSA Sport Discipline Boards.
- 3.5 USOPC representation shall be as set forth in USA-WSWS Bylaws Article VI Section A.1 (j).
- 3.6 IWWF representation shall be as set forth in USA-WSWS Bylaws Article VI Section A.1 (l).
- 3.7 USA Waterski & Wake Sports Foundation and WSIA representation shall be set forth in USA-WSWS Bylaws Article V Section I.
- 3.8 Adding a Sport Discipline
  - 3.8.4 As detailed in USA-WSWS Bylaws Article V Section H and the petitioning organization must have a minimum number of members nationally equal to one percent (1%) of USA-WSWS total membership at the time of application (see "Total" from the Actual column in 3.1.5).
  - 3.8.5 Petitioning Sport Disciplines must submit their Bylaws to the Bylaws Committee for review 60 days before the Executive Committee considers their petition to become a Sport Discipline.
- 3.9 Duties and Responsibilities of the Executive Director
  - 3.9.4 The Executive Director shall be responsible for writing or approving job descriptions, employing agents and/or staff, fixing terms of service and compensation, and periodically reviewing the performance of the paid professional staff of USA-WSWS.
  - 3.9.5 The Executive Director shall be responsible for developing and maintaining an effective partnership between the paid professional staff and the volunteers acting through the Sport Disciplines.
  - 3.9.6 The Executive Director is entrusted to conduct the business affairs of USA-WSWS with prudence, good business judgment, and in a financially responsible manner. The Executive Director, acting in his fiduciary capacity, and subject to such restrictions as may be imposed by the Board, is empowered to make whatever financial and management decisions he deems to be in the best interest of USA-WSWS, and is specifically empowered, among other things, to do the following absent contrary direction from the Board:
    - 3.9.6.1 Provide the principal coordination and administration of USA-WSWS day-to-day activities and programs as approved by the Board;
    - 3.9.6.2 In cooperation with the Treasurer of USA-WSWS, arrange for receipt, deposit, and disbursement of USA-WSWS funds and the handling thereof;
    - 3.9.6.3 Enter into binding agreements on behalf of USA-WSWS;
    - 3.9.6.4 Sign contracts and agreements, approved by the Board, in the name of USA-WSWS; and
    - 3.9.6.5 Propose budgets and establish financial controls.
- 3.10 Board and Committee Attendance, Goals and Information.
  - 3.10.1 In performing its duties under the USA-WSWS Bylaws, the Board shall:
  - 3.10.2 Focus on long-term objectives and impacts.
  - 3.10.3 Oversee the financial activities of USA-WSWS throughout the fiscal year.
  - 3.10.4 Review and approve the financial statements, annual reports, financial and control policies, and select or approve USA-WSWS independent auditors.
  - 3.10.5 Ensure that athlete safety rules, policies, and procedures

- comply with the requirements of the USOPC and U.S. Center for SafeSport.
- 3.10.6 Board and Committee Members are expected to attend or otherwise participate in board and committee meetings, and to fulfill their duties in accordance with USA-WSWS Bylaws, and Policies and Procedures
- 3.10.7 A list of current Board members shall be available on USA-WSWS website. The list shall include each member's role on the Board (position) and Board
- 3.11 Executive Directors Obligations for SafeSport.
  - 3.11.1 The USA Water Ski Executive Director is the individual responsible for ensuring the response and SafeSport resolution policy is adhered to.

**4.0 The USA Water Ski's Executive Director is the individual responsible for responding to the SafeSport Center's requests (regarding participant status or USA Water Ski- imposed temporary measures) within the 72-hour timeframe.**  
**ELECTRONIC BALLOTING PROCEDURES OF THE BOARD OF DIRECTORS**

- 4.1 The author of an issue for board consideration shall present the issue in resolution form to the Chairman of the Board for processing by the board. The resolution shall contain the following information:
  - 4.1.1 Title of the resolution
  - 4.1.2 Specific wording of the issue being presented
  - 4.1.3 Proposed date that the issue will be effective i.e. immediately upon approval of the ballot, 1<sup>st</sup> day of the next calendar year, etc.
  - 4.1.4 Relevant and pertinent documentation and data supporting the issue
- 4.2 The Chairman of the Board shall present the resolution, in electronic form, to the board for a discussion period of ten (10) days.
- 4.3 At the end of the discussion period, the author will review the discussion of the board and may revise the resolution to reflect the input of the board, then have the resolution re-presented to the board for further discussion, again with a ten (10) day discussion period or have the Chairman proceed to a Ballot using the original or revised wording of the issue. This decision will be the choice of the author without undue bias.
- 4.4 The Chairman of the Board shall prepare a Ballot, in electronic form, to be sent to the board for voting that meets the criteria outlined in section 4.1.1-4 and is approved by the author of the issue. The time span for the Directors to vote on the Ballot shall be set by the Chairman.
- 4.5 The votes shall be counted as noted in Roberts Rules of Order Newly Revised in the following manner:
  - 4.5.1 Yes votes will signify approval of the Ballot.
  - 4.5.2 Votes recorded as abstentions, no response and No by the Directors to the ballot shall be recorded as No votes, disapproving the Ballot.
- 4.6 Upon receiving the votes of the board, the Chairman shall send by electronic mail the results of the voting for review by the board. The Directors shall have a period of five (5) days to review and verify/change their vote on the Ballot after which the Ballot will be considered ratified and

placed in effect on the date approved in the Ballot. If a Director does not respond to the Ballot voting review, the Chairman shall assume that their vote has been recorded correctly.

- 4.7 The Chairman shall send to the Executive Director the Ballot as presented and the voting record, whether approved or disapproved, for inclusion in the corporate records of USA- WSWS.

## **5.0 COMMITTEE MEMBERSHIP**

- 5.1 The following committees shall be deemed "Designated Committees" as defined by USOPC Bylaws Section 8.5.1(d)
  - Executive Judicial Ethics Nominating Bylaws
  - International Activities Committee

All Boards of Sports Disciplines which competed in the most recent Pan Am Games shall comply with the 5.2.

- 5.2 Sufficient representatives shall be appointed by the AAC to each Designated Committee to ensure that not less than thirty-three and one-third percent (33.3%) of the membership and voting power of each Designated Committee consists of AAC representatives, in accordance with and as required by USOPC Bylaws regarding Athlete Representation (see USOPC Bylaws Section 8.5.4).
- 5.3 The following committees shall be deemed "Special Committees" which shall be "Other NGB Committees" as defined by USOPC Bylaws Section 8.5.1(e):
  - Risk Management Waterways Towboat
  - Awards
  - Time and Place
- 5.4 Sufficient representatives shall be appointed by the AAC to each Special Committee to ensure that not less than thirty-three and one-third percent (33.3%) of the membership and voting power of each Special Committee consists of AAC representatives, in accordance with and as required by USOPC Bylaws regarding Athlete Representation (see USOPC Bylaws Section 8.5.5).
- 5.5 The President, the Executive Committee, or the Board may establish Special Committees from time to time, which shall be deemed "Other NGB Committees" as defined by USOPC Bylaws Section 8.5.1(e), and subject to the above requirements regarding AAC representation.
- 5.6 Except for AAC representatives or as otherwise expressly set forth in the Bylaws or these Policies and Procedures, the President of USA-WSWS shall appoint committee members and the committee chair. Each Sports Discipline and the AAC shall make membership recommendations for the President's consideration. These recommendations shall be predicated on those who are best qualified and who have the desire to serve. The President will consider such recommendations but will not be bound by them. Except for AAC representatives, Designated Committee and Special Committee appointments require Board approval.
- 5.7 The Committee Chairman of any committee can be a voting or non-voting member of the committee. Additionally, the President may appoint non-voting committee representatives to any committee, who shall serve in an advisory (non-voting) capacity.
- 5.8 Sport Discipline boards shall comply with all athlete representation

requirements applicable to USA-WSWS committees.

## **6.0 COMMITTEE OPERATION**

### **6.1 Term**

6.1.1 The term of all Designated Committees and Special committees is one year and starts with adjournment of the Annual January Board meeting. The chair of each committee will be appointed by the President of the Board in accordance with the USA-WSWS Bylaws and USA-WSWS Policies & Procedures.

6.1.2 The term of all Special Committees shall also start with the adjournment of the Annual January Board meeting, except as otherwise expressly resolved in connection with a Special Committee.

#### **6.1.3 Attendance Requirements**

Committee members are expected to participate in all regularly scheduled committee meetings, unless otherwise approved by the Chair of the committee. Each Committee will hold at least one

(1) meeting a year, via teleconference, electronic communication, internet conference, or other means, as directed by the Chair of the committee.

#### **6.1.4 Conflicts of Interests**

All committee members are required to comply with the Conflicts of Interest statement in the USA-WSWS Bylaws and the Code of Conduct and Ethics Policy which requires disclosures of actual, perceived, and potential conflicts ("conflicts"). Conflicts must immediately be disclosed to the Ethics Committee for review should one appear during the term of the committee member.

#### **6.1.5 Removal**

A committee member's position on a committee may be declared vacant upon the committee member's resignation, removal, incapacity, disability, or death. A committee member may resign at any time by giving written notice to the Chair of the Designated Committee, or if appointed by the Board, to the Board. Such resignation shall take effect at the time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Notice will be disseminated to the committee by the Chair of the committee.

Any vacancy occurring in a committee shall be filled as set forth above in these bylaws. A committee member appointed to fill a vacancy shall be appointed for the unexpired term of such committee member's predecessor in office.

#### **6.1.5 Compensation of Committees**

No Chair or committee member shall receive any form of compensation for services on the committee. There shall be no reimbursement of travel expenses from USA-WSWS unless specifically authorized by the Board, except that Athlete Advisory Council representatives and the Independent Director shall (upon documented request) be reimbursed per diem expenses.

### **6.2 Committee Reports and Recommendations**

6.2.1 Committees shall work on issues and projects as directed by the Board, an Officer, the Bylaws and Policy and Procedures Manual or those identified by the committee.

6.2.2 The final report of the committee shall take the form of a written

- recommendation(s) to the Board. Recommendations shall be submitted in writing to the USA-WSWS Executive Director and by him to the President and members of the Board.
- 6.2.3 Committee recommendations require a two-thirds approval of the committee before submittal to the Board for approval or adoption.
  - 6.2.4 The Committee Chair or his designated representative shall present the committee's report in person at scheduled Board meetings.
- 6.3 Official Committee documents, including but not limited to: Board Reports, Manuals, Disciplinary Action Documents, etc., shall be maintained by the USA-WSWS Executive Director. Committee Chairmen shall maintain the balance of the Committee's files including documentation of committee votes.

## **7.0 DESIGNATED COMMITTEES**

### **7.1 Executive**

- 7.1.1 Purpose: The Executive Committee is authorized to take administrative action only with respect to policies adopted and decisions made by the Board as it may deem necessary and advisable in order to implement such policies and decisions and to expedite the orderly transaction of the business of USA-WSWS.
- 7.1.2 Membership and Administration: The Executive Committee shall consist of seven (7) voting members including the Chairman of the Board, President, Vice President, Treasurer, and three (3) athletes meeting the qualifications set forth in the USOPC Bylaws and Requirements regarding Athlete Representation (see USOPC Bylaws Section 8.5) selected by the Athlete Advisory Council. The President shall chair the committee. The Executive Director and the immediate past President shall be non-voting ex-officio members of the committee, and may participate in all meetings.
- 7.1.3 Responsibilities: The Executive Committee shall be empowered to act upon all matters requiring Board attention between regular meetings of the full Board, and which cannot be deferred until the next meeting of the full Board. The Executive Committee shall have authority to act for the Board only in meetings in which all voting Executive Committee members are participating (either personally or via teleconference). During such times the Executive Committee shall possess the same powers, authority and responsibilities as the Board. The Executive Committee shall discharge its responsibilities in accordance with the following provisions:
  - 7.1.3.1 Budget requests from each Sport Discipline will be sent to the USA-WSWS Executive Director by November 1 of each year for planning the budget for the following year. The Executive Committee will assist the Executive Director in preparing the budget for presentation to the USA-WSWS Board of Directors. Sport Disciplines are to be funded as equitably as possible, based on percentage of the membership per the last census of the membership database. The growth of the USA-WSWS organization will be of prime consideration in the budgetary process.
  - 7.1.3.2 The Executive Committee shall review all matters pertaining to the USA-WSWS Budget and shall submit a complete budget report and recommendations for USA-WSWS Board consideration and action. They shall review and make recommendations on all matters of a financial nature involving

- USA-WSWS. They shall present strategies and goals to the USA-WSWS Board for consideration and action.
- 7.1.3.3 The Executive Committee shall further review:
- Sport Discipline status biennially according to the criteria established in section 3 of these Policies and Procedures;
  - Requests by sport committees / organizations for USA-WSWS Sport Discipline or Affiliated Organizations status.
- 7.1.4 Board Ratification: Actions taken by the Executive Committee, on behalf of the Board, must be ratified by the Board at its next meeting, and if not so ratified, must be revoked and reversed to the extent reasonably possible
- 7.2 **Judicial** **Contact Judicial Committee Chair: [JudicialChair@usawaterski.org](mailto:JudicialChair@usawaterski.org)**
- 7.2.1 Purpose: The purpose of the Judicial Committee is to administer and decide complaints, disciplinary actions and appeals in accordance with the USA-WSWS Bylaws.
- 7.2.2 Membership and Administration: The membership of the Judicial Committee shall consist of five (5) voting members including two (2) athletes meeting USOPC Bylaws and Requirements regarding Athlete Representation (see USOPC Bylaws Section 8.5) selected by the AAC. The Chair shall be appointed by the President.
- 7.2.3 Responsibilities: The responsibilities of the Judicial Committee are set forth in the USA- WSWS Bylaws. Specifically, the committee is required to investigate, conduct hearings, make preliminary rulings and issue final orders on complaints under the USA-WSWS Bylaws; and to decide appeals to the President of USA-WSWS of adverse actions taken against members. The Judicial Committee's jurisdiction shall include the investigation, conduct of hearings, the issuance of preliminary rulings and final orders as to all complaints arising out of: any USA-WSWS Policies and Procedures, or any other duly adopted rule or regulation, including but to USA-WSWS Code of Conduct and Ethics; any provision of the USA-WSWS Bylaws; any applicable provisions of the USOPC Bylaws; or any provision of the Ted Stevens Olympic and Amateur Sports Act relating to USA-WSWS recognition as a National Governing Body, but specifically excluding Complaints over which a USA-WSWS Sport Discipline has exclusive jurisdiction pursuant to the Sport Discipline's Bylaws. The Judicial Committee shall also have jurisdiction over "opportunity to compete or participate" proceedings, and appeals from decisions reserved to a USA-WSWS Sport Discipline, as set forth in USA-WSWS' Bylaws.
- 7.2.4 Procedural Rules: The committee will review and manage the grievance and appeal process as it relates to violations of the USA-WSWS Bylaws, Code of Conduct and Ethics, or other USA-WSWS Policies and Procedures. The Board shall establish policies and procedures for the operation of the Judicial Committee consistent with these bylaws and in accordance with the Act, USOPC Bylaws, USA-WSWS Bylaws, and the USA-WSWS Policies and Procedures.
- 7.2.5 The Judicial Committee shall report the pendency and outcome of all matters coming before it, to the Executive Director. The Executive Director or her/his designee shall maintain a permanent record of all such proceedings and the outcome thereof. Those records shall be confidential in all cases which are dismissed by the Judicial Committee

whether based on procedural grounds or the merits of the underlying matter.

- 7.3 Ethics      **Contact Ethics Committee Chair:** [EthicsChair@usawaterski.org](mailto:EthicsChair@usawaterski.org)
- 7.3.1 Purpose: USA-WSWS requires its volunteers and staff to conduct business with integrity, to maintain a standard of ethical conduct consistent with the laws and regulations of the United States and other countries and jurisdictions in which USA- WSWS conducts business.
- 7.3.2 Membership and Administration: The membership of the Ethics Committee shall consist of thirteen (13) voting members (one (1) from each Sport Discipline as selected by the Sports Discipline Presidents and approved by the President of USA-WSWS), plus four (4) Athlete Representatives. The Chair shall be appointed by the President. The membership of the Committee may be reduced in the event a Sports Discipline declines or fails to nominate a representative to the committee, but in all cases the AAC representation on the Committee shall comply with all USOPC Bylaws and Requirements regarding Athlete Representation.
- 7.3.3 Responsibilities: The Ethics Committee shall be responsible for promulgating and administering the USA-WSWS' Code of Conduct and Ethics, except for hearings on Complaints arising under the Code of Conduct and Ethics Policy which shall be referred to and decided by the Judicial Committee. The Code of Ethics shall include standards addressing or requiring certain standards of conduct for all members, employees and others subject to USA-WSWS' jurisdiction as to the following:
- 7.3.3.1 All dealings must be conducted with transparency, honesty and fairness.
  - 7.3.3.2 The rights of all volunteers, employees and others affiliated or associated with USA-WSWS to fair treatment and equal opportunity, free from discrimination and/or harassment must be respected.
  - 7.3.3.2 All laws, rules, regulations, and policies governing relating to the conduct of USA- WSWS, both domestic and foreign, must be known and complied with, and it shall be the affirmative obligation of all persons subject to the Code of Conduct and Ethics to know and comply therewith.
  - 7.3.3.3 All transactions must be handled honestly and recorded accurately.
  - 7.3.3.4 All confidential and proprietary information that belongs to USA Water Ski & Wake Sports, our donors, sponsors, suppliers and fellow workers must be protected.
  - 7.3.3.5 Conflicts of interest, both real and perceived, shall not be permitted.
  - 7.3.3.6 USA-WSWS assets or information shall not be used for personal gain or benefit.
  - 7.3.3.7 Actions must be taken to avoid the appearance of misconduct or impropriety, or any actions which may adversely affect the reputation of USA Water Ski & Wake Sports.
  - 7.3.3.8 The Ethics Committee shall report the pendency and outcome of all matters coming before it, to the Executive Committee and the Executive Director. The Executive Director or her/his designee shall maintain a permanent record of all such proceedings and the outcome thereof. Those records shall be confidential in all cases which are dismissed by the Ethics Committee whether based on procedural grounds or the merits of the underlying matter.
  - 7.3.3.9 USA-WSWS, as a National Governing Body of the USOPC, is subject to the USOPC Code of Ethics.

- 7.4 Nominating **Contact Nominating Committee Chair:** [NominatingChair@usawaterski.org](mailto:NominatingChair@usawaterski.org)
- 7.4.1 Purpose: The committee shall seek qualified candidates for the offices of Chairman of the Board, President, Vice President, Secretary and Treasurer. They shall also present qualified candidates for Honorary Directors per the established standards.
- 7.4.2 Membership and Administration: The membership of the Nominating Committee shall consist of thirteen (13) voting members (one (1) member from each Sport Discipline as selected by the Sports Discipline Presidents and approved by the President of USA- WSWS), plus four (4) Athlete Representatives. The Chair shall be appointed by the President. The membership of the Committee may be reduced in the event a Sports Discipline declines or fails to nominate a representative to the committee, but in all cases the AAC representation on the Committee shall comply with all USOPC Bylaws and Requirements regarding Athlete Representation.
- 7.4.3 Responsibilities: After careful study of the qualifications of the candidates, the committee shall present a slate of nominees for the offices of Chairman of the Board, President, Vice President, Secretary and Treasurer to the Board of Directors. The Committee Chair shall conduct the election of Officers at the annual meeting of the Board of Directors.
- 7.5 Bylaws **Contact Bylaws Committee Chair:** [BylawsChair@usawaterski.org](mailto:BylawsChair@usawaterski.org)
- 7.5.1 Purpose: The committee shall review and maintain the USA- WSWS Bylaws and the USA-WSWS Policies and Procedures Manual. They will make recommendations for changes in these documents to the USA-WSWS Board of Directors.
- 7.5.2 Membership and Administration: Bylaws Committee shall consist of thirteen (13) voting members (one (1) member from each Sport Discipline as selected by the Sports Discipline Presidents and approved by the President of USA-WSWS), plus four (4) Athlete Representatives. The Chair shall be appointed by the President. The membership of the Committee may be reduced in the event a Sports Discipline declines or fails to nominate a representative to the committee, but in all cases the AAC representation on the Committee shall comply with all USOPC Bylaws and Requirements regarding Athlete Representation.
- 7.5.3 Responsibilities: The committee will review and revise these Bylaws, these Policies and Procedures, and the Bylaws and any Policies and Procedures of the Sports Disciplines to ensure that they are in compliance with and not in conflict with the USA- WSWS Bylaws and any applicable Bylaws and requirements of the USOPC.
- 7.6 International Activities: **Contact International Activities Chair:** [IACChair@usawaterski.org](mailto:IACChair@usawaterski.org)
- 7.6.1 Purpose: This will be the principal committee dealing with all aspects of USA-WSWS' participation in international competitions and our relations with organizations such as the USOPC, International Waterski and Wakeboard Federation, and the Pan American Sports Organization. This committee shall make recommendations to the USA-WSWS Executive Committee and to the USA-WSWS Board of Directors regarding policies and procedures governing our participation in international competition.

Although each Sport Discipline shall be responsible for adopting qualifications and procedures governing the selection of teams and athletes to compete in international events, all such qualifications and procedures shall be subject to review by the International Activities Committee.

7.6.2 Membership and Administration: International Activities Committee shall consist of thirteen (13) voting members (one (1) member from each Sport Discipline as selected by the Sports Discipline Presidents and approved by the President of USA-WSWS), plus four (4) Athlete Representatives. The Chair shall be appointed by the President. The membership of the Committee may be reduced in the event a Sports Discipline declines or fails to nominate a representative to the committee, but in all cases the AAC representation on the Committee shall comply with all USOPC Bylaws and Requirements regarding Athlete Representation.

7.6.3 Responsibilities: The committee shall work closely with the USA-WSWS Executive Committee in coordinating efforts to provide competent officials and competitors to international competitions. They shall also work closely with the USOPC through the USA-WSWS Headquarters staff to coordinate the financial grants to support our training and competition programs for the international teams that we train and select for international competitions. They shall be responsible for promulgating requirements and procedures for athletes, team staff and others participating in international competitions. They shall work with the USA-WSWS Headquarters staff to review all aspects of international activities, to assure consistency with the requirements of the Board of Directors, USA-WSWS, IWWF, PASO, and USOPC. They will make recommendations to the USA-WSWS Board of Directors where conflicting requirements exist. They shall have complete oversight over all representatives of USA-WSWS participating in international competitions, including skiers, officials, coaches, managers, and other members of the official USA-WSWS delegation.

## **8.0 SPECIAL COMMITTEES**

### **8.1 Risk Management**

8.1.1 Purpose: Risk Management, which is the management of the risks involved in the competitions of our athletes, shall be the primary concern of the committee.

8.1.2 Membership and Administration: membership of the Risk Management Committee shall consist of thirteen (13) voting members, one (1) member appointed from each Sport Discipline, plus four (4) Athlete Representatives. The President shall seek recommendations from the Sport Disciplines, and appoint, representatives having knowledge of the risks and safety principles applicable to participation in the activities of the Sport Disciplines. The Chair shall be appointed by the President. Other persons, such as the Chairman of Board, President, Executive Director, legal counsel, insurance council and other consultants may be appointed.

8.1.3 Responsibilities: The committee shall work closely with the USA-WSWS Board of Directors, Executive Committee and the Executive Director, and with the USA-WSWS Sports Disciplines to create, implement and promote programs and activities that impact

the safety of all USA-WSWS athletes and participants. The committee is responsible for all Board approved USA-WSWS Risk Management policies and shall oversee the USA-WSWS Official Safety Manual and Policy Handbook.

## 8.2 Waterways

8.2.1 Purpose: The purpose of the committee is to research the possibility of and work towards complete access to all public waters for our members for usage in the sport of recreational and competitive water skiing.

8.2.2 Membership and Administration: There shall be seven (7) members of this Committee including two (2) Athlete Representatives in accordance with the USA-WSWS Bylaws, the President shall seek recommendations from the Sport Disciplines, and appoint, representatives having knowledge of public and private water access, regulations and requirements applicable to participation in the activities of the Sport Disciplines. The Chair shall be appointed by the President. Other persons, such as the Chairman of Board, President, Executive Director, legal counsel, insurance council and other consultants may be appointed. Consideration should be given to the geographic diversity of committee representatives so as to have a nationwide cross-sectional view of the matters within the Committee's responsibility.

8.2.3 Responsibilities: The Committee shall review, update and make the Waterways Education Manual available to USA-WSWS' members, in addition to providing general information and support to the Board and Sport Disciplines as to these issues.

## 8.3 Towboats

8.3.1 Purpose: The Towboat Committee shall establish performance guidelines for towboats used in USA-WSWS events. It shall also develop policy for towboat participation in USA-WSWS sanctioned events, subject to Board approval.

8.3.2 Membership and Administration: The membership of the Towboat Committee may consist of thirteen (13) voting members (one (1) from each Sport Discipline that needs to participate in the towboat approval process as selected by the Sports Discipline Presidents and approved by the President of USA-WSWS), plus four (4) Athlete Representatives. The Chair shall be appointed by the President. The membership of the Committee may be reduced in the event a Sports Discipline declines or fails to nominate a representative to the committee, but in all cases the AAC representation on the Committee shall comply with all USOPC Bylaws and Requirements regarding Athlete Representation.

8.3.3 Responsibilities: The committee shall:

8.3.3.1 Establish towboat specifications and performance standards for towboats used in USA-WSWS events.

8.3.3.2 Establish testing procedures and standards for the USA-WSWS Towboat approval program.

8.3.3.3 Maintain and update the USA-WSWS Towboat Policy Manual and associated programs.

8.3.3.4 Work in conjunction with the USA-WSWS Sports Disciplines' Boat Drivers and Technical Committees.

8.3.3.4 Coordinate communications with towboat manufacturers.

#### 8.4 Awards

- 8.4.1 Purpose: The committee shall administer all of the awards available from USA Water Ski & Wake Sports, the National Governing Body, to the membership of USA-WSWS.
- 8.4.2 Membership and Administration: Awards Committee shall consist of thirteen (13) voting members (one (1) from each Sport Discipline as selected by the Sports Discipline Presidents and approved by the President of USA-WSWS), plus four (4) Athlete Representatives. The Chair shall be appointed by the President. The membership of the Committee may be reduced in the event a Sports Discipline declines or fails to nominate a representative to the committee, but in all cases the AAC representation on the Committee shall comply with all USOPC Bylaws and Requirements regarding Athlete Representation.
- 8.4.3 Responsibilities: The committee shall review the qualifications and selection of all of the candidates for each award available to the membership of USA-WSWS from the National Governing Body and prepare a list of the committee selected recipients for presentation to the Board for approval.

#### 9.0 OTHER COMMITTEES

- 9.1 The Executive Committee, Board, or President may establish other committees from time to time. The Purpose, Membership and Administration, and Responsibilities of all such other committees shall be determined in connection with the establishment of each other committee. AAC representation on each such committee shall be in accordance with the USA-WSWS Bylaws.

#### 10. MEETINGS

- 10.1 Board meetings
  - 10.1.1 The immediate past President may attend Board meetings with voice, but without vote.
  - 10.1.2 Committee chairs (or their alternates, if the chair is unable to attend) may attend Board meetings to present the report of their committee, and to respond to questions otherwise relating thereto.
  - 10.1.3 The Board may allow other persons to attend Board meetings as determined by the Board in connection with any Board meeting.

**APPENDIX I**  
**Policies and Procedures for**  
**Proceedings Under Bylaws Article IX**  
**(Complaint and Appeal Procedures)**  
**Effective January 31, 2021**

USA-Water Ski & Wake Sports (USA-WSWS) hereby adopts the following Policies and Procedures for all proceedings under USA-WSWS Bylaws Article IX (Complaint Procedures).

1. Complaints and Appeals may be filed with USA-WSWS in accordance with Article IX of USA- WSWS' Bylaws. Throughout these procedures (whether a Complaint or an Appeal) a party initiating the proceeding shall be referred to as a Complainant, and a party responding to the proceeding shall be referred to as a Respondent. All parties to any Complaint or appeal before the Judicial Committee shall have the right to be represented by an attorney (or parent or legal guardian, in the case of a minor) throughout the proceeding.
2. Manner of Filing, Notice and Binding Nature of the Proceedings.
  1. The Complainant or their attorney:
    - a. shall file the Complaint or Appeal with the Judicial Committee at [JudicialChair@usawaterski.org](mailto:JudicialChair@usawaterski.org), with a copy to the USA- WSWS Executive Director and the President of the Sport Discipline most closely involved in the issue(s) raised in the Complaint or Appeal.
    - b. In any proceeding where the Complainant designates an attorney to represent the Complainant's interest, the Complainant shall file a "power of attorney" or other written authorization signed by the Complainant and expressly authorizing the attorney to act as the Complainant's attorney with respect to the proceeding. A minor's parent or legal guardian shall be rebuttably presumed to have authority to act as the designated representative of the minor, with or without representation of the minor by an attorney.
    - c. The Complaint or Appeal shall set forth in clear and concise language:
      - i. The full name and identifying membership information (if known) of the Complainant and Respondent(s);
      - ii. the alleged violation, grievance, denial or threat to deny, or issue from which any appeal is sought;
      - iii. the remedy requested; and,
      - iv. whether emergency or expedited action is necessary, the reasons therefor, and the requested deadline by which any emergency or expedited action should be taken.
    - d. The Complainant or the Complainant's attorney shall sign the Complaint or Appeal.
    - e. Within fourteen (14) business days after its filing (absent just cause for any delay), a copy of the Complaint or Appeal shall be promptly provided by the USA-WSWS Executive Director to the party(ies) against whom the Complaint has been filed (the "Respondent(s)"), and to the Chair of the Judicial Committee. Additionally, USA-WSWS shall provide the parties (Complainant(s) and Respondent(s)) and the Chair of the Judicial Committee with all materials filed with any relevant documents otherwise in the possession of USA-WSWS.
    - f. The Judicial Committee shall then appoint a Hearing Panel (which may include members of the Judicial Committee) of five (5) disinterested persons which includes not less than one-third (33.3%) representation

by qualified Athletes (as defined by the USOPC Bylaws), to investigate, administer and decide the issues raised in the Complaint or Appeal. Notice of the proposed Hearing Panel appointees shall be provided to the parties, with an opportunity to object to any appointee for a conflict of interest or actual bias or prejudice. Any dispute relating to the appointments shall be resolved by the USA-WSWS Judicial Committee chair (or the chair's designee, in the event the chair has a conflict of interest or is otherwise disqualified).

- g. The Judicial Committee or the designated Hearing Panel may also determine that individuals or others not listed as either a Complainant or Respondent are interested parties to whom notice of the proceedings (and an opportunity to be added or intervene as a party) should be given.
- h. Throughout all such proceedings, all parties shall have the right to submit additional relevant documents for consideration by the Hearing Panel. Copies of all materials provided by any party shall be promptly provided to all other parties, including the Respondent(s)' response to the Complaint, any preliminary motions or other filings with the Hearing Panel, and all documents and evidence submitted by either party. All parties, including any affected or intervening party, shall be eligible to participate fully in the proceedings, including any hearing.
- i. All parties, including any affected or intervening party, shall be bound by the decision of the Hearing Panel, even if she/he chooses not to participate.

### 3. Investigation and Hearing Procedures for Complaints

- a. Following its appointment, the Hearing Panel shall (after seeking input from the parties) first enter a scheduling order setting forth the procedures to be followed throughout the proceedings, which may include addressing and deciding some or all of the matters (including rendering a final decision) on an expedited basis. The scheduling order shall be entered within thirty (30) days after the Complaint has been filed, and shall provide for the resolution of the Complaint within ninety (90) days after any response to the Complaint has been filed. The timelines set forth in this Section 3 may be extended for good cause shown, as determined by the Hearing Panel. The scheduling order shall address the following:
  - i. a date by which the Respondents shall be required to formally respond to the Complaint, not to exceed fourteen (14) days after the service of the Complaint on the Respondent(s);
  - ii. A date by which any informal or formal mediation process shall be completed (if the parties agree to mediation to be conducted by a neutral third-party mutually agreeable to the parties; no mediation shall be conducted unless all parties agree); Any mediation shall be conducted before a mediator certified in the state or federal courts of the State of Florida, and the Hearing Panel Chair shall be advised of the name of the selected mediator, and the mediator's acceptance of that selection. All mediation communications shall be confidential, and any mediation communications shall not be admissible in any subsequent proceeding. The mediation shall be conducted in good faith. The mediator shall inform the Hearing Panel Chair of the terms of any settlement agreement, or if the parties do not settle.
  - iii. a date by which the parties must submit and exchange all

- written evidence. The first disclosure shall occur within thirty (30) days after the service of the Complaint on the Respondent(s), and each party shall have the obligation to make timely supplements of their disclosures upon the discovery of newly discovered evidence;
- iv. whether any additional discovery, if any, shall be allowed, and (if additional discovery is to be allowed) the nature and format of that discovery and the date by which it shall be completed;
  - v. A date by which the parties shall raise any preliminary motions or other matters, which shall be within thirty (30) days after the service of the Complaint on the Respondent(s), as well as the date for any subsequent or final hearing(s), which shall be within ninety (90) days after the service of the Complaint on the Respondent(s);
  - vi. A date by which all documents to be used at any final hearing shall be disclosed and exchanged (which shall be at least fifteen (15) days before any final hearing to enable the parties a reasonable opportunity to prepare for any final hearing); and,
  - vii. A date by which the identity of all witnesses to be called to testify at any final hearing shall be disclosed (which shall be at least fifteen (15) days before any final hearing to enable the parties a reasonable opportunity to prepare for any final hearing);
  - viii. A date by which any written arguments must be submitted; and,
  - ix. Any other matters the Hearing Panel determines may promote the efficient administration of the matter, consistent with general principles of due process and fairness.
- b. If interim measures (such as a temporary suspension or limitation of a member's membership privileges) are requested in any Complaint proceeding under Article IX(A)(1) (prior to any assumption of jurisdiction by the U.S. Center for SafeSport over matters arising under USA-WSWS' SafeSport Policy), or (2)(a), of USA-WSWS' Bylaws, and the immediate consideration of that request is determined by the Hearing Panel to be necessary and appropriate, the Hearing Panel may conduct expedited proceedings and impose interim measures during the pendency of the proceeding. Interim measures may be imposed on an *ex parte* emergency basis, but only if the Hearing Panel determines that there is not sufficient time to hold a hearing before such interim measures should be effective (such as to protect the health, safety and wellbeing of other athletes) and if there is sufficient evidence when taken as a whole supports the need for the entry of any interim measures on an emergency basis; if *ex parte* emergency measures are imposed, the affected member shall have the right to a hearing on any such interim measures within 48 hours after notice to the affected member that those interim measures have been imposed. In all other cases, a hearing must be held prior to the imposition of interim measures if those interim measures limit or prohibit the affected member's eligibility to compete or participate in a USA-WSWS sanctioned competition or as a member of a USA-WSWS team. Under all circumstances, an affected member shall have a right to a hearing in connection with the imposition of interim measures. Interim measures may include temporary suspensions or limitations on a member's membership rights and privileges, or other measures, but no membership shall be terminated until a final decision has been rendered in accordance with the Policies and Procedures set forth in this Appendix 1. Interim measures may be imposed before a

- scheduling order has been entered.
- c. The Hearing Panel shall have the right to conduct its own investigation as to the matters at issue, but shall provide all parties with the results of that investigation.
  - d. The Hearing Panel will address preliminary motions and matters which may include motions to dismiss the complaint (e.g., issues relating to standing, statute of limitations, and so forth) before proceeding to a determination on the merits. As to all preliminary motions and matters, either the parties or the Hearing Panel shall have the right to raise any such issues. The parties shall be advised of the nature of any preliminary motions, and shall be given an opportunity to be heard (either by written submissions, oral presentations or arguments, or a combination thereof, as determined in the sole discretion of the Hearing Panel) relevant to those preliminary motions and matters. The Hearing Panel shall issue a written decision on all such issues, as determined by a majority of the Hearing Panel.
  - e. Following the resolution of any preliminary motions and other matters, a hearing shall then be had on any matters which remain unresolved. At any hearing, all parties shall be given an opportunity to be heard, including the submission of evidence and the presentation of witnesses (unless the Hearing Panel determines that the presentation of evidence or witnesses is not relevant to the matters at issue), and the presentation of arguments relevant to the matters at issue. In the case of expedited proceedings, the Hearing Panel may dispense with the procedures set forth in this paragraph, except that all proceedings must comply with general principles of due process and fairness.
  - f. At any preliminary or final hearing, any party may require that a record be made of those proceedings by a certified court reporter, by reasonable prior notice to the Hearing Panel and other parties. The cost shall be borne solely by the party requiring that a record be made.
  - g. Hearings may be held in person, or by video or telephonic conference, at the discretion of the Hearing Panel. Hearings shall be held in "real time," with all parties-in-interest being given reasonable prior notice to allow for their attendance or participation.
  - h. Following the Final Hearing (including any post-hearing filings that may be allowed by the Hearing Panel), the Hearing Panel shall issue a written decision resolving the issues in the case, with each issue being determined by a majority of the Hearing Panel members.

#### 4. Hearing Procedures for Appeals

- a. Appeals shall be determined solely based on the record presented in the proceeding from which the appeal arises. The record shall consist of any written evidence or information presented to or considered by the decision maker in the underlying proceeding, any record of that proceeding (including any preliminary motions or matters) by a certified court reporter, and any written decision(s) rendered in that proceeding.
- b. Following its appointment (using the member selection procedures in 2 E), the Hearing Panel shall (after seeking input from the parties) first enter a scheduling order setting forth the procedures to be followed throughout the proceedings. The scheduling order shall address the following:
  - i. whether the Respondents shall be required to formally respond to the Appeal, and if so, the date by which that response shall be filed;

- ii. a date by which the parties must agree upon and submit all documents and information making up the record on appeal;
- iii. A date by which the parties shall raise any preliminary motions or other matters, as well as the date for any subsequent or final hearing(s); and,
- iv. Any other matters the Hearing Panel determines may promote the efficient administration of the matter, consistent with general principles of due process and fairness.

The Hearing Panel shall have the right to amend the scheduling order from time to time, in its discretion.

- c. The Hearing Panel will address preliminary motions and matters, which may include motions to dismiss the appeal (e.g., issues relating to standing, statute of limitations, and so forth) before proceeding to a determination on the merits. As to all preliminary motions and matters, either the parties or the Hearing Panel shall have the right to raise any such issues. The parties shall be advised of the nature of any preliminary motions, and shall be given an opportunity to be heard (either by written submissions, oral presentations or arguments, or a combination thereof, as determined in the sole discretion of the Hearing Panel) relevant to those preliminary motions and matters. The Hearing Panel shall issue a written decision on all such issues, as determined by a majority of the Hearing Panel.
  - d. Following the resolution of any preliminary motions and other matters, a hearing shall then be had on any matters which remain unresolved. At any hearing, all parties shall be given an opportunity to be heard, (either by written submissions, oral presentations or arguments, or a combination thereof, as determined in the sole discretion of the Hearing Panel). In the case of expedited proceedings, the Hearing Panel may dispense with the procedures set forth in this Paragraph 5, except that all proceedings must comply with general principles of due process and fairness.
  - e. At any preliminary or final hearing, any party may require that a record be made of those proceedings by a certified court reporter, by reasonable prior notice to the Hearing Panel and other parties. The cost shall be borne solely by the party requiring that a record be made.
  - f. Hearings may be held in person, or by video or telephonic conference, at the discretion of the Hearing Panel.
5. Any further appeal of a final decision rendered as to any Complaint or Appeal shall be pursuant USA-WSWS Bylaws Article IX(E).
  6. All proceedings before the Judicial Committee shall be subject to the Whistleblower and Anti- Retaliation protections set forth in USA-WSWS Code of Conduct and Ethics.

**Appendix II Sport Discipline Bylaw Requirements Rev 5**

**TO: USA WATER SKI & WAKE SPORTS (USA-WSWS) SPORT**

**DISCIPLINES FROM: USA-WSWS (NGB) BYLAWS COMMITTEE**

**RE: SPORT DISCIPLINE BYLAWS - REQUIRED CONTENT (Rev 5)  
1/2021**

The USA-WS Bylaws approved at the BOD meeting in August 1998 to have a provision whereby each Sport Discipline shall develop and implement a set of Bylaws. These Bylaws must be reviewed by the USA-WS Bylaws committee to ensure compliance with the USA-WS Bylaws. They will then require USA-WS BOD approval. As of this writing, it is anticipated Sport Disciplines will have one year to complete this process.

In May 2019, The USA-WSWS Board of Directors changed the requirements on membership disciplinary actions and the Appeals and Grievance process. Those revisions are listed below and the wording herein is now required to be in each Sports Disciplines Bylaws. These changes are required to be made by the end of January 2020 and will be a requirement for all Sports Disciplines in the future.

In January 2021, the athlete representation on committees and Board of Directors was changed to thirty-three and one-third % (33.3%) of the participation on the committees and voting power on the Board of Directors of the Sport Disciplines that participate in PASO and IWWF World Championships Team competitions. 1/21

To assist in this effort the Bylaws committee has prepared the following list of items that must be addressed in your Bylaws to be in compliance with the USA- WSWS Bylaws. **XXXX** equals the name and **XXX** the abbreviation of the Sport Discipline. The numbers in ( ) reference the appropriate USA-WSWS Bylaws section and where appropriate, sample and/or the required language has been provided.

**NAME**

Must include reference to being a "Sport Discipline" of USA-WSWS

Sample: The name of the organization shall be **XXXX** the abbreviation of which shall be **XXX**. This organization is a Sport Discipline of USA Water Ski & Wake Sports Inc, the abbreviation of which is USA- WSWS. USA-WSWS is the national governing body of water skiing in the United States.

## **MEMBERSHIP**

Must include statement that membership is open to all USA-WSWS members without prejudice. (Article V. A)

Sample: Membership in **XXX** shall be open to any individual member of USA- WSWS, without discrimination on the basis of gender race, color, religion, national origin, age, or sex: subject only to payment of dues as the USA-WSWS and **XXX** may prescribe from time to time.

## **GOVERNANCE**

Must describe the method that will be used to select the USA-WSWS Director(s) allocated to the Sport Discipline. It should also address selection of alternates should the Sport Discipline choose to provide for alternates. (Article VI.2(a))

Must provide for athlete participation on the Board and on standing committees. (Article IV. A 7)

If the Sport Discipline is a Pan Am Sport Organization (PASO), the Bylaws must provide for “eligible athlete” participation on the Board and on standing committees and this participation must be thirty-three and one-third % (33.3%) of the membership and voting power. (Article IV. A 7 & 8)

The Sport Discipline Board must include among its members the Executive Director of USA-WSWS, or his designated representative(s) (in a non-voting ex- officio capacity).

Must include a provision for the Board accepting and annually signing the USA- WSWS Code of Conduct and Ethics Statement. (USA-WSWS Policies and Procedures Manual Appendix III)

Sample: The Board shall subscribe to the USA-WSWS written Code of Conduct and Ethics which includes the requirement that each Officer, member of the Board, and each committee representative, annually agree in writing to abide by such code.

It is recommended, but not required that the Bylaws include a method or process for selecting the Sport Disciplines representatives to USA-WSWS committees, standing and special. It should also provide for selection of alternatives should the Sport Discipline decide to provide for alternates.

It is strongly recommended, but not required, that the Bylaws include an “indemnification” statement.

Sample: The members of the Board, as a board and individually, and the members for each permanent standing

committee, as a committee and individually, are specifically held harmless by **XXX** and USA-WSWS and its membership for all actions taken in good faith on behalf of **XXX** and USA-WSWS, including omissions, unless found culpable in a court of law of willful malfeasance, illegal activity or gross negligence, in which case **XXX** and/or USA-WSWS shall be entitled to recover any payments, costs or expenses incurred in the defense, compromise or settlement of any claims or suits against such member prior to such finding.

It is recommended, but not required, that where the Board has authority to revise the Bylaws, that the Bylaws also provide a mechanism for the membership to appeal the revision(s).

## **MANDATORY LANGUAGE TO BE INSERTED IN ALL SPORT DISCIPLINE BYLAWS**

**[Sport Discipline/acronym]** hereby adopts the following Policies and Procedures for all proceedings under **[Sport Discipline's]** Bylaws Article ### (Complaint Procedures).

### **1. Complaints.**

**[Sport Discipline/acronym]** shall have exclusive jurisdiction over complaints relating to the following:

- a. The application or interpretation of any of **[Sport Discipline's]** rules of competition including administrative rules relating thereto;
  - b. All proceedings before the Judicial Committee shall be subject to the Whistleblower and Anti-Retaliation protections set forth in USA-WSWS Code of Conduct and Ethics.
2. The following complaints shall be sent to the USA-WSWS Judicial Committee relating to the following for resolution;
- a. Any alleged or actual denial, or threat to deny, an individuals' opportunity to compete or participate (including as an athlete, coach, manager or otherwise) in a USA-WSWS sanctioned competition or as a member of an official U.S. team designated to participate in international competition relating to **[Sport Discipline's]** activities.

### **3. Manner of Filing, Notice and Binding Nature of the Proceedings.**

A complaint may be filed by any person who claims direct and actual harm as a result of the actions complaint of. The complainant shall file a Complaint with the **XXXX ACRONYM President**, with a copy to all members of **[Sport Discipline's]** Executive Committee, and also with a copy to the Executive Director of USA- WSWS.

The Complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged violation, grievance, denial or threat to deny, and (ii) the remedy requested. The complainant shall sign the complaint.

Promptly following receipt of the Complaint, the President shall send a copy of the Complaint, together with all materials filed with the Complaint and any relevant documents otherwise in the possession of **XXXX ACRONYM** to the party(ies) against whom the Complaint has been filed (the "Respondent(s)").

Following receipt of the Complaint, the Executive Committee shall promptly designate a Hearing Panel (which may be the

Executive Committee itself) to investigate and decide the Complaint (subject to ratification or amendment of the Hearing Panel's decision by the **[Sport Discipline's]** Board of Directors. The parties shall be given notice of the hearing panel appointees, and a reasonable opportunity to object to any hearing panel appointees because of any conflicts of interest or actual bias or prejudice. The Hearing Panel shall designate a chair to preside over all matters and hearings relating to the Compliant. If the Hearing Panel determines that any individual(s) not listed as either as a Complainant or Respondent are interested parties to whom notice of the proceedings (and an opportunity to be added or intervene as a party) should be given, the Hearing Panel Chair shall provide notice of the proceedings (which shall include a copy of the complaint and all other materials and relevant documents to the third-party(ies); the third-party(ies) shall thereafter inform the Hearing Panel of their intent to participate in the proceedings within a time period established by the Hearing Panel, except that the proceedings shall continue even in the absence of any such third-party(ies) who do not give notice of their intent to participate.

The Hearing Panel shall generally follow Policies and Procedures established for the USA-WSWS Judicial Committee (see USA-WSWs Policies and Procedures, App. I), except as otherwise specifically modified in the Bylaws, Policies and Procedures of [Sport Discipline/acronym].

Throughout all such proceedings, all parties shall have the right to submit additional relevant documents for consideration by the Hearing Panel. Copies of all materials provided by any party, or any other communications, shall be provided to all other parties, and there shall be no *ex parte* communications between the parties and the Hearing Panel. All parties, including any affected or intervening party, shall be eligible to participate fully in the proceedings, including any hearing. All parties, including any affected or intervening party, shall be bound by the decision of the Hearing Panel, even if she/he chooses not to participate, subject only to the ratification or amendment of the Hearing Panel's decision by the **[SportDiscipline's]** Board of Directors.

#### **4. Administration.**

The Complaint and all proceedings relating thereto shall generally be administered consistent with the principles of due process for such proceedings as set forth in the USA-WSWS Bylaws and related Policies and Procedures.

The Hearing Panel shall provide a written report of its decision,

and the basis therefor, to the **[Sport Discipline's]** President, with a copy to the Executive Committee and USA-WSWS Executive Director. Upon receipt of the decision, the President shall present the decision at the next regularly scheduled meeting of the Board of Directors (or a special meeting of the Board of Directors, if determined necessary by the Executive Committee). At that Board of Directors meeting, the interested parties (including any intervening third-party(ies)) shall have the opportunity to provide written and oral presentations as to why they believe the Hearing Panel's decision should be ratified or amended, following procedures as established by the Executive Committee. After considering the matter, the Board of Directors shall ratify the Hearing Panel's decision or may (upon a two-thirds vote of the directors in attendance) amend the decision. The Board of Director's decision may be made in writing, or may be made a part of the minutes of the meeting, and shall be deemed final when made, and the time for filing any appeal from the Board of Director's decision shall commence when that decision is made. The President shall notify the interested parties (including any intervening third-party(ies)) of the decision of the Board of Directors.

#### **5. Appeals.**

Any appeal from a decision of the **[Sport Discipline's]** Board of Directors resulting in any membership restriction, suspension or termination shall be to the USA- WSWS Judicial Committee in accordance with Article IX of the USA-WSWS' Bylaws.

Any appeal from any other decision of the **[Sport Discipline's]** Board of Directors shall be through the appeals arbitration process established and maintained by the United States Olympic Committee.

#### **6. Other Complaints.**

USA-WSWS shall have the sole and exclusive jurisdiction with respect to all other complaints, which shall be administered as set forth in Article IX of USA-WSWS' Bylaws and related Policies and Procedures.

#### **MEETINGS**

Must provide for a minimum of one Annual Board of Directors meeting. (Article VII. D)

Must provide for a minimum of one Annual Membership meeting.

### **501C3 CLAUSES REQUIRED BY THE IRS**

The following three sections are strongly recommended, especially if the intent is to incorporate the Sport Discipline, Federation or Region. These will be required for IRS approval of the Bylaws.

### **INDEMNIFICATION STATEMENT**

The members of the **XXXX**, as a Sport Discipline, Federation or Region and individually, and the members for each permanent standing committee, as a committee and individually, are specifically held harmless by the **XXXX** and its membership for all actions taken in good faith on behalf of **XXXX**, including errors and omissions, unless found culpable in a court of law of willful malfeasance, illegal activity or gross negligence, in which case **XXXX** shall be entitled to recover any payments, costs or expenses incurred in the defense, compromise or settlement of any claims or suits against such member prior to such finding.

### **SAVINGS CLAUSE**

Failure of literal or complete compliance with any provision of the Bylaws or Policies and Procedures in respect of dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice of proposals, which in the judgment of the Board at meetings held do not cause substantial injury to the rights of members, shall not invalidate the actions or proceedings of the members at any meeting.

### **DISSOLUTION**

Section 1. **XXXX** may dissolve only by an affirmative vote of the **XXXX** Board in the manner and proportions described below. Each member of the Board shall be given notice of a special meeting called for the purpose of dissolution in the manner prescribed herein for special meetings. At a special meeting of the Board, three-quarters (3/4) of all then current directors must approve the proposed dissolution. Within ninety (90) days following Board approval of the dissolution, either voting by mail (USPS or electronically) or in person at the called meeting, must approve the proposed dissolution. In the event of dissolution, the disposal of the assets of **XXXX** shall devolve upon the Board. No part of the assets, income, or net earnings of **XXXX** shall inure to the benefit of any **XXXX** members or Directors or any other individual.

Section 2. Upon dissolution of the corporation, the Board of Directors shall dispose of all assets in such manner as qualifies as exempt at the time under section 501c3 of the Internal Revenue Code, or the corresponding code of any future federal tax code.

**APPENDIX III  
CODE OF  
CONDUCT AND  
ETHICS USA  
WATER SKI &  
WAKE SPORTS**

USA Water Ski & Wake Sports (USA-WSWS) is committed to providing a safe and ethical environment for all of its Board of Directors, Committee members, officers, members, task force members hearing panel members, affiliated clubs, independent contractors, athletes, volunteers and employees (collectively “Colleagues” for purposes of this Code of Conduct and Ethics). USA-WSWS has adopted this Code of Conduct and Ethics (“Code of Conduct”) which governs all Colleagues (except as expressly limited, such as the annual reporting obligation) in USA-WSWS activities. This Code of Conduct and Ethics is intended to provide general concepts and guidance to all Colleagues, so they understand what types of behavior and decisions are acceptable and encouraged by USA-WSWS. General concepts include common principles of ethics based on USA- WSWS’ organizational values, such as respect for others, integrity and honesty, competence and accountability, and teamwork.

**I. PRINCIPLES OF ACCEPTABLE AND ETHICAL CONDUCT**

As a part of this Code of Conduct, and Ethics all Colleagues must:

1. Be knowledgeable of, and abide by USA-WSWS’s Bylaws, Policies (including USA-WSWS’s SafeSport policies), Competition Rules, and other member requirements as adopted and in effect from time to time.
2. Be knowledgeable of, and abide by USOPC’ s Rules, Policies and Procedures as adopted and in effect from time to time.
3. Be knowledgeable of, and abide by the Olympic Movement Code on the Prevention of the Manipulation of Competitions, as adopted and in effect from time to time.
4. Be knowledgeable and abide by all federal, state and local laws and regulations governing or applicable to USA-WSWS activities.
5. Resolve all alleged ethical and conduct violations in a fair, direct and prompt manner.
6. Preserve USA-WSWS’ stewardship role for water ski and wake sports.
7. Handle and engage in all USA-WSWS activities honestly and ethically, and in accordance with this Code of Conduct of Conduct.
8. Additionally, all Colleagues must exercise any duties and responsibilities undertaken on behalf of USA-WSWS (such as being an official, coach, director, officer, committee representative, or as an employee) (a) in good faith, (b) with the care an ordinarily prudent

person in a like position would exercise under similar circumstances, and (c) in a manner that the Colleague reasonably believes to be in the best interests of USA-WSWS. This Code of Conduct establishes minimum standards of acceptable conduct, and all Colleagues are expected to seek clarification or direction from the Ethics Committee Chair (who shall respond in consultation with the Ethics Committee) if they are uncertain about what is required or if they have any questions as to how this Code of Conduct may apply to their circumstances.

This Code of Conduct is intended to set forth the principles and procedures for defining, preventing, and addressing violations of USA-WSWS' ethical and conduct standards, consistent with USA-WSWS' Bylaws, Competition Rules, and other member requirements which may be adopted from time to time. **The standards set forth in this Code of Conduct are mandatory, and must be followed by all USA-WSWS Colleagues.** This Code of

Conduct applies to all USA-WSWS Members and all other Colleagues. **USA-WSWS national team athletes will also be required to sign a team Code of Conduct and U.S. Team Agreement, which will apply in addition to this Code of Conduct (and which extend from this Code of Conduct to the extent that any higher or stricter standard applies under the team Code of Conduct or U.S. Team Agreement).** USA-WSWS employees may also be subject to additional requirements as set forth in USA-WSWS' employee policies.

## **II SCOPE OF THE CODE OF CONDUCT**

The standards set forth in the Code of Conduct are mandatory; they must be followed by all Colleagues.

## **III LEADERSHIP RESPONSIBILITIES**

USA-WSWS Colleagues holding positions of leadership, specifically including all persons in positions of influence and authority, must exercise their responsibility in a manner that ensures that Colleagues have sufficient information to comply with applicable laws, regulations, and policies, provides the resources required to resolve ethical concerns, creates a culture that promotes the highest standards of ethics and conduct, and never sacrifices ethical and compliant behavior in the pursuit of other organization objectives.

In exercising any duties and responsibilities undertaken on behalf of USA-WSWS, officers, directors, committee persons and employees, and all persons in positions of influence and authority, of USA-WSWS are subject to the laws of the State of Florida relating to the exercise of those duties in good faith, with ordinary and prudent care, and in a manner reasonably believed to be in the best interests of USA-WSWS. No such person shall be personally responsible to USA-WSWS for monetary damages for breach of fiduciary duty to USA-WSWS unless any such damages result from (a) a breach of loyalty, (b) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law, or (c) transactions from which the director, officer, or committee member directly or indirectly derives an improper personal benefit.

#### **IV OPEN COMMUNICATIONS**

USA-WSWS recognizes that open and honest communication is essential to achieving the productive and transparent environment necessary to protect the integrity of sport. All USA-WSWS Colleagues are encouraged to create an environment and culture in which asking questions and challenging the status quo is encouraged and rewarded.

#### **V LEGAL AND REGULATORY COMPLIANCE**

USA-WSWS requires all Colleagues to abide by all applicable USA-WSWS Bylaws, Policies and Procedures, USOPC Rules, Policies and Procedures, and all United States federal, state, and local laws, including the Ted Stevens Olympic and Amateur Sports Act, and foreign laws, as applicable. The Code of Conduct operates in tandem with the policies and procedures of USA-WSWS, USA-WSWS's staff, and with all applicable U.S. and foreign laws and regulations. Where more than one set of laws, regulations, local customs, or norms exist, USA-WSWS Colleagues shall use the highest standard of behavior or the most restrictive requirement that applies.

Officers of USA-WSWS cannot also serve as officers of another National Governing Body designated and recognized by USOPC.

All questions regarding conflicts of law, such as a conflict between any United States and foreign law, or regarding the legality of any action should be directed immediately to the USA-WSWS Executive Director and President for information and guidance.

#### **VI CONFLICTS OF INTEREST**

USA-WSWS has instituted a strict policy regarding conflicts of interest which applies to all Colleagues, including but not limited to all USA-WSWS employees, Board of Directors members and officers, all members of any committee or task force, all hearing panel members, and all independent contractors and volunteers when acting in any capacity or role relating to USA-WSWS. All Colleagues must maintain their independence when acting in an official capacity for USA-WSWS (including a volunteer capacity, such as work as a board or committee member, or as an event official) and conduct all such activities ethically, and never use their position to further their own (or an immediate member of their family or household) or a friend's personal interest.

All USA-WSWS Colleagues must refrain from any activity or investment that creates, or that might appear to create, a Conflict of Interest. This policy requires all Conflicts of Interest, either actual or perceived, to be immediately reported following the procedures detailed below. This policy is intended to supplement but not replace all applicable state and federal laws governing conflicts of interest in nonprofit or charitable organizations.

Specifically, all Colleagues must be free from any influence which might interfere with the proper and efficient discharge of their duties, or which might be inconsistent with their loyalty to USA-WSWS. It is also

the duty of USA-WSWS Colleagues not to use their position with USA-WSWS for personal advantage or gain, either for themselves or for a member of their family, or to attempt to influence other Colleagues to do so:

- A. Colleagues shall not accept monetary compensation or benefit other than normal salaries and business expense reimbursement for services within the scope of their duties to USA-WSWS. In addition, no Colleagues, except for athletes speaking on the subject of their competitive experiences, shall accept honoraria for speaking engagements where the subject of the discussion relates to activities of a USA-WSWS sports discipline.
- B. It is normal and acceptable for a Colleague to be provided meals, lodging and event clothing when acting in an official capacity at a USA-WSWS sanctioned event. It is also normal and expected that members and staff of a competition team representing a USA-WSWS sports discipline will be provided travel expenses and competition or event clothing.
- C. No Colleague shall engage in outside activities that are in clear and direct conflict with the interests of the USA-WSWS.
- D. Colleagues should act with honesty and integrity in all actions taken in any official USA-WSWS capacity.
- E. Colleagues shall attempt to remain free from obligations to, or relationships with, any person or concern with which USA-WSWS has a business or other relationship. Where a Colleague has such an obligation or relationship, he or she shall disclose it to the Ethics Committee Chairman, who in consultation with the Ethics Committee, shall have the authority to approve or disapprove of the obligation or relationship. The Ethics Committee could request the individual to:
  - 1. Excuse himself or herself from any formal or informal discussions related to the relationship between the USA-WSWS and the person or concern; and
  - 2. Abstain from voting and from seeking to influence the vote on any matter related to the person or concern.
- F. USA-WSWS volunteers and employees shall not use assets, intellectual property or confidential or personal information for personal gain.
- G. Colleagues should recognize and attempt to avoid any activity or investment that constitutes or might constitute a Conflict of Interest.
- H. When a matter comes before the Board or any Committee as to which a Director or Committee Representative has a conflict of interest, an alternate without a conflict of interest may be designated (either a designated alternate selected in advance, or by the AAC, the Sport Discipline, or the President, as appropriate) to participate and vote with respect to that matter. If no alternate is designated, the vote shall be re-apportioned such that the conflicted Director's or Committee

Representative's vote shall not be given any weight vis-à-vis the outcome of the vote (to avoid abstentions being counted as "no" votes).

The procedures for reporting violations of this Conflict of Interest Policy are set forth below (see Section XII). USA-WSWS' anti-retaliation and whistleblower policies (see below Section XI) are applicable to all reports or complaints relating to this Code of Conduct and Ethics, Conflict of Interest Policy.

**All USA-WSWS Employees, Officers, any individuals involved with selection criteria and procedures, Directors and Committee Members (including Sport Discipline Officers, Directors and Committee Members) must annually complete and return to USA-WSWS a Code of Ethics and Conflict of Interest Reporting Statement ("Reporting Statement"). As new conflicts arise, individuals must update the Reporting Statement by completing a new Reporting Statement, and make proper disclosures as outlined below**

All Reporting Statements, prior to assuming a new role or continuing the same role within USA WSWS, will be promptly reviewed by the Chair of the Ethics Committee, who shall advise and consult with the entire Ethics Committee in the event there is a potential violation, including a lack of disclosure of the perceived, potential, or actual conflict, of this Code of Conduct and Ethics Policy. The Judicial Committee will review the Ethics Chair's Conflict of Interest Disclosure form in accordance with the USA WSWS Bylaws, Article VIII B.

**Examples of potential conflicts of interest that must be disclosed are listed below including, but not limited to:**

Affiliated Individual or their Family Member owns stock or holds debt or other proprietary interests in any third party dealing or who may potentially deal with USA-WSWS.

**EXAMPLE:** A USA-WSWS board member owns a 70% interest in a company seeking to enter into a contract with USA-WSWS to provide consulting services.

Affiliated Individual or a Family Member 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 USA-WSWS.

**EXAMPLE:** USA-WSWS is contemplating entering into an agreement with a consulting company owned by a USA-WSWS employee's husband.

Affiliated Individual solicits gifts or gratuities using their USA-WSWS role or accepts personal gifts, loans, gratuities, or discounts from third parties in violation of USA-WSWS Gift & Entertainment Policy. No personal gift of money should ever be accepted.

**EXAMPLE:** A USA-WSWS employee using her position at USA-WSWS to obtain box seats to a sporting event from a vendor for personal use.

**EXAMPLE:** A USA-WSWS board member gets paid a commission if USA-WSWS enters into a particular contract with a third party.

Affiliated Individual or a Family Member acts as an agent, representative, or consultant to a business whose interests may conflict with the interests of USA-WSWS.

**EXAMPLE:** A USA-WSWS board member agrees to promote another USA-WSWS board member in negotiations with potential sponsors or licensees.

Affiliated Individual drafts selection procedures or participates and/or votes within a discretionary selection committee of USA-WSWS 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:** USA-WSWS committee member participating in a decision to select an athlete on USA-WSWS team for World Championships or major international competition when the USA-WSWS committee member is athlete's current coach or family member.

**EXAMPLE:** The AAC 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.

A) USA WSWS requires disclosure during all annual board and committee meetings, and that disclosures are documented in the minutes.

B) If an actual, potential, or perceived conflict is identified for a Board Member, Designated Committee member, or CEO/ED, the NGB must communicate, in writing, direction on conflict mitigation to the individual.

C) Communication Process -

All disclosed conflicts (actual, potential, or perceived) are submitted and funneled to the excel sheet to be reviewed by the Ethics Chair and/or the Ethics Committee.

These conflict-of-interest items are then distributed to the ethics committee to be reviewed for either process mitigation (actual) or to determine if there is a conflict of interest (potential or perceived). This process of review must be documented with details.

After the review, the ethics chair will then start a line of communication to notify the appropriate party that their conflict of interest is being reviewed.

After completing the review, the ethics chair will contact the designated party using these sample languages to determine the conflict management process:

- 1) If there is an actual or confirmed conflict of interest as determined by ethics committee, this sample language is to be used when communicating process mitigation.
- 2) If there is no conflict of interest based off potential or perceived reports as determined by the ethics committee, then this sample language is to be used to communicate that to the designated party.

After starting this line of communication, the Ethics Chair or a member of the ethics committee will keep a documented system of each actual conflict and the status of the conflict. During the process of each conflict, this system should be updated when either a conflict ends, a conflict develops a new conflict within itself, or a separate conflict for the same party arises.

D) All conflicts must be reviewed, investigated, and/or resolved by disinterested parties.

Resources available for Colleagues having questions, concerns or issues relating to this Conflict of Interest policy, include USA-WSWS Executive Director or the Chair of the Ethics Committee (please email [EthicsChair@usawaterski.org](mailto:EthicsChair@usawaterski.org) for appropriate information) Athletes may also contact the USOPC Athlete Ombuds office (see contact information at <https://teamusa.org/athlete-ombuds>).

The below link to the Code of Conduct and Ethics Policy and Reporting Statement will be emailed at the annual January Board meeting by the USA WSWS administrative staff. To complete and return the Code of Conduct and Ethics Policy and the Conflict of Interest Reporting Statement form at any time, please go to: <https://forms.gle/Jp8SECDdtomRoWGu6>

For a hard paper copy of the Code of Conduct and Ethics Policy and Conflict of Interest Reporting Statement form for submission, please contact [EthicsChair@usawaterski.org](mailto:EthicsChair@usawaterski.org).

Athletes may also use the USOPC Integrity Portal (<https://www.usopc.org/reporting-a-concern>)

## **VII GIFTS**

USA-WSWS has instituted a strict policy regarding gifts,

which applies to all Colleagues, including but not limited to all USA-WSWS employees, Board of Directors members and officers, all members of any committee or task force, all hearing panel members, immediate family members of these individuals, all independent contractors and all volunteers when acting in any capacity or role relating to USA-WSWS. All USA-WSWS Colleagues must refrain from accepting or offering any gift in violation of this Code of Conduct and Ethics, when that gift may influence, or be perceived to influence, their independence or actions when acting in an official capacity for USA-WSWS (including a volunteer capacity, such as work as a board or committee member, or as an event official). Care must also be taken not to influence, or appear to influence, the decision-making processes of third parties through gift giving. To that end, the same restrictions that apply to the receipt of gifts shall apply to the delivery of gifts to third parties. This policy requires all improper gifts (or offers to make improper gifts) to be immediately reported following the procedures detailed below. This policy is intended to supplement but not replace all applicable state and federal laws governing conflicts of interest in nonprofit or charitable organizations.

Except as permitted in this Code of Conduct and Ethics, no Colleague shall accept any gift as a result of their position, including travel and entertainment. The gift policy will also apply to the purchase of goods and services at a price less than would be available to them if it were not for their position with USA-WSWS. Specifically:

- A. Gifts which the recipient reasonably and in good faith believes to have a value of less than \$150, and provided that the cumulative value of gifts from one source in any calendar year does not exceed \$300, may be accepted. In no event, however, may any such gift influence or appear to influence the recipient in the discharge of his or her official duties. No gift with a value of less than \$50 will count toward the \$300 annual limit.
- B. The following gifts shall be permitted:
  1. Gifts from relatives.
  2. Gifts from personal friends, unless the gift is provided because of a USA-WSWS affiliation.
  3. Gifts from USA-WSWS.
  4. Gifts provided as a result of the recipient's outside business or employment activities.
  5. Awards or prizes given to competitors in contests or events open to the public.
  6. Honorary degrees and other bona fide, non-monetary awards presented in recognition of service.
  7. Gifts of personal hospitality.
  8. Commemorative plaques or trophies
  9. Food or refreshments offered as a part of a meal.
  10. Hospitality (e.g., tours, event tickets, meals) provided to groups in conjunction with USA-WSWS board and committee meetings.

11. Gifts of tickets to athletic events shall also be permitted. This exception shall only apply to spectator events and shall not apply to events in which the recipient participates (e.g., the exception will not apply to a gift of lift tickets). Any gift of tickets with a value in excess of \$150 must be disclosed to the Chairman of the Ethics Committee no later than thirty (30) days after the event in question unless it is exempt by virtue of one of the exceptions listed above.

The procedures for reporting violations of this Gifts Policy are set forth below (see Section XII). USA-WSWS' anti-retaliation and whistleblower policies (see below Section XI) are applicable to all reports or complaints relating to this Gifts Policy.

**All USA-WSWS Employees, Officers, Directors and  
Committee Members (including Sport Discipline Officers,  
Directors and Committee Members)**

**VIII USA-WSWS INFORMATION**

All USA-WSWS Colleagues are responsible for the integrity and accuracy of organization documents, communications and financial records. USA-WSWS records serve as a basis for managing its activities and are important in meeting its obligations to vendors, sponsors, government regulators, creditors, the Board, and its members.

USA-WSWS shall maintain a system of internal controls to assure appropriate authorization, recording and accountability of USA-WSWS's assets. USA-WSWS shall maintain high standards of accuracy and completeness in documenting, maintaining, and reporting financial information. USA-WSWS shall also comply with tax and financial reporting requirements. All USA-WSWS financial documentation must reflect actual USA-WSWS funds, assets, and transactions. It must also conform to accounting principles generally accepted in the United States of America.

All responses to requests by internal auditors, legal staff, independent accountants, the Board, and outside counsel, must be complete and truthful. Colleagues must include all relevant information, even if the request does not specifically ask that that be done.

It is a violation of this Code of Conduct to alter or falsify information on any record or document, to intentionally make a false or exaggerated claim to anyone, or to mislead anyone about USA-WSWS activities. USA-WSWS documents and records must be retained according to the law, and our own record retention policies. No one may remove or destroy records before the specified date without first obtaining permission as outlined in USA-WSWS's records management policy.

**IX CONDUCT**

Any one or more of the following shall constitute violations of this Code of Conduct or the USA-WSWS Code of Conduct of Ethics:

1. Drugs and Alcohol. It is the duty of individual members of USA-WSWS to comply with all anti-doping rules of the World Anti-Doping Agency (WADA), IWWF, the USOPC National Anti-doping Policy, and of the U.S. Anti-Doping Agency (USADA), including the USADA Protocol for Olympic and Paralympic Movement Testing (USADA Protocol) and all other policies and rules adopted by WADA, IWWF, the USOPC and USADA. Athlete members agree to submit to drug testing by the IF and/or USADA or their designees at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspension. If it is determined that an individual member may have committed a doping violation, the member agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of the IWWF, if applicable or referred by USADA. This includes participation in out of competition testing as required by the IWWF, USOPC, USADA and/or WADA Rules.
2. Athlete Team Agreements. All members of USA-WSWS teams and independent athletes entered into international events by USA-WSWS must also adhere to the requirements and obligations set forth in any athlete team Code of Conduct of Conduct and U.S. Team Agreement.
3. Equal Treatment. USA-WSWS strictly prohibits unlawful discrimination or unlawful harassment of any kind. Treating someone in an unlawful discriminatory or harassing manner is a violation of this Code of Conduct and Ethics.
4. SafeSport Policy. Any violation of the USA Water Ski & Wake Sports SafeSport Policy (to be implemented shall be a violation of this Code of Conduct.
5. Fraud, Deception. Any act of fraud, deception, improper use of USA-WSWS assets, or dishonesty in connection with any USA-WSWS-related activity.
6. Inappropriate Conduct. Any non-consensual physical contact, obscene language or gesture, or other defamatory, demeaning, or threatening language (whether written or oral) or conduct directed towards a Colleague is a violation of this Code of Conduct.
7. Conduct Detrimental. Any other material and intentional wrongful act, conduct or failure to act not provided for above, which is detrimental to the image or reputation of USA-WSWS or its Objects and Purposes.
8. Disclosure of Confidential Information. Any intentional or reckless disclosure of material USA-WSWS confidential information.
9. Retaliation. Any retaliation against any person who reports or participates in an investigation of a possible violation of our Code of Conduct and Ethics, including Whistleblowers (see below Section

XI). Retaliation shall include (by way of example; other actions may also constitute retaliation) threats or actions of physical harm, threats or actions (including social media postings) which constitute bullying or other misconduct under USA-WSWS' SafeSport Policy, and actions taken to prevent or restrict another person from fully participating as a member of USA-WSWS and its Sports Disciplines.

10. Failing to Report Violations and False Accusations. Any knowing or intentional failure to report a violation of this Code of Conduct or USA-WSWS' Code of Conduct of Ethics, or any false accusation which is knowing or intentional.

## **X RESOLVING ETHICAL AND CONDUCT ISSUES**

Colleagues have an obligation to be familiar with this Code of Conduct and Ethics. Lack of awareness or misunderstanding of an ethical or conduct standard is not itself a defense to a charge of unethical conduct that violates the Code of Conduct. USA-WSWS Colleagues should direct all conduct and ethics questions and concerns to the Ethics Committee or to other appropriate authorities in order to choose a proper response. It is the responsibility of all Colleagues to resolve any issues arising under this Code of Conduct and Ethics before the Colleague takes any action which may be a violation of this Code of Conduct and Ethics. It is intended that this Code of Conduct and Ethics will be strictly enforced.

The following persons shall be required to deliver an annual certification (which can be satisfied by email statement) to the Executive Director of USA-WSWS or her/his designee regarding compliance with this Code of Conduct and Ethics:

1. USA-WSWS and Sport Discipline Board Directors;
2. Members of the USA-WSWS AAC;
3. Members of Designated Committees;
4. Employees of USA-WSWS.

The Ethics Committee shall report all issues, interpretations, and decisions (including guidance provided to Colleagues under this policy) to the Executive Director or her/his designee. All such records shall be permanently maintained as a record of those actions. Those records shall be confidential except for any matters which are reported to the Judicial Committee or for other required reporting activities.

## **XI WHISTLEBLOWER AND ANTI-RETALIATION POLICY as required by USOPC**

### **1. Purpose**

The USA-WSWS Whistleblower Policy (the Policy) is intended to support a strong culture of integrity and ethical conduct at USA-WSWS by encouraging, valuing, and protecting good faith reporting of concerns involving USA-WSWS and those affiliated with USA-WSWS. The Policy covers good faith reporting of concerns of all kinds related to USA-WSWS and includes anti-retaliation protection for those who report in good faith and/or cooperate with an investigation of such reports, like witnesses and victims.

Every person—including athletes, employees, board members and officers, members, committee members, task force members, hearing panel members, volunteers, and others affiliated with USA\_WSWS has the right to report concerns and alleged violations in a way that is comfortable for them and cooperate in any investigations that follow without fear of retaliation for reporting or speaking to USA\_WSWS or any other entity about USA\_WSWS.

## 2. Policy Coverage

The Policy covers reporting of any alleged violation of applicable law, policy, or procedures as well as potential ethical misconduct. Examples of alleged violations that may be reported under the Policy include, but are not limited to:

- a) Non-compliance with the Ted Stevens Olympic and Amateur Sports Act
- b) Non-compliance with applicable provisions of the USOPC Bylaws or policies
- c) Non-compliance with USA\_WSWS's Bylaws, policies, or procedures
- d) Non-compliance with applicable Federal or State laws
- e) Non-compliance with accepted accounting or financial practices (e.g., fraud)

Under USA\_WSWS policy, there are some violations that **must** be reported. Specifically, any violations of local, state, or federal law or any violations of applicable athlete safety policies, including those of USA\_WSWS and the U.S. Center for SafeSport, must be reported.

Note that nothing in this Policy changes or replaces any mandatory reporting obligations under the SafeSport Code for the Olympic and Paralympic Movements. Going to <mailto:process.navigators@safesport.org> or going to <https://uscenterforsafesport.org/report-a-concern/> can assist with any questions about those obligations. Additionally, suspected criminal activity against a person or property should be reported directly to law enforcement immediately.

If you are unsure about whether a matter might be a policy violation or are unsure about your reporting responsibility for a particular type of matter, start by reviewing the particular policy involved. USA\_WSWS staff should refer to <https://www.usawaterski.org/usa-wsww-governance> or reach out to <mailto:compliance@usawaterski.org> or our Executive Director Kevin Michael ([mkmichael@usawaterski.org](mailto:mkmichael@usawaterski.org)) for more information.

## 3. Reporting

There are several ways an individual may make a report under this Policy.

- a) Reporters may submit a report to <https://www.usawaterski.org/safe-sport-report-a-concern> is monitored by Executive Director Kevin Michael who will route reports to the right party to address the concerns.
- b) Reporters can make a report to the Executive Director Kevin Michael, using the email [compliance@usawaterski.org](mailto:compliance@usawaterski.org) or Jeff Smith, Judicial Chair [jsmith@honigman.com](mailto:jsmith@honigman.com)

Please remember that as a reporter, you do not need to (and should not) investigate the matter of concern, determine fault, or know how to fix it. A reporter does his or her part by making an issue known so the right people can take action.

## 4. Investigation and Resolution

Once a report is received, it will be forwarded to the party responsible for investigation. Investigations of reports of potential violations will be handled according to the [NGB Complaint

Procedures or policy governing that conduct, including who will investigate the matter and who is empowered to make the determination about whether a violation occurred for that matter.

In all cases, matters will be investigated by a disinterested party. If, after investigating to the extent warranted by the circumstances, the investigator concludes that the subject of a report has committed a violation under the governing policy, the subject of the report will be subject to discipline to the extent permitted by the Compliance Manager, [cfarmer@usawaterski.org](mailto:cfarmer@usawaterski.org) or the Executive Director, [kmichael@usawaterski.org](mailto:kmichael@usawaterski.org)

USA-WSWS is committed to reviewing all incoming reports, but there may be occasions when USA-WSWS cannot conduct a full investigation and a report will be dismissed without investigation. Such circumstances include the reporter declining to participate in the investigation, an allegation that is not actionable by USA-WSWS, or insufficient evidence for an allegation such that an investigation is not warranted.

In the event that an investigation of potential retaliation finds that an employee of USA-WSWS has retaliated against an individual in response to any communication, including a formal complaint, from that individual (or their parent / legal guardian) related to an allegation of physical abuse, sexual harassment, or emotional abuse, USA-WSWS shall immediately suspend that employee without pay or terminate the employee.

## **5. Anti-Retaliation Provisions**

USA-WSWS has zero tolerance for retaliation against people who make good faith reports under this Policy or those who cooperate with investigations of those reports. Retaliation, for the purposes of this Policy, is defined as any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against an athlete, employee, board member or officer, member, committee member, task force member, hearing panel member, volunteer, or others associated with USA-WSWS as a result of any report, complaint, or other communication reporting misconduct of any kind to USA-WSWS, the USOPC, the Office of the Athlete Ombuds, 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
- Removal from competition

In addition, USA-WSWS, nor any of its employees, contractors, agents, or volunteers, 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.

## **6. Good Faith**

Anyone reporting a perceived ethical, policy, financial, or legal violation must be acting in good faith and have some basis for believing there may be a violation. Anyone that makes a false report knowing that it is false or that it has no basis is violating this Policy. Such a violation may itself be reported under this Policy and it may lead to serious consequences, including termination of employment or participation.

## **7. Confidentiality and Anonymity**

USA-WSWS will make every effort to keep the identities of the reporting parties and witnesses confidential. However, disclosure of an individual's identity or identifying information may be required in some cases, such as where USA-WSWS is required by law to report a matter to law enforcement.

If a matter is reported anonymously and the reporter chooses to remain anonymous as it is investigated, USA-WSWS will respect that. USA-WSWS will review all reports with the same level of attention, but if a reporter chooses to remain anonymous, USA-WSWS may be limited in its ability to fully investigate a report.

## **8. USA-WSWS Resources**

**USA-WSWS** is responsible for this policy and its enforcement. USA-WSWS can be contacted with any questions about this policy. Compliance Manager, [cfarmer@usawaterski.org](mailto:cfarmer@usawaterski.org) or the Executive Director, [kmichael@usawaterski.org](mailto:kmichael@usawaterski.org)

## **9. Additional Resources**

Individuals who wish to report concerns related to this policy as it relates to involvement in the Olympic and Paralympic Movement, or are uncomfortable reporting a concern directly to their NGB, may also submit a report using the [USOPC Integrity Portal](#). The Integrity Portal allows individuals to submit concerns to the USOPC confidentially and/or anonymously. Reports may be made online or by telephone.

Website: [usopc.ethicspoint.com](http://usopc.ethicspoint.com)  
Hotline: 877-404-9935

Team USA athletes may contact the Athlete Ombuds for independent and confidential advice on a variety of sport related matters, including their rights, applicable rules, policies or processes, and questions related to resolving disputes and grievances. The Athlete Ombuds can also help Team USA athletes connect with legal counsel or mental health resources if needed. All other NGB athletes (i.e., athletes competing domestically at the masters or youth level, recreational athletes, foreign athletes), are welcome to visit the Athlete Ombuds website to review informational resources and should work directly with their NGB to understand additional resources and options available to them.

Email: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org)  
Website: [www.usathlete.org](http://www.usathlete.org)

## **XII INVESTIGATION AND ADJUDICATION**

To report a concern or complaint under this Code of Conduct and Ethics, you may contact USA-WSWS' Executive Director, with copies to USA-WSWS' President and the chair of USA-

WSWS' Judicial Committee (see contact information on USA-WSWS' website at <https://www.usawaterski.org/about-us/committee-rosters> or [EthicsChair@usawaterski.org](mailto:EthicsChair@usawaterski.org) ), each of whom shall confirm that receipt of such reports by the others.

No employee, contractor, agent, volunteer, or NGB 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 as well.

Cases of misconduct that include emotional and physical abuse that are submitted to the SafeSport Center will only be adjudicated by the Center or by USA-WSWS. LAOs will not be adjudicating any cases.

The reports and claims of violations under this Code of Conduct and Ethics shall be referred to the Judicial Committee except as follows:

- A. Jurisdiction over issues arising under USA-WSWS' SafeSport Policy shall be as set forth in the Bylaws of USA-WSWS and its SafeSport policy.
- B. Alleged violations involving USA-WSWS employees may be addressed if/as appropriate by USA-WSWS' Executive Director and USA-WSWS' President.

Matters referred to the USA-WSWS Judicial Committee shall be investigated and resolved in accordance with all Bylaws, and Policies and Procedures, relating to the Judicial Committee.

Although USA-WSWS will review all reports under this Code of Conduct and Ethics, anonymous reporting may make it difficult to properly investigate allegations. To the extent permitted by law, and as appropriate, USA-WSWS will keep confidential the reporter's/complainant's name on request. USA-WSWS will support the reporter/complainant and her/his right to express concerns in good faith, including as set forth in the above Whistleblower Policy (see Code of Conduct and Ethics, § XII. However, false complaints or complaints made in bad faith are prohibited, and may subject the reporter/complainant to disciplinary action depending on the nature of the allegation or complaint.

In certain circumstances, issues may be resolved informally. Any informal resolution must be agreed to by all parties-in interest, and approved by the Executive Director, the Chair of the Judicial Committee, and the President of the Sport Discipline most closely connected to the matter at issue. All informal resolutions must be in writing, and retained as a part of the records of USA-WSWS. If an information resolution is not agreed upon or is otherwise inappropriate, a formal proceeding shall be commenced as set forth in Appendix 1.

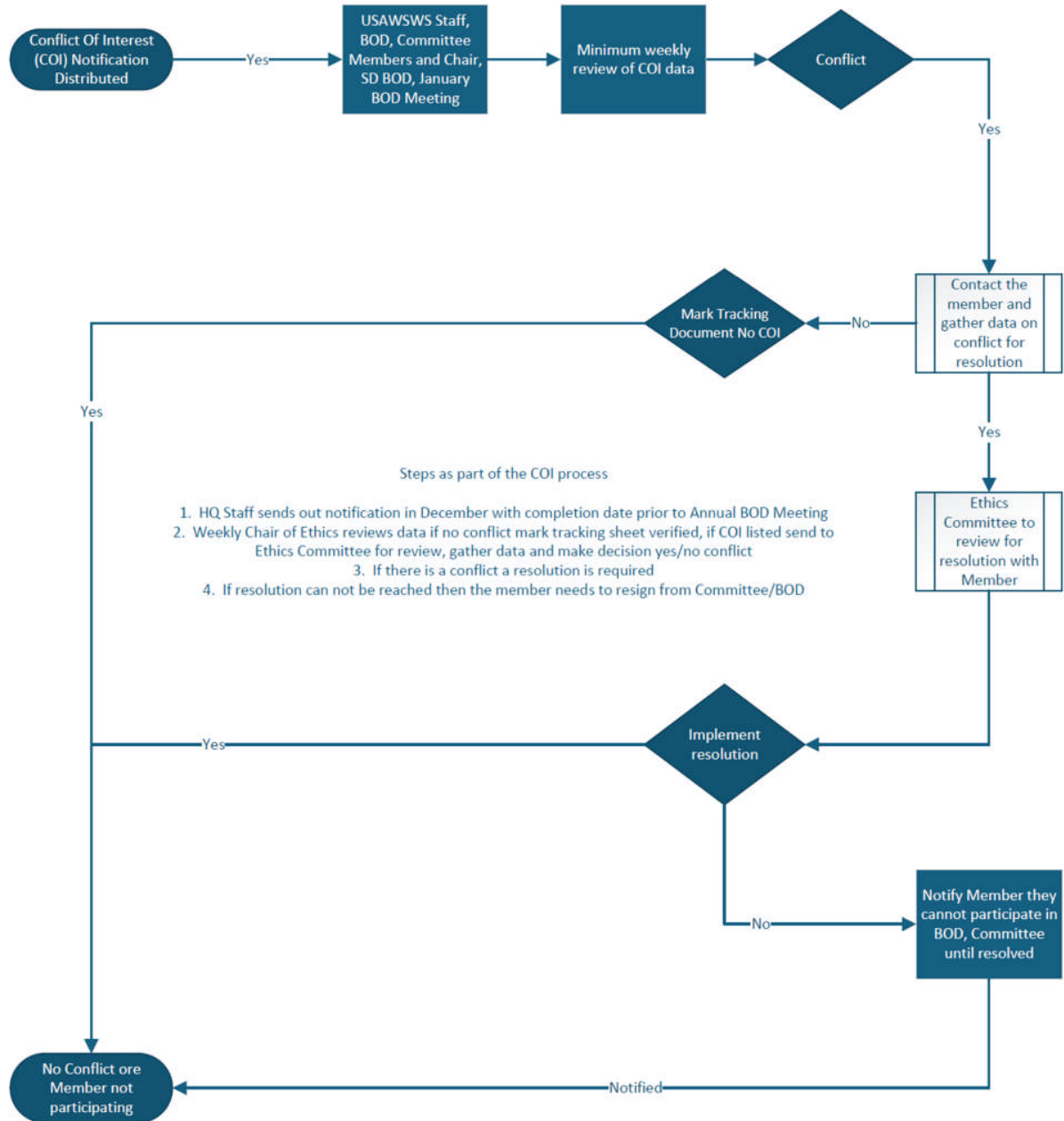
Anyone who violates this Code of Conduct and Ethics is subject to disciplinary measures, which may include termination of employment, suspension or expulsion from USA-WSWS. Disciplinary measures may also be taken with respect to senior staff who condone improper conduct by their associates or who do not take measures to correct problems that are brought to their attention.

This policy serves as a framework to guide ethical conduct, but by no means covers every situation. If you are unclear about the requirements of this policy, please consult your supervisor or contact the Chairman of the Ethics Committee. You have a responsibility to ask questions if you have doubts about a situation or proposed course of action.

Resources available for questions, concerns or issues relating to this Code of Conduct and Ethics please email [EthicsChair@usawaterski.org](mailto:EthicsChair@usawaterski.org). For a complete list of committee email contacts go to <https://www.usawaterski.org/about-us/committee-rosters> Athletes may also contact the USOPC's Athlete Ombuds Office (see contact information at <https://www.teamusa.org/athlete-ombuds>).

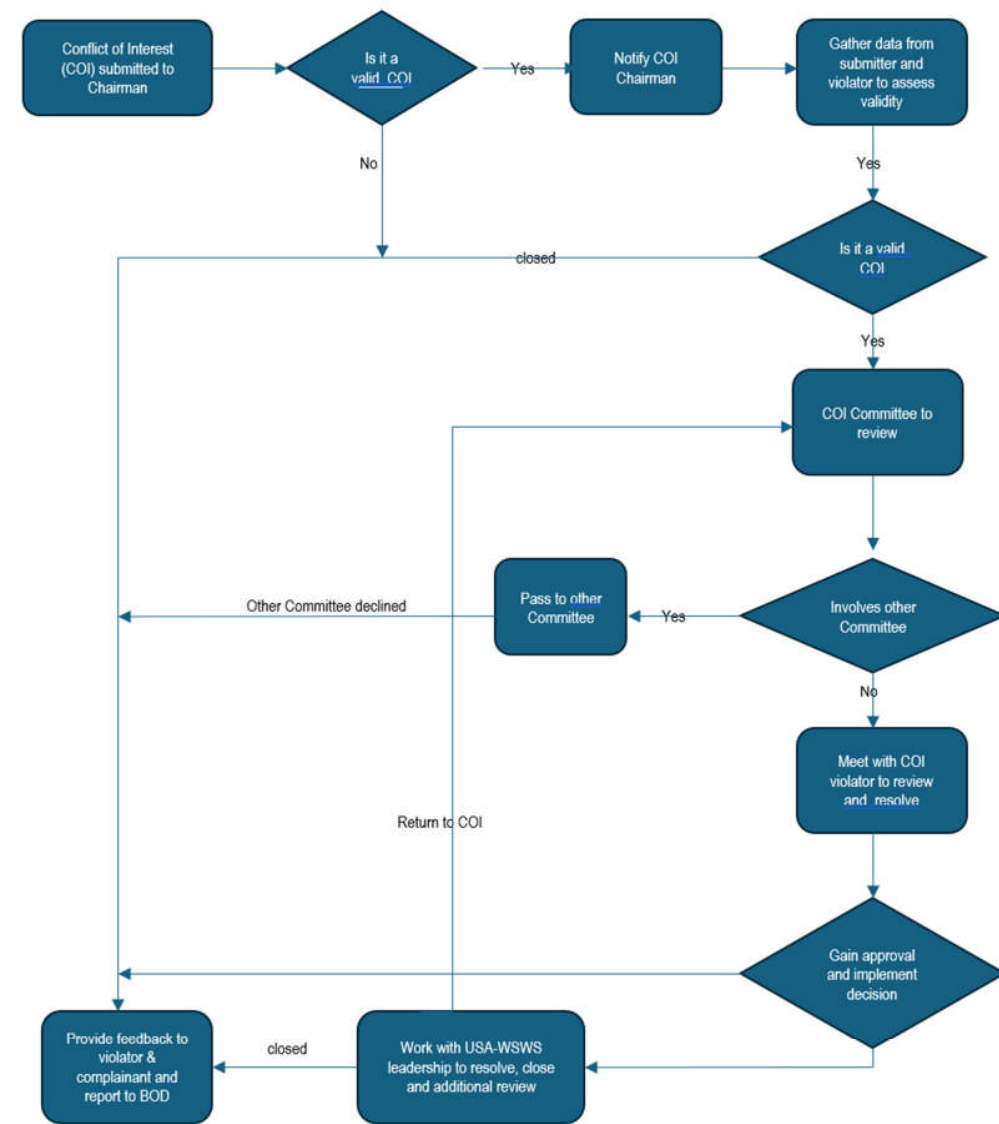
Added 1-23-26

### Process of Tracking Conflict of Interest Reviews



Added 1-22-25

### Conflict of Interest Review Flow Chart

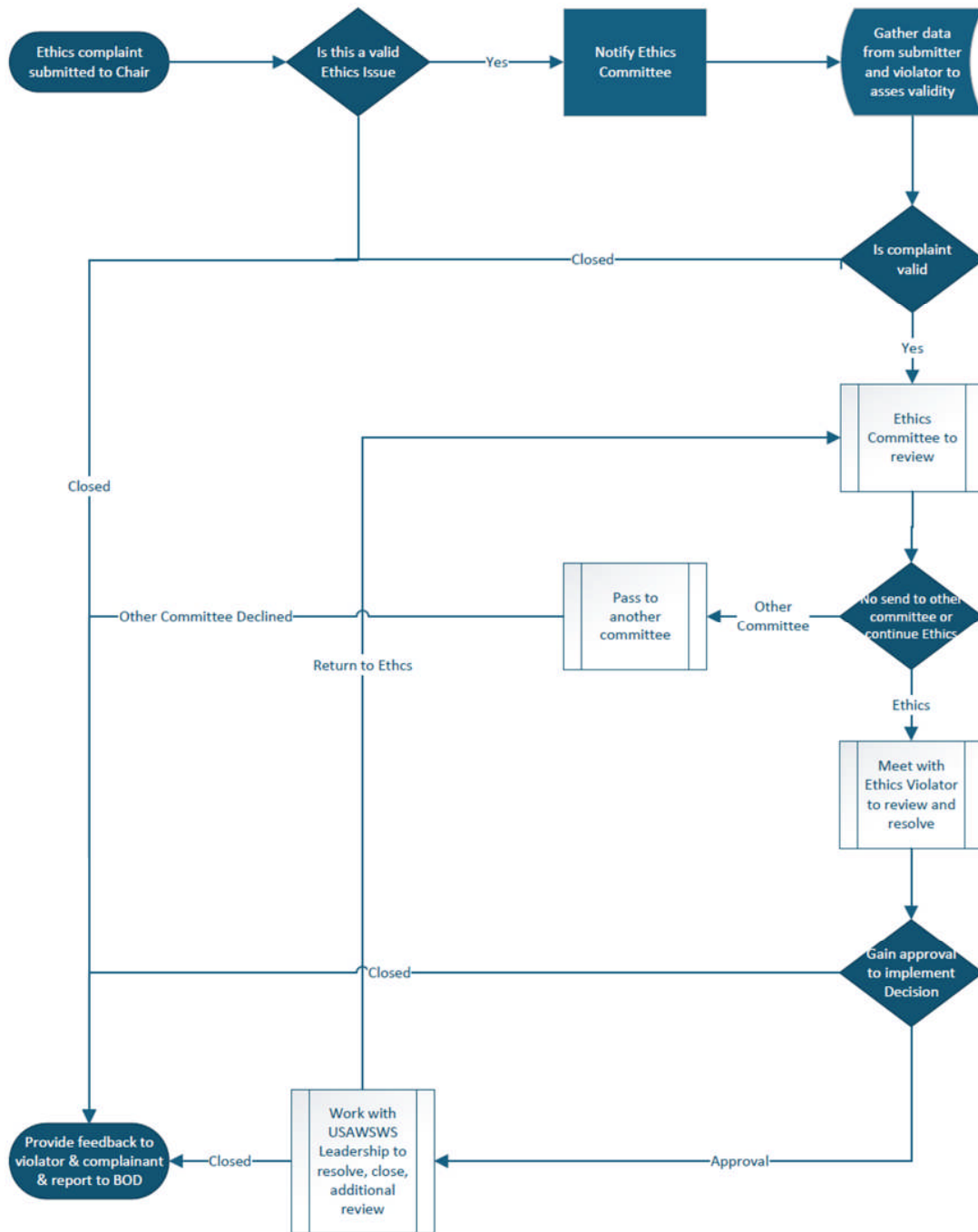


FLOW CHART FOR CONFLICT-OF-INTEREST COMPLAINT

- It should be noted that each USA-WSWS board member and committee member shall be required to sign a conflict-of-interest agreement on or before January 1<sup>st</sup> of each year.
- This will be managed by USA-WSWS corporate office.

Added 1-22-25

### Ethics Review Flow Chart



**APPENDIX IV**  
**Policies**  
**and**  
**Procedure**  
**s for**  
**Notification of**  
**Athletes and Others**  
**of USOPC National**  
**Anti-Doping Policies**  
**and USADA Protocol**

USA-Water Ski & Wake Sports (USA-WSWS) hereby adopts the following Statement of Policy relating to the USOPC's National Anti-Doping Policies and related USADA protocols. It is the responsibility of all Athletes, Athlete Support Personnel, and other Persons (as defined in the World Anti-Doping Code) to know and comply with all applicable anti-doping rules and requirements.

It is the duty of individual members of USA-WSWS to comply with all anti-doping rules of the World Anti-Doping Agency (WADA), International Water Ski & Wake Sports Federation (IWWF), the United States Olympic & Paralympic Committee (USOPC) including the USOPC National Anti-Doping Policy, and of the U.S. Anti-Doping Agency (USADA), including the USADA Protocol for Olympic and Paralympic Movement Testing (USADA Protocol), and all other policies and rules adopted by WADA, IWWF, USOPC and USADA. Athlete members agree to submit to drug testing by IWWF and/or USADA or their designees at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspension. If it is determined that an individual member may have committed a doping violation, the member agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of IWWF and/or USA-WSWS, if applicable or referred by USADA.

## **Appendix V: Qualifications and Selection Procedures for Independent Director**

1. One (1) voting “independent” Board member shall be appointed who meets the following qualifying standards.
  1. The independent director must be able to provide an independent perspective as defined by the USA-WSWS Bylaws Article VI 2 (c), and any applicable USOPC rules.
  2. The independent director must not be disqualified under the following criteria (as determined by the two (2) year period preceding the independent director’s appointment, and continuing through the independent director’s tenure as a Board member):
    - a. The individual or an immediate family member was employed by or held any governance position (whether a paid or volunteer position) with USA-WSWS, IWWF, PASO, or affiliate of USA-WSWS;
    - b. The individual or an immediate family member was affiliated with or employed by the USA-WSWS outside auditor or outside counsel;
    - c. The individual was a member of the USA-WSWS Athletes’ Advisory Council;
    - d. The individual was a member of any constituent or affiliated group or with representation on the Board;
    - e. The individual receives any compensation from USA-WSWS, directly or indirectly, except for reimbursement for her/his expenses in accordance with USA-WSWS’ Bylaws;
    - f. The individual is an executive officer, controlling shareholder, or partner of a corporation or partnership or other business entity that does business with USA- WSWS, or if the individual has any other business relationship with USA- WSWS;
    - g. The individual is the parent or close family member or coach of an athlete that has competed in a protected competition; or,
    - h. The individual is a member of USA-WSWS in a membership category that participates in competitions.
2. Candidates for the independent Board seat shall submit a complete resume of their qualifications to the current Chair of the USA-WSWS Board of Directors. The Chair shall determine the qualifications of all candidates, and shall present a slate which includes all qualified candidates to the Board. The Chair may make a recommendation from candidates on the slate. The Board shall elect the Independent Director (by majority vote) from the slate.
3. The selected director will serve a two-year term.



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## Financial Policies and Procedures Manual

Originally compiled by  
Bobbie J. Razor, Accounting Manager Edited by  
Steve McDermeit, Executive Director and Randy  
Hocking, Treasurer September 2000

Approved by Executive Committee January

2005 Revised August 2011 and January

2012 by  
Bob Crowley, Executive Director and Bobbie Razor,  
Accounting Manager

Revised October 2020 by  
Jeff Clark, USA-WSWS Bylaws Chair to update organization  
name and acronym

Revised February  
2021 by Nate  
Boudreaux, Executive  
Director

Revised October 2021 with recommendation from the Accounting Firm

USA Water Ski & Wake  
Sports, Inc. Financial Policies  
& Procedures Manual  
Effective Date: January 01,  
2000

Revised: October 26, 2021

Purpose:

The USA Water Ski & Wake Sports, Inc. (USA-WSWS) Financial Policies and Procedures Manual was designed to classify USA-WSWS's policies with respect to the financial management of USA-WSWS and to specify those routine procedures to be followed by accounting personnel to properly adhere to those policies.

This document has been designed to accommodate the necessary revisions and amendments to ensure that it continues to be useful as a reflection of corporate policy as well as a training tool and performance standard for accounting personnel.

USA WATER SKI & WAKE  
SPORTS, INC. FINANCIAL  
POLICIES AND PROCEDURES  
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# **Policy: INTERNAL CONTROLS**

## GENERAL POLICY

The internal controls of USA Water Ski & Wake Sports, Inc. are designed to assure that the financial transactions of the Association are recorded in accordance with established principals and truly represent the actions desired by the USA Water Ski & Wake Sports, Inc. Board of Directors.

### Responsibility

While the ultimate responsibility rests with the Board of Directors, the day-to-day supervision of the controls of the Headquarters financials is the responsibility of the Executive Director.

### Auditor

To assure the membership and the Board of Directors that the policies of USA Water Ski & Wake Sports, Inc. are implemented correctly, and at the request of the United States Olympic & Paralympic Committee, a Certified Public Accounting firm conducts an annual audit of all financial records of the Association.

## RECORDS

Complete and detailed records of all financial transactions will be maintained. Specific policies for all aspects of the USA Water Ski & Wake Sports, Inc. operation are detailed in the USA Water Ski & Wake Sports Archive and Record Retention Policy.

### Location

Original copies of these records are maintained in a storage unit in Polk City, Florida. All data on the computers is stored in the cloud via QuickBooks Online and Microsoft SharePoint and is backed up daily.

### Retention of Financial Records

The general financial records such as cancelled checks, transactions forms, worksheets, bank statements, etc. shall be maintained for a period of (7) seven years and shall be destroyed after that time.

The current accounting records consisting of the General Ledger, Accounts payable, Accounts Receivable and Payroll shall be recorded on electronic medium (e.g. QuickBooks Online) and saved to the cloud.

#### Retention of Financial Records (continued)

Financial Statements, Profit and Loss Statements, Retirement and Pension Records, Tax Records, By-Laws, Minutes of meetings, General Ledgers and all other documents considered to be “Permanent Records” shall be kept in hard copy at USA Water Ski & Wake Sports’ storage unit in Polk City, Florida.

#### Retention of Headquarters Working Files

Headquarter stores all membership data, performance and tournament data, as well as other pertinent files in the cloud via Microsoft SharePoint and on databases hosted by Torch Designs and Integrass Sports. Backups are performed automatically on a daily basis.

#### Record Retention Duration

All records shall be kept for the period of time detailed in the USA Water Ski & Wake Sports Archive and Record Retention Policy and recommended in the “Guide to Record Retention, Requirements for Federal Grants” published in the 501©(3) Monthly Letter, Bol. 12, No.10. (Appendix 1) Some records shall be kept for a period decided by USA Water Ski & Wake Sports management based on past experience proof of need for various older records. (Appendix 2)

### PAYMENTS

All checks are to be processed only after the necessary paperwork and director’s approval have been received.

#### Accounts Payable Invoices

Purchase orders must be submitted to a Department Director for approval before purchases are made. These purchases should correspond with approved budgeted items and amounts. The purchase orders will then be submitted to third-party accounting firm. As invoices are received by accounting, if they are consistent with the purchase order, the invoice will be entered into accounts payable and sent to payment provider.

#### Payment Authorization

A Department Director may authorize payments for budgeted activities if they do not exceed the approved budget amount. Non-budgeted items or items that exceed the budgeted amount may be processed only if approval has been granted by the Executive Director. The Executive Director approves all payments via bill.com before they are issued.

## ACCOUNTS RECEIVABLE/RECEIPTS

Funds received at USA Water Ski & Wake Sports headquarters office are to be deposited upon receipt via mobile deposit into the headquarters operating account (Bank First). Refund Requests (Appendix 3) are to be submitted to the accounting department for payment. Refunds may be issued by check, direct bank deposit, or by credit card if that was the original method of payment.

### Recording of Cash Receipts

Administrative assistant will handle all cash transactions. Record of cash received and all copies of bank deposits, with cash amounts for reconciliation, will be kept by the administrative assistant and electronic copies saved in the cloud for the time recommended by the government retention list.

#### 1. Invoicing

An invoice (*see* Exhibit C) must be issued whenever money is owed to USA Water Ski & Wake Sports, Inc. Invoices will be issued through QuickBooks Online via third-party accounting firm as expenses are incurred on behalf of a USA Water Ski & Wake Sports customers with a copy of the invoice being mailed and/or emailed to the customer. When a check or other form of payment is received, the Manager of Business Operations or Executive Director will record the invoice as paid in the online accounting system. For invoices that remain outstanding at the end of a month, a statement will be issued. If an invoice is still outstanding after 60 days, third-party accounting firm, the administrative assistant, manager of business operations or Executive Director will call or email the customer to identify an anticipated date of receipt.

#### 2. Receipt of Payment and Deposits

When a check or other form of payment is received, the individual checking the mail should create a “list of checks and cash received.” The individual checking the mail should not have access to the accounting system to ensure proper segregation of duties. Once the “list of checks and cash received” has been created a copy should be provided to the Executive Director and third-party accounting firm to assist with monthly closing process and to record the invoice as paid in the accounting system.

Mail is sorted weekly, and deposits made at that time by making photocopies of both the payment and deposit slip. A receipt will be recorded in the accounting system to allocate

the funds to the appropriate account.

Upon receipt of a credit card payment, the transaction will be recorded in the accounting system to allocate the funds to the correct account. Electronic copies of the credit card receipts will be filed in the appropriate customer file and bank file.

For all online deposits, such as membership payments or online donations, amounts are reconciled monthly by third-party accounting firm. The funds deposited will be reconciled with a report from the membership system. Third-party accounting firm will not have edit access to these systems to ensure appropriate internal controls and segregation of duties exist.

#### Recording of Check Receipts

Incoming checks are immediately endorsed with a “For Deposit Only” inked stamp. Copies are made of all checks received and saved electronically to the cloud via Microsoft SharePoint.

#### Accounts Receivable Management

A statement of all accounts receivable owed to USA-WSWS will be maintained and updated, and shall be reviewed by the Executive Director, administrative assistant, or manager of business operations not less than monthly.

### REPORTS

A series of reports will be generated periodically. These reports and their distribution are as follows:

#### Check Register

Checks are printed and mailed through bill.com after being approved online by the Executive Director. In his absence, and in the case of an emergency, approvals in bill.com may be made by another designated employee.

#### Financial Reports

At each month's end, a Profit and Loss report with a comparison to the previous year, along with a balance sheet and accounts receivable report will be shared with USA Water Ski & Wake Sports staff and Executive Committee. Monthly operating account and investment account balances are also shared with the Executive Committee.

At the end of each quarter, a three-year comparison Profit and Loss spread sheet will be prepared by third-party accounting firm and presented to the Executive Director for his review. After the Executive

Director's perusal and approval of all reports they will be distributed to the President, Treasurer and USA Water Ski & Wake Sports staff. These reports will be forwarded to the Executive Committee and Board of Directors based upon a pre-approved distribution schedule.

#### Refunds

If a credit card refund is necessary, it will only be issued to the card on which the transaction was originally processed.

## **Policy: CASH MANAGEMENT**

### General Policy

#### Responsibility

The day-to-day supervision of the controls of USA Water Ski & Wake Sports headquarters is the responsibility of the Executive Director. The ultimate responsibility for USA Water Ski & Wake Sports controls rest with the Board of Directors.

#### Bank Accounts

The Executive Director shall open such bank accounts (subject to the supervision of the President, Chairman of the Board and Treasurer and subject to the monthly reconciliation of all such accounts as set forth below) as is needed for the transaction of day-to-day business of USA Water Ski & Wake Sports. The President, Chairman of the Board and Treasurer should each be listed as "owners" along with the Executive Director on any such bank accounts. The number of accounts shall be kept to a minimum. Wherever appropriate, the accounts shall be interest bearing.

The Executive Director is absent from the office at times for business related activities as well as for vacations. During his absence, the Sr. Director of Communications & External Affairs is next in line for approving checks/bills via bill.com.

As a control mechanism, bank and investment account statements are shared with third- party accounting firm for monthly reconciliation.

#### Investments and Cash Management

The organization has an investment account which is managed by a third-party wealth management company. Investments in this account use a moderate investment risk strategy as a guideline to structure the investment portfolio. The three components that make up this strategy include Liquidity, Longevity and Legacy.

The Liquidity allocation represents funds that are set aside for potential

needs over the next 12 to 24 months that can be easily accessed if needed, acting as an emergency fund.

The Longevity allocation represents funds to be invested with a longer time-period before a potential need is realized. The time-period can cover from 24 months to an indefinite period of time depending on how the organization is operating from day to day but there is no expectation of needing the funds in the short term and can be invested to provide longer term growth.

The Legacy allocation represents a smaller overall portion of the longer-term investment funds with no expectation of being needed in the future and with the potential for longer term growth to potentially use for larger, longer- term goals in excess of a 10-year period at a minimum.

The three strategies blended represent an asset allocation described as moderate. Ongoing reviews and discussions are conducted over the course of the year to determine if modifications are needed for any of the three strategies based on the guidance provided by the Executive Director, with approval of the Treasurer and Executive Committee.

#### Bank Wire Transfers

Transfers of funds from USA Water Ski & Wake Sports bank are done by the Executive Director, Treasurer, President or Chairman of the Board after written approval by the Executive Director with sign off from the President, Chairman of the Board and Treasurer. The approval and transfer should not be done by the same individual.

#### Timeliness of Deposits

Funds received at USA Water Ski & Wake Sports headquarters office are to be deposited upon receipt via mobile deposit into the headquarters operating account (Bank First).

## **Policy: DISTRIBUTION OF FINANCIAL INFORMATION**

### GENERAL POLICY

The distribution of financial data shall be such that those responsible for carrying out the work of USA Water Ski & Wake Sports are continuously informed of the financial position. Any member of USA Water Ski & Wake Sports, upon giving reasonable notice to review said information, may review accounting records.

A copy of the USA Water Ski & Wake Sports, Inc. IRS Form 990 will be

available to any member on USA Water Ski & Wake Sports web site. This information may also be made available to any member by mail upon request if member is willing to defray copying and mailing costs associated with providing this hardcopy.

### ANNUAL REPORTS

The Internal Revenue Form 990 and Form 990-T, as well as the CPA's year-end financial information for USA Water Ski & Wake Sports, Inc. is posted on the Association's web site with the last year ended, and two prior years of information available at all times.

### BOARD MEETING REPORTS

At all meetings of the Board, the Treasurer shall present a report outlining the current financial position of the association.

## **Policy: EXPENSES ADVANCES/ REIMBURSEMENTS**

It is sometime necessary to furnish funds in advance of the expenditures to USA Water Ski & Wake Sports, Inc. employees as well as on behalf of the Sport Disciplines.

### EXPENSE ADVANCES

#### Team Travel Expenses

On rare occasion, the Association may advance funds for one of the Sport Disciplines to pay for necessary sanction fees or required deposits for event locations. The funds are to be paid back to USA Water Ski & Wake Sports upon receipt of income received by the Sport Discipline. Where there is a need for such an advance, the Executive Director will authorize the payment and the person receiving the advance has the responsibility to account in full for the use of these funds as well as to return any funds due back to USA Water Ski & Wake Sports.

#### Employee Travel Expense

Travel expense advance requests are to be submitted in writing with all the pertinent information, location, and reason for travel, to the employee's Department Director for approval before being forwarded to the accounting department for payment. Employee travel advances shall not exceed \$50.00 for each day of travel away from office unless approved by the Executive Director.

The employee is expected to stay within budget and keep good records and receipts of all expenditures. Within two weeks of an employee's return, an expense report (Appendix 4) with all receipts attached shall be presented to the Executive Director for approval.

If advanced funds have not all been expended, the remaining funds shall be returned with the expense report. If receipts presented for expenses exceed the original advance, the employee will be reimbursed for any expenses approved by the Executive Director.

#### Expense Reimbursements

Expense reimbursements may be paid to the USA Water Ski & Wake Sports President, Elite Skiers who are members of the Board of Directors, Headquarters Staff, or other individuals for expenses incurred while conducting business on behalf of USA Water Ski & Wake Sports, Inc.

The expenses include but are not limited to meals, lodging, travel, tips, etc. These expenses must be approved in advance and shall be reviewed and approved by the Executive Director. Reimbursements requested by the Executive Director must have

the approval of the USA Water Ski & Wake Sports President, Chairman of the Board or Treasurer.

There are certain expenses that USA Water Ski & Wake Sports will not reimburse (i.e., traffic/parking violations). Additionally, if an individual incurs an expense for an unbudgeted item for which they did not receive prior authorization from the Director of the Department or Executive Director it may not be reimbursable. While USA Water Ski & Wake Sports does not have an all-inclusive list of non-reimbursable expenses, the Executive Director has the right to deny reimbursement of any unnecessary, excessive, or inappropriate expenses.

USA Water Ski & Wake Sports, Inc. operates within a calendar year period. Requests for expense reimbursement must be submitted within the same year in which the expenses were incurred. Request for payment of expenses after USA Water Ski & Wake Sports books have been closed for that year will not be reimbursed.

# **Policy: PAYROLL PROCEDURES**

## GENERAL POLICY

The employees of USA Water Ski & Wake Sports, Inc. shall be compensated the amount set forth by the Board of Directors less withholding and other taxes as required by law.

### Employees Payroll

An IRS Form W-4 shall be filled out by each employee and will be retained within the employee payroll file. Employees must notify the Executive Director and/or third-party accounting firm of any changes to their address or IRS Withholding status by submitting a new IRS Form W-4 at the time of the change. Salary payments shall be issued to each employee via 24 pay per periods by way of direct deposit into the employee's bank account. Paystubs are available for each employee by accessing his/her account within the payroll provider. Additionally, a payroll report shall be provided for review by the President and Treasurer not less than quarterly.

In January of each year, any person that was an employee of USA Water Ski & Wake Sports, Inc. for the preceding year will receive an IRS Form W-2. The W-2s are to be issued to the employee's last known address. Employees may also access an electronic copy of the W-2 through their account within the payroll provider.

Employees are required to sign the USA Water Ski & Wake Sports, Inc. "Ethics Policy" form as well as a "Conflict of Interest" form each year.

### Timesheets

All employees, exempt and non-exempt, are required to record time worked, holidays and leave taken for vacation or sick days (PTO). Employees track time worked and PTO and submit to the Executive Director prior to each payroll period for approval. The Executive Director is responsible for submitting time worked and PTO information to the 3<sup>rd</sup> party payroll provider. All paid time off balances are maintained within the payroll system, based on the information provided by the employee and approved by the Executive Director.

### Preparation and Approval

Payroll is processed by a third-party payroll provider. Third-party accounting firm prepares the payroll in within the payroll provider for each pay period and it is approved by the Executive Director. The payroll provider files all FICA, Medicare and Federal Withholding as well as

Florida State Tax Form UTC-6 and IRS Form 941 on behalf of the organization.

#### Pay Upon Termination

The Executive Director will ensure final paychecks are paid in accordance with state rules and regulations. Final paychecks will include any accrued PTO in accordance with the Employee Handbook.

### TEMPORARY AND CONTRACT LABOR

#### Temporary Employees

USA Water Ski & Wake Sports, Inc. will, on occasion, hire individuals to assist with special projects. Those individuals shall be paid based on an agreement made with the Executive Director and as required by current labor laws. Temporary employees are not entitled to USA Water Ski & Wake Sports, Inc. benefits, but are required to complete an IRS Form W-4 and any other forms required by government. IRS Forms W-2 shall be issued to temporary employees at the end of the calendar year.

#### Contract Labor

USA Water Ski & Wake Sports, Inc. hires personnel to work as independent contractors, (e.g., magazine writers, graphic artists, social media consultants, etc.). These contractors are paid in accordance with an agreement between the contractor and USA Water Ski & Wake Sports, Inc. If the contracted party is not a registered corporation, payment shall not be made until the IRS form W-9 has been completed and signed and all information required by the IRS or USA Water Ski & Wake Sports, Inc. has been obtained. In January of each year, every individual that is not registered as a business or corporation, and who was paid a total of six-hundred dollars (\$600) or more for the year, will be issued an IRS Form 1099. This form will be mailed to the individual's last known address.

#### Contracting

Employees of USA Water Ski & Wake Sports may need to commit the organization to doing things or paying money to a third party in exchange for services or goods from that third party. In each such case, employees will need to execute a contract, letter of agreement or memo of understanding as an expressed agreement between parties for an exchange of goods or services. Agreements can take many forms, but they must be clear on the terms of the exchange. Agreements must be in writing and signed by the Executive Director or an appropriately appointed Department Director and the contracting party prior to the

exchange of any service or goods. All fully executed contracts are saved in the cloud. All USA-WSWS contracts will be maintained and updated not less than quarterly, and shall be reviewed by the Executive Director, President, Chairman of the Board and Treasurer. Contracts obligating USA-WSWS to pay an aggregate amount exceeding \$10,000 shall require prior approval of the Executive Director, any appropriately appointed Department Director, and the President.

#### State and IRS Reporting

In February of each year, third-party accounting firm will forward to the Internal Revenue Service a copy of IRS Forms W-2 and summary Form W-3 for employees that received wages in the year just ended. Forms 1099 along with summary Form 1096 for those contractors paid within year just ended will also be forwarded to the IRS in a timely manner. Copies of all these mentioned reports are maintained and saved in the cloud.

# **Policy: BUDGET PROCESS**

## GENERAL POLICY

It is the policy of USA Water Ski & Wake Sports, Inc. to plan and control the use of funds carefully.

### Planning

Beginning in October (or earlier) of each year, the Executive Director and all Department Directors at USA Water Ski & Wake Sports headquarters' shall estimate the expected revenue and expenses for the upcoming year. From this information these same employees will start planning for the next year budget. Each Director will present a budget for their upcoming programs. Drawing from prior year's information and all known factors for the coming year, a preliminary budget shall be drafted.

### Preliminary Budget

All budget data will be entered into a spread sheet, fashioned from QuickBooks Profit & Loss Report, to give a preliminary estimate of revenue and expense. This information will be presented to the Executive Committee in December. Based on this data, the Executive Director, Treasurer and other members of the Executive Committee will review all program expenditures submitted and incorporate them into the budget. In December of each year the "Proposed Budget" is presented to the Executive Committee. Once the budget has been approved by the Executive Committee, it is then presented to the Board of Directors for final approval. During the year, the budget is reviewed each month by the Executive Director and Executive Committee to determine if there are variances that need to be addressed.

### Reporting

The Executive Director will share quarterly financial reports with the Board of Directors. The Treasurer shall give a report at each Board of Directors meeting of his/her evaluation of the maintenance of the budget.

## ANNUAL REPORT

The Treasurer shall present the preliminary proposed budget to the Executive Committee at the meeting in December of each year for review and consideration. Preliminary adjustments are made at that time and then sent to the USA Water Ski & Wake Sports Board of Directors for review prior to the January Board of Directors Meeting. The final proposed budget shall be

presented, along with the Annual Financial Statements of USA Water Ski & Wake Sports, Inc. for the year just ended, to the January Board of Directors Meeting.



March 16, 2021

This text is an extract of the complete document.

IOC Code of Ethics and other texts  
2016



## Olympic Movement Code on the Prevention of the Manipulation of Competitions

### PREAMBLE

- a. Acknowledging the danger to sports integrity from the manipulation of sports competitions, all sports organizations, in particular the International Olympic Committee, all International Federations, National Olympic Committees and their respective members at the Continental, Regional and National level and IOC recognized organizations (hereinafter, 'Sports Organizations'), restate their commitment to safeguarding the integrity of sport, including the protection of clean athletes and competitions as stated in Olympic Agenda 2020;
- b. Due to the complex nature of this threat, Sports Organizations recognize that they cannot tackle this threat alone, and hence cooperation with public authorities, in particular law enforcement and sports betting entities, is crucial;
- c. The purpose of this Code is to provide all Sports Organizations and their members with harmonized regulations to protect all competitions from the risk of manipulation. This Code establishes regulations that are in compliance with



the *Council of Europe Convention on the Manipulation of Sports Competitions*<sup>1</sup>, in particular Article 7. This does not prevent Sports Organizations from having more stringent regulations in place;

- d. In the framework of its jurisdiction as determined by Rule 2.8 of the Olympic Charter, the IOC establishes the present Olympic Movement Code on the Prevention of the Manipulation of Competitions, hereinafter the Code;
- e. Sports Organizations bound by the Olympic Charter and the IOC Code of Ethics declare their commitment to support the integrity of sport and fight against the manipulation of competitions by adhering to the standards set out in this Code and by requiring their members to do likewise. Sports Organizations are committed to take all appropriate steps within their powers to incorporate this Code by reference, or to implement regulations consistent with or more stringent than this Code.

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<sup>1</sup> The *Council of Europe Convention on the Manipulation of Sports Competitions* is open for signatories from non-European States.



## Article 1

### Definitions <sup>2</sup>

- 1.1** “Benefit” means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts;
- 1.2** “Competition” means any sports competition, tournament, match or event, organized in accordance with the rules of a Sports Organization or its affiliated organizations, or, where appropriate, in accordance with the rules of any other competent sports organization;
- 1.3** “Inside Information” means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition;
- 1.4** “Participant” means any natural or legal person belonging to one of the following categories:
- a. “athlete” means any person or group of persons, participating in sports competitions;
  - b. “athlete support personnel” means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;

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<sup>2</sup> When definitions are provided by the *Council of Europe Convention on the Manipulation of Sports Competitions*, such definitions are used in this Code to minimise the risk of misinterpretation.



a. “official” means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organize and/or promote sports competitions, as well as referees, jury members and any other accredited persons. The term also covers the executives and staff of the sports organization, or where appropriate, other competent sports organization or club that recognizes the competition.

1.5 “Sports Betting, Bet or Betting” means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition.

## **Article 2**

### **Violations**

The following conduct as defined in this Article constitutes a violation of this Code:

#### **2.1 Betting**

Betting in relation either:

- a. to a Competition in which the Participant is directly participating; or
- b. to the Participant’s sport; or
- c. to any event of a multisport Competition in which he/she is a participant.

#### **2.2 Manipulation of sports competitions**

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.



### 2.3 Corrupt conduct

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

### 2.4 Inside information

1. Using Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.
2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.
3. Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

### 2.5 Failure to report

1. Failing to report to the Sports Organization concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.
2. Failing to report to the Sports Organization concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of this Code.



## 2.6 Failure to cooperate

1. Failing to cooperate with any investigation carried out by the Sports Organization in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the competent Sports Organization as part of such investigation.
2. Obstructing or delaying any investigation that may be carried out by the Sports Organization in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

## 2.7 Application of Articles 2.1 to 2.6

1. For the determination of whether a violation has been committed, the following are not relevant:
  - a. Whether or not the Participant is participating in the Competition concerned;
  - b. Whether or not the outcome of the Competition on which the Bet was made or intended to be made;
  - c. Whether or not any Benefit or other consideration was actually given or received;
  - d. The nature or outcome of the Bet;
  - e. Whether or not the Participant's effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;
  - f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;



- g. Whether or not the manipulation included a violation of a technical rule of the respective Sports Organization;
  - h. Whether or not the competition was attended by the competent national or international representative of the Sports Organization.
2. Any form of aid, abetment or attempt by a Participant that could culminate in a violation of this Code shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/ or whether that violation was committed deliberately or negligently.

### **Article 3**

#### **Disciplinary Procedure**

The contents of this Article are minimum standards which must be respected by all Sports Organizations.

##### **3.1 Investigation**

1. The Participant who is alleged to have committed a violation of this Code must be informed of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions.
2. Upon request by the competent Sports Organization, the concerned Participant must provide any information which the Organization considers may be relevant to investigate the alleged violation, including records relating to the alleged violation (such as betting account numbers and information, itemized telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and/or a statement setting out the relevant facts and circumstances around the alleged violation.



### 3.2 Rights of the concerned person

In all procedures linked to violations of the present Code, the following rights must be respected:

1. The right to be informed of the charges; and
2. The right to a fair, timely and impartial hearing either by appearing personally in front of the competent Sports Organization and/or submitting a defense in writing; and
3. The right to be accompanied and/or represented.

### 3.3 Burden and standard of proof

The Sports Organization shall have the burden of establishing that a violation has been committed. The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred.

### 3.4 Confidentiality

The principle of confidentiality must be strictly respected by the Sports Organization during all the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality must also be strictly respected by any person concerned by the procedure until there is public disclosure of the case.

### 3.5 Anonymity of the person making a report

Anonymous reporting must be facilitated.



### 3.6 Appeal

1. The Sports Organization shall have an appropriate appeal framework within their organization or recourse to an external arbitration mechanism (such as a court of arbitration).
2. The general procedure of the appeal framework shall include provisions such as, but not limited to, the time limit for filing an appeal and the notification procedure for the appeal.

## Article 4 Provisional Measures

- 4.1 The Sports Organization may impose provisional measures, including a provisional suspension, on the participant where there is a particular risk to the reputation of the sport, while ensuring respect for Articles 3.1 to 3.4 of this Code.
- 4.2 Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

## Article 5 Sanctions

- 5.1 Where it is determined that a violation has been committed, the competent Sports Organization shall impose an appropriate sanction upon the Participant from the range of permissible sanctions, which may range from a minimum of a warning to a maximum of life ban.



- 5.2** When determining the appropriate sanctions applicable, the Sports Organization shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.
- 5.3** Substantial assistance provided by a Participant that results in the discovery or establishment of an offence by another Participant may reduce any sanction applied under this Code.

## **Article 6**

### **Mutual recognition**

- 6.1** Subject to the right of appeal, any decision in compliance with this Code by a Sporting Organizations must be recognized and respected by all other Sporting Organizations.
- 6.2** All Sporting Organizations must recognize and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not a Sporting Organization as defined under this Code.



## **Article 7**

### **Implementation**

- 7.1** Pursuant to Rule 1.4 of the Olympic Charter, all Sports Organizations bound by the Olympic Charter agree to respect this Code.<sup>3</sup>
- 7.2** These Sports Organizations are responsible for the implementation of the present Code within their own jurisdiction, including educational measures.
- 7.3** Any amendment to this Code must be approved by the IOC Executive Board following an appropriate consultation process and all Sports Organizations will be informed.<sup>4</sup>

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3 This Code was approved by the IOC Executive Board on 8 December 2015.

4 For all information concerning this Code, contact IOC Ethics and Compliance.

## APPENDIX VIII



# SAFESPORT PROGRAM HANDBOOK

Effective **February 1, 2026**

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Appendix A

# Introduction

USA Water Ski & Wake Sports (USA-WSWS) strives to provide a safe environment for its members and is committed to create an atmosphere that is free of harassment and abusive practices. ***USA-WSWS and its affiliated Sport Disciplines will not tolerate any form of harassment, abuse or misconduct and will uphold a zero-tolerance policy.***

There are many positive reasons to participate in one of USA-WSWS's nine Sport Disciplines, but like all sports, it can also be a high-risk environment for misconduct: emotional, physical, sexual, bullying, harassment, and hazing. *All forms of harassment, abuse and misconduct are unacceptable and in direct conflict with USA-WSWS values and ideals.*

Misconduct may damage an athlete's psychological well-being. Athletes who have been mistreated experience social embarrassment, emotional turmoil, psychological scars, and loss of self-esteem. Misconduct may also have a negative impact on family, friends, and the sport. Misconduct often hurts an athlete's competitive performance and may cause him or her to drop out of the sport entirely.

This SafeSport Handbook includes various policies that apply to all USA-WSWS members, clubs, programs, events, and activities, and specifically includes abuse prevention policies relating to youth athletes and participants. It also acts as an educational tool for USA-WSWS members. This handbook focuses on the following:

- Recognizing and reducing circumstances for potential abuse to occur
- Information on USA-WSWS's required screening and background check program
- The availability and procedures for any person to report suspected abuse or misconduct (including protections from any retaliation or repercussions for such reporting)
- The procedures and means by which USA-WSWS and its sport disciplines, member clubs and programs should respond to allegations of abuse and misconduct

Through the USA-WSWS SafeSport Program, USA-WSWS is committed to providing the safest possible environment for all participants.

# Safe Sport: Anti-Harassment and Abuse Policy

## What is Safe Sport?

Safe Sport is an initiative of the United States Olympic and Paralympic Community and its National Governing Bodies to recognize, reduce, and respond to misconduct in sport. USA-WSWS has adopted this policy as a part of that effort, and as a part of its effort to prevent harassment or abuse from occurring. This policy defines what conduct is prohibited, outlines the training that is available to help prevent misconduct (and who is required to complete that training), and outlines what action should be taken when suspicions or allegations of misconduct occur. **Individuals should not attempt to evaluate the credibility or validity of any harassment or abuse allegations before acting under this policy; rather, this policy should be followed whenever those circumstances arise.** This is particularly important in cases involving the harassment or abuse of minors.

## Who does this Policy apply to?

This policy applies to all "Participants" who are defined to include the following persons:

- Persons who are members of USA-WSWS, including coaches, volunteers, officials, athletes and others (including persons affiliated with USA-WSWS clubs, whether or not those persons are members of USA-WSWS);
- All USA-WSWS and USA-WSWS clubs office staff, interns, and board members;
- Members of any national or international team staff;
- Anyone within the governance or disciplinary jurisdiction of USA-WSWS or USA-WSWS clubs;
- Anyone who is authorized, approved, or appointed by USA-WSWS or a USA-WSWS club to have regular contact with or authority over Minor Athletes and Minor Participants.

Further information regarding the requirements for Participants, such as background screening and U.S. Center for SafeSport training, are found in the "USA Water Ski Safe Sport Certification Requirements" attachment to this policy.

Participants shall be subject to the jurisdiction of USA-WSWS and/or the U.S. Center for SafeSport with respect to the investigation and resolution of any allegations that such Participant may have violated this policy and are subject to any actions taken by the U.S. Center for SafeSport or USA-WSWS relating to the enforcement of this policy.

More information about the SafeSport initiative and programs can be found at [www.uscenterforsafesport.org/](http://www.uscenterforsafesport.org/).

USA Waterski and Wake Sports will track all reported allegations within its organization's jurisdiction. This tracking system will include how these allegations or reports were responded to and the respective outcome of said allegations and/or reports.

## Prohibited Conduct

**These "Prohibited Conduct" provisions apply to all Participants, irrespective of their age. These Prohibitions apply to everyone acting within USA-WSWS'**

jurisdiction and are not restricted to “participant-athlete” contacts. Additional Minor Athlete and Minor Participant Protection Policies and Guidelines are discussed below.

**Sexual Abuse and Misconduct: It is the policy of USA-WSWS that there shall be no sexual abuse or misconduct. This includes any sexual activity where consent is not or cannot be given is prohibited.**

USA-WSWS members and Participants shall not engage in sexual harassment or abuse, which includes, and is not limited to, nonconsensual sexual solicitation, physical advances or contact, or verbal or nonverbal

conduct that is sexual in nature. This prohibition includes sexual contact that is accomplished by deception, manipulation, force or threat of force (regardless of the age of the Participants), and all sexual interactions between an adult and a minor (regardless of whether there is a deception or the minor understands the sexual nature of the activity. Inappropriate touching or contact is prohibited, which includes, but not limited to, nonconsensual touching, hugging, kissing, sexually oriented behavior, sexually suggestive electronic or written communications, sexually stimulating or otherwise inappropriate games.

Any act or conduct described as sexual abuse or misconduct under federal or state law is also prohibited and must be reported as outlined in this document.

Sexual misconduct also includes any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority.

Note:

- ❖ An imbalance of power is always assumed between a coach and an athlete, regardless of age.
- ❖ Minors cannot consent to sexual activity with an adult. See Minor Athlete Protection Policies and Guidelines.

Examples of Sexual Abuse and Misconduct

<i>Touching Offenses</i>	<ul style="list-style-type: none"> <li>• Fondling another person’s breasts or buttocks</li> <li>• Exchange of reward in sport (e.g., team placement, scores, feedback, free lessons/water time, etc.) for sexual acts</li> <li>• Genital contact – whether or not either party is clothed</li> <li>• Sexual relations or intimacies between participants in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants</li> </ul>
<i>Non-touching Offenses</i>	<ul style="list-style-type: none"> <li>• Sexually oriented comments, jokes or innuendo made to or about an athlete, or other sexually harassing behavior</li> <li>• An authority figure discussing his or her sex life with an athlete</li> <li>• An authority figure asking an athlete about his or her sex life</li> <li>• An authority figure requesting or sending a nude or partial-dress photo to athlete</li> <li>• Exposing others to pornographic material</li> <li>• Sending athletes sexually explicit or suggestive electronic or written messages or photos (e.g., “sexting”)</li> <li>• Deliberately exposing an athlete to sexual acts</li> <li>• Deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared)</li> <li>• Sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature</li> </ul>

**Physical Abuse and Misconduct:** It is the policy of USA-WSWS that there shall be no physical abuse or misconduct.

Physical abuse includes:

- Physical contact with a Participant that intentionally causes, or has the potential to cause, the participant to sustain bodily harm or personal injury.

- Physical contact with a Participant that intentionally creates a threat of immediate bodily harm or personal injury. Physical abuse may also include intentionally hitting or threatening to hit an athlete with objects or sports equipment.
- Providing of alcohol to a Participant under the age of 21 and the providing of illegal drugs or non-prescribed medications to any participant.
- Any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect and assault).

Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athlete performance.

Examples of Physical Abuse and Misconduct

<i>Contact Offenses</i>	<ul style="list-style-type: none"> <li>• Punching, beating, biting, striking, choking or slapping an athlete</li> <li>• Intentionally hitting an athlete with objects or sporting equipment</li> <li>• Providing alcohol to an athlete under the legal drinking age (under U.S. law)</li> <li>• Providing illegal drugs or non-prescribed medications to any athlete</li> <li>• Encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, after a serious injury (e.g., a concussion)</li> <li>• Prescribed dieting or other weight-control methods (e.g., public weigh-ins, caliper tests for humiliation purposes)</li> </ul>
<i>Non-contact Offenses</i>	<ul style="list-style-type: none"> <li>• Isolating an athlete in a confined space (e.g., locking an athlete in a small space)</li> <li>• Forcing an athlete to assume a painful stance or position for no athletic purpose (e.g. requiring an athlete to kneel on a harmful surface)</li> <li>• Withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep.</li> </ul>

**Emotional Abuse and Misconduct: It is the policy of USA-WSWS that there shall be no emotional abuse or misconduct.**

Emotional abuse involves a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to a participant. These behaviors may include verbal acts, physical acts or acts that deny attention or support.

Emotional abuse does not include generally accepted and age-appropriate coaching

methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline or improving athletic performance.

Examples of Emotional Abuse and Misconduct

<i>Verbal Acts</i>	A pattern of verbal behaviors that attack a participant personally (e.g., calling them worthless, fat or disgusting) or repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive training or motivational purpose.
<i>Physical Acts</i>	A pattern of physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at, or in the presence of, participants; or punching walls, windows, or other objects.
<i>Acts that Deny Attention &amp; Support</i>	A pattern of ignoring a participant for extended periods of time or routinely or arbitrarily excluding a participant from practice.

**Bullying, Threats and Harassment: It is the policy of USA-WSWS that there shall be no bullying, threats, and harassment.**

Bullying is the use of coercion to obtain control over another person or to be habitually cruel to another person. Bullying involves an intentional, persistent, or repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish, or isolate another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture.

A threat to harm others is defined as any written, verbal, physical or electronically transmitted expression of intent to physically injure or harm someone. A threat may be communicated directly to the intended victim or communicated to a third party.

Harassment in sport includes any pattern of physical and/or non-physical behaviors that (a) are intended to cause fear, humiliation, or annoyance, (b) offend or degrade, (c) create a hostile environment, or (d) reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual participant or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression, or mental or physical disability. Harassment also includes the creation of an environment through behavior or course of conduct that is insulting, intimidating, humiliating, demeaning or offensive. Harassment usually occurs when one person engages in abusive behavior or asserts unwarranted power or authority over another, whether intended or not. It includes, for example, name-calling, taunts, threats, belittling, unwelcome advances, and requests for sexual acts, as well as undue threats to perform or succeed. Harassment includes child abuse.

### Examples of Bullying

Physical Bullying	<ul style="list-style-type: none"><li>• Punching, kicking, or choking an athlete</li></ul>
Verbal and Emotional Bullying	<ul style="list-style-type: none"><li>• Cyber bullying – Using electronic communication to harass, frighten, degrade, intimidate or humiliate</li><li>• Using words to harass, frighten, degrade, intimidate, or humiliate</li></ul>

### Examples of Threats

Direct Threat	<ul style="list-style-type: none"><li>• Communicating an intent to cause physical harm to another</li></ul>
Indirect Threat	<ul style="list-style-type: none"><li>• Communicating an intent to cause harm through a third party</li></ul>

### Examples of Harassment

Environment	<ul style="list-style-type: none"><li>• Harassing environment created by: name-calling, taunts, threats, belittling, unwelcome advances and requests for sexual acts, as well as undue threats to perform or succeed.</li></ul>
Sexual Harassment	<ul style="list-style-type: none"><li>• Unwanted deliberate touching</li><li>• Unwanted sexual teasing, jokes, remarks, or questions</li><li>• Unwanted letters, telephone calls, or materials of a sexual nature</li></ul>

**Hazing: It is the policy of USA-WSWS that there shall be no hazing.**

Hazing includes any conduct which is intimidating, humiliating, offensive, or physically harmful. The hazing conduct is typically an activity that serves as a condition for joining a group or being socially accepted by a group's members.

### Examples of Hazing

Hazing	<ul style="list-style-type: none"><li>• Requiring or forcing (including through peer pressure) the consumption of alcohol or illegal drugs</li><li>• Tying, taping, or physically restraining a participant;</li><li>• Sexual simulations or sexual acts of any nature</li><li>• Sleep deprivation, or the withholding of water and/or food</li><li>• Social actions or public displays (e.g. public nudity) that are illegal or meant to draw ridicule</li><li>• Beating, paddling, or other forms of physical assault.</li></ul>
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**Willfully Tolerating Misconduct: It is a violation of this USA-WSWS policy if an instructor, coach, official, or any other member or affiliate of USA-WSWS knows of misconduct but takes no action to intervene on behalf of the athlete(s), participant(s), staff member and/or volunteer.**

# Minor Athlete and Participant Abuse Protection Policies and Guidelines

**These Minor Athlete and Participant Protection Policies and Guidelines apply to all interactions at events and facilities partially or fully under USA-WSWS' jurisdiction and all In-Program Contact between Minor Athletes and Adult Participants, including athletes and other Participants. In addition to these Athlete and Participant Protection Policies and Guidelines, the above "Prohibited Conduct" provisions also apply to all interactions with minor athletes and other Participants.**

## **Definitions:**

The following **definitions** apply to these Minor Athlete Protection Policies and Guidelines: **"Adult Participant"** is any Participant who is 18 years of age or older (see definition of Participant on p. 4). **"Minor Athlete"** is an **athlete or other Participant** under 18 years of age, who participates in, or who has participated within the last 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of USA-WSWS.

**"Athlete"** is an athlete who meets the eligibility standards established by the National Governing Body or Paralympic sports organization for the sport in which the athlete competes.

**"Authority"** exists when one person's position over another person is such that, based on the totality of the circumstances, they have the power or right to direct, control, give orders to, or make decisions for that person. Also, see the [Power Imbalance definition in the U.S. Center for SafeSport's Code](#).

**"Partial or Full Jurisdiction"** includes any event (including all travel and lodging in connection with the event) sanctioned by USA-WSWS or conducted by any of its affiliated clubs. Also included are any facilities that may be owned, leased, rented, or used by USA-WSWS or any of its affiliated clubs for practice, training, or competition.

**"In-Program Contact"** is any contact (including communications, interactions, or activities) between an Adult Participant and any Minor Athlete related to sport, including (but not limited to) sanctioned events and facilities, and also includes any practices, camps or clinics, training or instructional sessions, pre/post event meals or outings, team travel, team or sport-related relationship building activities, celebrations, award ceremonies, banquets, team- or sport-related fundraising or community service, sport education, or competition site visits.

**"Local Affiliated Organization"** means any regional, state, or local club affiliated with USA-WSWS, including member clubs and local organizing committees within USA-WSWS' jurisdiction as to any sanctioned event or activity.

**"Minor Athlete"** is an Athlete under 18 years of age who participates in, or participated within the previous 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of, an NGB, PSO, USOPC, or LAO.

**"Regular contact"** means ongoing interactions during a 12-month period wherein an Adult Participant is in a role of direct and active engagement with any Minor Athlete. Coaches, team managers, staff, physicians, and athletic trainers are all deemed to have regular contact with Minor Athletes.

**"NGB"** means USA-WSWS which is the National Governing Body for Towed Water Sports in the United States.

“PSO” means the PanAm Sports Organization

“USOPC” means the U.S. Olympic & Paralympic Committee.

**Exceptions:**

“Close-in-Age” Exceptions apply to certain policies and allow for In-Program Contact between an Adult Participant and a Minor Athlete if:

- A. The Adult Participant has no authority over the Minor Athlete; and,
- B. The Adult Participant is not more than four (4) years older than the Minor Athlete.

Note: these exceptions (under these Minor Athlete and Participant Protection Policies and Guidelines) are different than any close-in-age exception in the SafeSport Policy and Code pertaining to misconduct.

“Dual Relationships” Exceptions apply to certain policies where the Adult Participant has a relationship with a Minor Athlete that is outside of the sport program. The exception requires written consent of the Minor Athlete’s parent/guardian at least annually.

“Personal Care Assistant” Exceptions apply to Adult Participants working as Personal Care Assistants with a Minor Athlete, as set forth in these Minor Athlete and Participant Protection Policies and Guidelines. Personal Care Assistants are persons to assist an athlete requiring help with activities of daily living and preparation for athletic participation. The support can be provided by a Guide for Blind or visually impaired athletes, or can include assistance with transfer, dressing, showering, medication administration, and toileting. Personal Care Assistants are different for every athlete and should be individualized to fit their specific needs. When assisting a Minor Athlete, Adult Participant Personal Care Assistants must be authorized by the athlete’s parent/guardian.

Note that many of these exceptions (Close-in-Age, Personal Care, or Dual Relationship exceptions) require parent/guardian consent. USA-WSWS recommends that parents and guardians take training on child abuse prevention before providing consent under these policies. A free parent course is available at <https://safesporttrained.org/#/public-dashboard>.

# Required Prevention Policies

## **One-on-one interactions: Observable and Interruptible**

1. All one-on-one In-program Contact between an Adult Participant and a Minor Athlete must be observable and interruptible, except in emergency circumstances.
2. The exceptions below may apply to specific policies, and if the exceptions apply, they are listed in the policy. These exceptions also apply to all one-on-one In-Program Contact not specifically addressed in other policies:
  - A. When a Dual Relationship exists; or
  - B. When the Close-in-Age Exception applies; or
  - C. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
    - a. The Minor Athlete's parent/guardian has provided written consent to USA-WSWS or a USA-WSWS club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - b. The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and,
    - c. The Adult Participant Personal Care Assistant has complied with USA-WSWS' background screening policy; or
  - D. In other circumstances specifically addressed in this policy that allow for certain one-on-one interactions if USA-WSWS or a USA-WSWS club receives parent/guardian consent.

## **Meetings and Training**

### **Sessions:**

#### **Observable and Interruptible**

1. Adult Participants must follow the one-on-one interaction policy in all meetings and training sessions where Minor Athletes are present.

#### **Individual Training Sessions**

2. Individual Training Sessions:
  - A. One-on-one, In-Program, individual training sessions must be observable and interruptible except if:
    - a. A Dual Relationship exists; or
    - b. The Close-in-Age Exception applies; or
    - c. A Minor Athlete needs an Adult Participant Personal Care Assistant, and:
      - i. The Minor Athlete's parent/guardian has provided written consent to USA-WSWS or a USA-WSWS club

- for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - ii. The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and,
  - iii. The Adult Participant Personal Care Assistant has complied with USA-WSWS' background screening policy.
- B. The Adult Participant providing the individual training session must receive advance, written consent from the Minor Athlete's parent/guardian at least annually, which can be withdrawn at any time; and,
- C. Parents/guardians must be allowed to observe the individual training session.

**Meetings with Licensed Mental Health Care Professionals and Health Care Providers**

3. Meetings with licensed mental health care professionals and health care providers (other than athletic trainers. Note: Athletic trainers must follow the "Athletic Training Modalities, Massages, and Rubdowns" policy).
- A. If a licensed mental health care professional or licensed health care provider meets one-on-one with a Minor Athlete at a sanctioned event or a facility, which is partially or fully under USA-WSWS' or a USA-WSWS club's jurisdiction, the meeting must be observable and interruptible except:
- a. If the door remains unlocked; and
  - b. Another adult is present at the facility and notified that a meeting is occurring, although the Minor Athlete's identity needs not be disclosed; and
  - c. USA-WSWS or a USA-WSWS club is notified that the provider will be meeting with a Minor Athlete; and
  - d. The provider obtains consent consistent with applicable laws and ethical standards, which can be withdrawn at any time.

**Athletic Training Modalities, Massages, and**

**Rubdowns Athletic Training Modality,**

**Massage, or Rubdown**

1. All In-Program athletic training modalities, massages, or rubdowns of

- a Minor Athlete must:
- A. Be observable and interruptible; and,
  - B. Have another Adult Participant physically present for the athletic training modality, massage, or rubdown; and
  - C. Have documented consent as explained below; and,
  - D. Be performed with the Minor Athlete fully or partially clothed, ensuring that the breasts, buttocks, groin, or genitals are always covered; and,
  - E. Allow parents/guardians in the room as an observer, except for competition or training venues that limit credentialing.
2. The provider must narrate the steps in the massage, rubdown, or athletic training modality before taking them, seeking assent of the Minor Athlete throughout the process.
  3. Minor Athlete massages can only be provided by a licensed massage therapist.

### **Consent**

4. Providers of athletic training modalities, massages, or rubdowns, or USA-WSWS or a USA-WSWS club, when applicable, must obtain consent at least annually from Minor Athlete's parents/guardians before providing any athletic training modalities, massages, or rubdowns.
5. Minor Athletes or their parents/guardians can withdraw consent at any time.

### **Locker Rooms and Changing Areas:**

#### **Observable and Interruptible**

1. Adult Participants must ensure that all one-on-one In-Program Contact with Minor Athletes in a locker room, changing area, or similar space where Minor Athletes are present, is observable and interruptible, except if:
  - A. A Dual Relationship exists;
  - B. The Close-in-Age Exception applies; or
  - C. A Minor Athlete needs a Personal Care Assistant and;
    - a. The Minor Athlete's parent/guardian has provided written consent to USA-WSWS or a USA-WSWS club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - b. The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and,
    - c. The Adult Participant Personal Care Assistant has complied with USA-WSWS' background screening policy.
2. Any sanctioned event or activity within USA-WSWS' jurisdiction must designate a locker room, changing area, or similar space. It is strongly recommended that the Locker Room and Changing Area Policy be

posted within this designated area to communicate expectations of conduct

- A. If there is no discernable locker room, changing area, or similar space, it is required that the policy be communicated to all participants and for participants to seek privacy distant from the public view.

### **Conduct in Locker Rooms, Changing Areas, and Similar Spaces**

4. No Adult Participant or Minor Athlete can use the photographic or recording capabilities of any device in locker rooms, changing areas, or any other area designated as a place for changing clothes or undressing.
5. Adult Participants must not change clothes or behave in a manner that intentionally or recklessly exposes their breasts, buttocks, groins, or genitals to a Minor Athlete.
6. Adult Participants must not shower with Minor Athletes unless:
  - A. The Adult Participant meets the Close-in-Age Exception; or
  - B. The shower is part of a pre- or post-activity rinse while wearing swimwear.
7. Parents/guardians may request in writing that their Minor Athlete(s) not change or shower with Adult Participants during In-Program Contact. USA-WSWS, USA-WSWS clubs and the Adult Participant(s) must abide by this request.

### **Media and Championship Celebrations in Locker Rooms**

6. USA-WSWS may permit recording or photograph in locker rooms for the purpose of highlighting a sport or athletic accomplishment if:
  - A. Parent/guardian consent has been obtained; and,
  - B. USA-WSWS or a USA-WSWS club approves the specific instance of recording or photograph; and,
  - C. Two or more Adult Participants are present; and
  - D. Everyone is fully clothed.

### **Personal Care Assistants**

7. Adult Participant Personal Care Assistants are permitted to be with and assist Minor Athletes in locker rooms, changing areas, and similar spaces where other Minor Athletes are present, if they meet the requirements in Section 1(C) above.

### **Availability and Monitoring of Locker Rooms, changing Areas, and Similar Spaces**

8. USA-WSWS or a USA-WSWS club must provide a private or semi-private place for Minor Athletes that need to change clothes or undress at sanctioned events or facilities partially or fully under USA-WSWS' or a

- USA-WSWS club's jurisdiction.
9. USA-WSWS or a USA-WSWS club must monitor the use of locker rooms, changing areas, and similar spaces to ensure compliance with these policies at sanctioned events or facilities partially or fully under USA-WSWS' or a USA-WSWS club's jurisdiction.

### **Electronic Communications:**

#### **Open and Transparent**

1. Under this Policy, electronic communications include, but are not limited to phone calls, videoconferencing, video coaching, texting, and social media.
2. All one-on-one electronic communications between an Adult Participant and a Minor Athlete must be Open and Transparent except when:
  - A. A Dual Relationship exists;
  - B. The Close-in-Age Exception applies; or
  - C. A Minor Athlete needs a Personal Care Assistant and;
    - a. The Minor Athlete's parent/guardian has provided written consent to USA-WSWS or a USA-WSWS club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - b. The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and,
    - c. The Adult Participant Personal Care Assistant has complied with USA-WSWS' background screening policy.
3. Open and Transparent means that the Adult Participant copies or includes the Minor Athlete's parent/guardian, another adult family member of the Minor Athlete, or another Adult Participant.
  - A. If a Minor Athlete communicates with the Adult Participant first, the Adult Participant must follow this policy if the Adult Participant responds.
4. Only platforms that allow for Open and Transparent communication may be used to communicate with Minor Athletes.

#### **Team Communication**

5. When an Adult Participant communicates electronically to the entire team or any number of Minor Athletes on the team, the Adult Participant must copy or include another Adult Participant or the Minor Athletes' parents/guardians.

## **Content**

6. All electronic communication originating from an Adult Participant to a Minor Athlete must be professional in nature unless an exception in Section 2 exists.

## **Requests to Discontinue, Other Requirements**

7. Parents/guardians may request in writing that USA-WSWS or an Adult Participant subject to this policy not contact their Minor Athlete through any form of electronic communication. USA-WSWS and the Adult Participant must abide by any request to discontinue, absent emergency circumstances.
8. Electronic communications must generally be sent only between the hours of 8:00 AM and 8:00 PM local time for the location of the Minor Athlete. Transportation:

## **Transportation**

1. An Adult Participant cannot transport a Minor Athlete one-on-one during In-Program travel, except if:
    - A. A Dual Relationship exists;
    - B. The Close-in-Age Exception applies; or
    - C. A Minor Athlete needs a Personal Care Assistant and;
      - a. The Minor Athlete's parent/guardian has provided written consent to USA-WSWS or a USA-WSWS club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
      - b. The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and,
      - c. The Adult Participant Personal Care Assistant has complied with USA-WSWS' background screening policy; or
    - D. The Adult Participant has advance, written consent to transport the Minor Athlete one-on-one obtained at least annually from the Minor Athlete's parent/guardian.
  2. Minor Athletes or their parent/guardian can withdraw consent at any time.
  3. An Adult Participant meets the In-Program transportation requirements if the Adult Participant is accompanied by another Adult Participant or at least two minors.
  4. Written consent from a Minor Athlete's parent/guardian is required for all transportation sanctioned by USA-WSWS (or any of its local affiliated organizations), at least annually.
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## **Lodging:**

### **Hotel Rooms and Other Sleeping Arrangements**

1. All In-Program Contact at a hotel or lodging site between an Adult Participant and a Minor Athlete must be observable and interruptible, and an Adult Participant cannot share a hotel room or otherwise sleep in the same room with a Minor Athlete, except if:
  - A. A Dual Relationship exists;
    - a. A Dual Relationship Exists, and the Minor Athlete's parent/guardian has provided USA-WSWS or a USA-WSWS club with advance, written consent for the lodging arrangement;
  - B. The Close-in-Age Exception applies; or
    - a. The Close-in-Age Exception applies, and the Minor Athlete's parent/guardian has provided USA-WSWS or a USA-WSWS club with advance, written consent for the lodging arrangement; or
  - C. A Minor Athlete needs a Personal Care Assistant and;
    - a. The Minor Athlete's parent/guardian has provided written consent to USA-WSWS or a USA-WSWS club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - b. The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and,
    - c. The Adult Participant Personal Care Assistant has complied with USA-WSWS' background screening policy.
  
2. Written consent from a Minor Athlete's parent/guardian must be obtained for all In- Program lodging at least annually.

### **Monitoring or Room checks During In-Program Travel**

3. If room checks are performed during In-Program lodging, the one-on-one interaction policy must be followed and at least two adults must be present for the room checks.

### **Additional Requirements for Lodging Authorized or Funded by USA-WSWS**

- B. Adult Participants traveling with any USA-WSWS or a USA-WSWS club sanctioned or sponsored activities, or otherwise subject to this policy, must agree to and sign USA- WSWS' lodging policy at least annually.
- C. Adult Participants that travel overnight with Minor Athletes are assumed to have Authority over Minor Athletes and thus must comply with the Education & Training requirements of this Policy.

## **Additional Policies:**

1. Adult Participants who do not meet the Close-in-Age Exception nor have a Dual Relationship with a Minor Athlete, must not give personal gifts to Minor Athletes except:
  - a. With the express consent of the Minor Athlete's parent/guardian; or
  - b. If gifts are equally distributed to all athletes (such as on a team) and serve a motivational or educational purpose.
2. Adult Participants must not publicly share or post photos or videos of Minor Athletes if the Adult Participant has not obtained the consent of the Minor Athlete and their Parent/Guardian. Photographs or videos of Minor Athletes may only be taken in public view and must observe generally accepted standards of decency.
3. Adult Participants, who do not meet the close-in-age exception or have a Dual Relationship with a Minor Athlete, cannot have out-of-program contact with a Minor Athlete without the consent of the Minor Athlete's parent or guardian, even if the out-of- program contact is not one-on-one.

## Screening and Background Check Program

USA-WSWS has implemented a background screen program, which is applicable to the persons listed in the attached "USA Water Ski SafeSport Certification Requirements" chart. These background checks have been implemented to promote a safe, nurturing and supportive environment for USA-WSWS athletes and members, including an environment that is safe and appropriate for minors. This background screen program also discourages the presence of those who may seek to harm athletes, and help protect USA-WSWS member clubs, programs, events, and all members from liability that could arise from allowing a previous offender to have access to minor participants. Although no background screen program can guarantee that incidents of abuse or other violations will not occur, it is intended as a preventative risk management tool for the benefit of all participants.

### USA-WSWS requires screening of the following members:

- USA-WSWS board of directors and sport discipline boards of directors
- All USA-WSWS certified instructors/coaches
- Any participant (athlete) or staff of national or international teams (Team USA representing USA- WSWS)
  - Includes coaches, team leaders, managers, medical support staff or persons in position of influence or authority, or any independent contractor serving in such a role.
- Show ski team show directors and assistant directors
- Junior development coaches and leadership, or any independent contractor serving in such a role.
- Employees of USA-WSWS
- USA-WSWS judges (who are 18 and older) who are selected and approved by USA-WSWS or one of its Sports Disciplines to officiate at a National Championships event, or IWWF World Championships or Multi-Sports event, e.g. World Games, or

Pan American Confederation Titled Event, shall complete the Safe Sport training and background check as required by USA-Water Ski and Wake Sports. 1/22

- Any volunteer USA-WSWS formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes.
- Contracts with third-party vendors/contractors that are (a) in a position of authority over or (b) in regular contact with athletes must include the background check requirements set forth in this policy. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by USA-WSWS, to establish that the mandated background checks were conducted.
- When partnering with community organizations (i.e. YMCA, Boys and Girls Club) for events, USA-WSWS shall ensure that the partnership agreement includes language regarding background check requirements. The agreements shall also specify that certification must be provided by the community organization upon request by USA-WSWS to establish that the mandated background checks were conducted.

#### Screening Policy

It is USA-WSWS's policy that prior to the hiring of staff, awarding certification of instructors or designating any member into a position of influence or authority that each individual give consent to and passes a formal applicant screening process before performing or participating in USA-WSWS events and activities.

The background screen components will include a review of all criteria required under United States Olympic Committee criteria, including social security number validation, name and address history records, multi-jurisdictional criminal history searches, sex offender and national watch list checks, county criminal records for each location where the individual lives or has lived in the last seven years, federal district court records, and SafeSport disciplinary records. This background check is in addition to any motor vehicle records checks that may be required for USA-WSWS drivers. Full background checks will be conducted on all applicable individuals every two years, and supplemental, partial background checks will be conducted in the off years. All "full" and "supplemental" background checks shall meet or exceed USOPC Background Check requirements and search components.

Disqualifiers include the following:

A person should be disqualified and prohibited from serving as a volunteer if the person has been found guilty of the following crimes. Guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Prose, or dismissal.

#### **SEX OFFENSES**

- **All Sex Offenses** – Regardless of the amount of time since offense.  
**Examples include:** child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, child pornography, possession and distribution of obscene material, public indecency and any sex offender registrant, or any offense involving harm to a minor or vulnerable person

including but not limited to child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor.

#### **FELONIES**

- **All Felony Violence** – Regardless of the amount of time since offense.  
**Examples include:** murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.
- **All Felony offenses other than violence or sex** within the past 10 years.  
**Examples include:** drug offenses, theft, embezzlement, fraud, child endangerment, etc.

#### **MISDEMEANORS**

- **All misdemeanor violence** offenses within the past 7 years  
**Examples include:** simple assault, battery, domestic violence, hit & run, stalking, harassment, blackmail or threats. (Including crimes involving firearms)
- **Animal Abuse, cruelty, or neglect.**
- **Destruction of Property** including arson, vandalism, and criminal mischief.
- **Multiple misdemeanor drug & alcohol** offenses within the past 7 years.  
**Examples include:** driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
- **Any other misdemeanor** within the past 5 years that would be considered a potential danger to children or is directly related to the functions of that volunteer.  
**Examples include** contributing to the delinquency of a minor, providing alcohol to a minor, theft –  
if person is handling monies, etc.

## **Education and Training**

Education is a key component of any abuse and misconduct prevention strategy. Awareness training provides relevant participants with information necessary to monitor their organization, minimize the opportunities for abuse and misconduct, and respond to concerns more effectively. It is also a strong public statement that the organization places a priority on the safety of its participants.

To maintain a safe environment for USA-WSWS Participants, it is a requirement that the following

Participants complete every 12 months the “SafeSport Trained” Core training program (see below):

- All USA-WSWS active members 18 years old and older who compete or participate in sanctioned tournaments or have regular contact with any athlete or other participant who is a minor;
- Adult participants who have authority over any athlete or other participant who is a minor;
- Adult participants who are USA-WSWS or USA-WSWS club employees or board members.

- USA Waterski and Wake Sports will ensure that all HQ staff along with all board members are in compliance by completing SafeSport training every 12 months. If they do not do so, they are restricted from all activities pertaining to their role until the training has been completed.

"Whether or not included in these general categories, Participants serving in positions listed in the attached "USA Water Ski SafeSport Certification Requirements" chart must complete the "SafeSport Trained" Core training program (see <https://www.teamusa.org/usa-water-ski/athlete-safety>)."

It is also strongly encouraged that all USA-WSWS members familiarize themselves with the USA- WSWS SafeSport Program. The more awareness USA-WSWS members have about abuse and misconduct, the safer the sport will be.

USA-WSWS has adopted the U.S. Center for SafeSport's Core training materials as the official education and training program and as an available resource to its members. Any required SafeSport Core training must be completed immediately for the above listed Adult Participants:

- Before regular contact with an athlete or Participant who is a minor begins; or
- Within the first 30 days of initial membership, or upon beginning a new role subjecting the Adult Participant to this policy. 1/22

The above listed Adult Participants must (1) complete the SafeSport Trained Core training program (in its entirety) every four (4) years; and (2) complete a refresher course on an annual basis every other year, beginning the calendar year after first completing the SafeSport Trained core. Health Professionals serving as team physicians, safety clinic trainers, event safety director/official or in similar roles can take the Health Professionals Course (see <https://safesporttrained.org/#/public-dashboard> under Catalog) in lieu of the SafeSport Trained Core and are required to take the refresher courses on an annual basis if they are listed in the above criteria.

If a member has not completed the SafeSport™ Core training or required refresher course, their USA-WSWS membership status will appear as "Pending – SafeSport"; and the member will be unable to participate in sanctioned tournaments until the training is completed. New members will have 30 days upon registering to complete the training. Membership status during this period will appear as "Waiting – Need SafeSport" until the training is completed. If, after 30 days, training is not completed, membership status will become "Pending - SafeSport" and you will be unable to participate until training is completed. 1/22

Free Training is available to parents (including parents of minor athletes and Participants) and other Adult Participants regarding the prevention and reporting of child abuse.

See <https://safesporttrained.org/#/public-dashboard> under Catalog. Parents and other Participants are encouraged to take this training.

Free Training is available to minors regarding the prevention and reporting of child abuse,

subject to parental consent. See <https://safesporttrained.org/#/public-dashboard>. *Training other than the Core Center for SafeSport Training does not satisfy this policy.* Exemptions from this Education & Training Policy may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for SafeSport at [exemptions@safesport.org](mailto:exemptions@safesport.org).

The Center will work with USA-WSWS regarding appropriate accommodations for persons with disabilities and individuals with limited English proficiency to satisfy the training requirements herein. USA-WSWS will provide reasonable accommodations and track any exemptions for individuals with disabilities and individuals with limited English proficiency.

Certain jurisdictions in the United States may have mandatory training and testing that may apply to those who work or volunteer with youth athletes. All Covered Individuals must also comply with any state-mandated training and testing requirements.

## Reporting Abuse and Misconduct

USA-WSWS requires that violations of this policy including violations of Prohibited and Restricted Conduct, as well as suspicions or allegations of child physical or sexual abuse, be immediately reported. **USA-WSWS members should not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility of validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.**

### Reporting Child Physical or Sexual Abuse

All USA WSWS participants, staff, board members, and committee members require full compliance with applicable Federal law, State law, and the U.S. Center for SafeSport Code related to the mandatory reporting of child abuse or sexual misconduct.

All such allegations must be reported to the U.S. Center for SafeSport, as well as notification to USA-WSWS that the report was made. **Contact your local law enforcement authorities if you have a reasonable suspicion that child sexual abuse or neglect has occurred or have received a report of child sexual abuse or neglect. Reports or abuse not involving a minor may also be reported to local law enforcement authorities.** Information regarding state mandatory reporting laws may be found at; <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

### Reporting Other Policy Violations

Any other allegations or reports of sexual-related misconduct shall be reported to the U.S. Center for SafeSport, as well as notification to USA-WSWS that the report was made. **Contact your local law enforcement authorities if you have a reasonable suspicion that child sexual abuse or neglect has occurred or have received a report of child sexual abuse or neglect.**

Other non-sexual related misconduct or inappropriate behavior, including violations of the Minor Athlete Abuse Prevention policies should be reported to USA-WSWS as explained below.

### **Failure to Report**

It is the obligation of USA-WSWS members and member clubs to report suspicions or allegations of abuse or misconduct, including compliance with all state mandatory reporting laws

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/> If a person in authority knows, or should reasonably have known, that harassment or abuse may have occurred and fails to report it or take appropriate action as set out in this policy statement, that person may be subject to disciplinary action.

### **Retaliations or Threats of Reprisal**

USA-WSWS expressly prohibits retaliation before, during and after the process (whether led by the Organization or by the SafeSport Center) of resolving an abuse or misconduct allegation.

Retaliation or threats of reprisal against an individual for filing a complaint under this policy or for participating or assisting in any procedure under this policy will be considered harassment for the purpose of this policy. Further, any person who makes groundless allegations or complaints of abuse or harassment may be subject to disciplinary action.

### **Reporting Procedure**

If you are aware of or suspect any violation of USA-WSWS's policies on abuse and misconduct, you should do all the following. There are no costs or fees for making a report under this policy.

#### **1. Report the abuse to authorities.**

*If the abuse and misconduct is criminal in nature, contact the authorities immediately.*

In most states, you are obligated to bring this matter to the attention of local law enforcement or public child welfare organization and make a report. You must comply with all state mandatory reporting laws located on the USA-WSWS website in the menu tab >SafeSport

>Report A Concern; <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/ci>

#### **2. How to Report:**

To report to the U.S. Center for SafeSport, you may use the online reporting form at [www.safesport.org/report-a-concern](http://www.safesport.org/report-a-concern), or call (833) 5US-SAFE.

In the event there is suspicion or evidence of any form of sexual misconduct, physical misconduct, emotional misconduct, or violations of the MAAPP, all concerns can be reported either to the U.S. Center for SafeSport

<https://safesport.i-sight.com/portal>)” or by sending a report to the USA Waterski and Wake Sports Executive Director at [compliance@usawaterski.org](mailto:compliance@usawaterski.org). You may also file an anonymous report here: [https://docs.google.com/forms/d/e/1FAIpQLSfDDy-Av5zNBUBlt1ax7tzea05K6E9S5sB6HPjJi2WnjbwcNw/viewform?usp=send fo rm.](https://docs.google.com/forms/d/e/1FAIpQLSfDDy-Av5zNBUBlt1ax7tzea05K6E9S5sB6HPjJi2WnjbwcNw/viewform?usp=send_form)”

Although persons making a report under this policy are encouraged to identify themselves to assist in the investigation of the report, reporting persons have the option to report anonymously which will be located in the SafeSport >Report A Concern tab.-

<https://assets.contentstack.io/v3/assets/blteb7d012fc7ebef7f/blt5a9c8e867a87056c/USAWSWSMAAPPolicies.pdf>

### **Protection for Reporting Parties**

Although USA-WSWS will review all reports under this policy, anonymous reporting may make it difficult to properly investigate allegations. To the extent permitted by law, and as appropriate, USA-WSWS will keep confidential the complainant’s name on request, not make public the name(s) of potential victims, the accused perpetrator or the people who made a report of child physical or sexual abuse to local law enforcement authorities. Regardless of the outcome of a complaint, USA-WSWS will support the complainant and her/his right to express concerns in good faith. However, false complaints or complaints made in bad faith are prohibited and may subject the complainant(s) to disciplinary action depending on the nature of the allegation or complaint.

USA Water Ski expressly prohibits retaliation before, during, and after the process of resolving an abuse or misconduct allegation.

USA Water Ski shall not interfere in, attempt to interfere in, or attempt to influence the outcome of, any SafeSport Center investigation.

### **Complaints, Investigations and Adjudications**

All complaints or requests for investigations under USA-WSWS’s SafeSport policy (including complaints relating to the failure to report violations of this policy or to comply with state mandatory reporting laws, as discussed above) will be referred to the U.S. Center for SafeSport, which shall have the sole and exclusive authority and jurisdiction to investigate, conduct hearings, make preliminary rulings and issue final orders on complaints and requests for investigations under USA-WSWS’s Safe Sport Policy. In certain cases, the U.S. Center for SafeSport may decline to exercise its jurisdiction over the matter, in which case the matter will be referred to the USA-WSWS Judicial Committee for handling under Article IX of the USA-WSWS Bylaws (including all due process requirements and policies thereunder). In cases where the U.S. Center for SafeSport has accepted jurisdiction, the final decision of the U.S. Center for SafeSport shall be reported to the President of USA-WSWS and shall be binding upon and implemented by USA-WSWS.

For matters handled by USA-WSWS (in circumstances where the U.S. Center for SafeSport has declined to exercise jurisdiction over the matter), USA-WSWS may impose appropriate sanctions and penalties, including interim suspensions and

permanent expulsions from membership, following the procedures set forth in the USA-WSWS Bylaws and other applicable policies. Any sanctions imposed by USA-WSWS shall be proportionate and reasonable, relative to the findings and conclusions of USA-WSWS as to what has occurred and given consideration of the interest of USA-WSWS and its members to provide a safe environment for all participants in USA-WSWS activities, the nature and seriousness of the offense and its impact on the victim, and other information provided and considered by USA-WSWS relating to the complaint. Appropriate disciplines may range from a warning to a reprimand, to a membership suspension or limitation for a period of time, or to a permanent expulsion from membership, and any continued participation or reinstatement to USA-WSWS activities may be conditioned upon the completion of specified requirements.

### **Notification**

Following USA-WSWS's notice of a credible allegation that results in the imposition of sanctions against a member, USA-WSWS may provide such notifications as are deemed appropriate including notification of the other parties involved in the matter, publication of the sanctions, and/or notification of local law enforcement authorities.

# **Appendix A**

## **Organizational Requirements for Education & Training and Prevention Policies**

USA-WSWS will implement proactive policies designed to prevent abuse, as generally set forth in this Policy. These organizational requirements are described below.

### **A. Organizational Requirements for Education & Training**

1. USA-WSWS will track whether Adult Participants under its jurisdiction complete the required training listed in Part I.
2. USA-WSWS will, on an annual basis, offer and, subject to parental consent, give training to Minor Athletes on the prevention and reporting of child abuse.
  - a. For training to Minor Athletes, USA-WSWS will track a description of the training and how the training was offered and provided to Minor Athletes.
  - b. USA-WSWS is not required to track individual course completions of Minor Athletes.
3. USA-WSWS will, on an annual basis, offer training to parents on the prevention and reporting of child abuse.
4. In accordance with USA WSWS bylaws and SafeSport guidelines, ALL LOCs and event organizers must send direct communication of the Minor Athlete Abuse Prevention Policies (MAAPP) to all their event participants PRIOR to the event taking place. A copy of the MAAPP can be found here:  
<https://assets.contentstack.io/v3/assets/blteb7d012fc7ebef7f/blt5a9c8e867a87056c/USAWSWSMAAPPolicies.pdf>

### **B. Required Prevention Policies and Implementation**

1. USA-WSWS will require that its LAOs implement these policies within each LAO.
2. The Chair of the Ethics Committee shall be the Compliance Officer under these policies. In addition, the USA-WSWS President and the USA-WSWS Executive Director shall be informed of and have access to any reports under this policy.
3. USA-WSWS will implement these policies for all In-Program Contact.
  - a. At sanctioned events and facilities partially or fully under its jurisdiction, USA-WSWS will take steps to ensure the policies are implemented and followed.
  - b. For In-Program Contact that occurs outside a USA-WSWS's sanctioned event or facility under USA-WSWS' authority or jurisdiction, implementing these

policies means that USA-WSWS will:

- i. Communicate the policies to individuals under its jurisdiction;
  - ii. Establish and maintain a reporting mechanism for alleged violations of the policies and their disposition;
  - iii. Investigate and enforce violations of this Policy. See Appendix 1 of USA-WSWS Policies and Procedures Manual.
4. All reports received by USA-WSWS that are within the exclusive jurisdiction of the U.S. Center for SafeSport (the Center) will be referred directly to the Center immediately and no later than within 24 hours.
  5. USA-WSWS will promptly inform an identified reporting party of its jurisdictional determination regarding their report, communicating that the matter is either being referred to the Center or is being addressed by USA-WSWS.
  6. If USA-WSWS imposes any sanctions, temporary measures, or jurisdictional holds pursuant to this policy, USA-WSWS shall:
    - a. Notify all affected individuals or organizations within 72 hours
    - b. Implement a U.S. Center for SafeSport Quality Control system that prohibits those individuals with sanctions, temporary measures, or jurisdictional holds from participating in any event, program, activity, or competition authorize by, organized by, or under the auspices of USA-WSWS.
    - c. Report to the Center immediately and no later than within 24 hours any known or suspected incident of a Participant violating existing sanctions, temporary measures, or jurisdictional holds, and take prompt and effective action to ensure enforcement.
    - d. Report to the Center and no later than within 24 hours any instance of "Aiding and Abetting" as defined in the SafeSport Code.
    - e. Respond to requests from the Center within 72 hours for information on the eligibility status of a participant and the existence of USA-WSWS imposed temporary measures or safety plans. USA-WSWS shall not interfere in, or attempt to influence the outcome of, any Center investigation.
  7. USA-WSWS shall annually submit to the Center, using a Center-provided template, the following data:
    - a. For reports of emotional or physical misconduct made to USA-WSWS:
      - Total reported incidents of alleged emotional misconduct
      - Total reported incidents of alleged physical misconduct
      - Total number of investigations of alleged emotional and physical misconduct
      - Total number of violations for emotional and physical misconduct
      - Total number of violations for emotional and physical misconduct adjudicated by USA-WSWS' LAOs.

- b. For reports to USA-WSWS that a Participant violated the Minor Athlete Abuse Prevention Policies (MAAPP):
  - Total reported incidents of alleged violations of the MAAPP, by policy type
  - Total number of investigations of alleged violations of the MAAPP
  - Total number of violations of the MAAPP
  - Total number of violations of the MAAPP adjudicated by USA-WSWS LAO(s)
- c. For reports to USA-WSWS that a Participant engaged in retaliation:
  - Total reported incidents of alleged retaliation
  - Total number of investigations of alleged retaliation
  - Total number of violations of retaliation policy
  - Total number of violations of retaliation policy adjudicated by USA-WSWS LAO(s)

## USA WATER SKI WAKE SPORTS SAFE SPORT TRAINING AND BACKGROUND SCREENING REQUIREMENTS Effective January 31, 2022

USA-WS AWSA

NCWSA NSSA ABC USA-WB AKA NWSRA USHA WSDA

### MEMBERS

**Any member with regular contact with a minor (regardless of tournament participation) is required to take the SS training**

Individual/U25/Family/Grassroots Active 18+ Members -  
**Tournament Participants**

Individual/U25/Family/Grassroots 18+ Members - Do not  
participate in Tournaments and no regular contact with a  
minor

Guest 18+ Members

Supporting 18+ Members

All U17 Members (parental consent)

SS	SS	SS	SS	SS	SS	SS	SS	SS	SS
Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS
Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS
Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS

### HEADQUARTERS and SPORT DISCIPLINES

Profession I HQ Staff Certified Coach or Instructor

USA-WSWS Board of Directors USA-WSWS Committee

Members Sport Discipline Boards

Sport Discipline Committee Members

BG/SS	NA	NA	NA	NA	NA	NA	NA	NA	NA
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS

### CLUBS and PROGRAMS

Club/Team Board of Directors Club/Team Show Director

Club/Team Show Ass't Directors Club/Team Show Act

Captains Club/Team Volunteers

Junior Development Coaches Junior Development

Leadership Officials - Driver

Officials - Judge

Officials - Judges (selected and approved to officiate at a

National Championships event, or any IWWF World

Championships or Multi Sports event (e.g. World

Games), or Pan American Confederation Titled Event)

Officials - Safety / Safety Instructors

Officials - Scorer

NA	SS	SS	SS	SS	SS	SS	SS	SS	SS
NA	NA	NA	BG/SS	NA	NA	NA	NA	NA	NA
NA	NA	NA	BG/SS	NA	NA	NA	NA	NA	NA
NA	NA	NA	SS	NA	NA	NA	NA	NA	NA
NA	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS
NA	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
NA	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
MVR/SS	MVR/SS	MVR/SS	MVR/SS	MVR/SS	MVR/SS	MVR/SS	MVR/SS	MVR/SS	MVR/SS
SS	SS	SS	SS	SS	SS	SS	SS	SS	SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
SS	SS	SS	SS	SS	SS	SS	SS	SS	SS
SS	SS	SS	SS	SS	SS	SS	SS	SS	SS

### INTERNATIONAL TEAMS

Team Manager Team

Coach Team Medical

Team Support Staff Team

Athletes 18+

Team Athletes U-17

(parental consent)

Independent Athletes

BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS	BG/SS
Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS
Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS	Rec-SS

### KEY:

SS - Safe Sport Training Required

BG - Background Screening Required

MVR - MVR Screening Required AND Safe Sport

Rec-SS - Recommend Safe Sport Education and Awareness

NA - Not Applicable

\*SS only required for those 18+

## **APPENDIX X: SAFESPORT BACKGROUND SCREENING APPEAL POLICY AND PROCESS**

Members of USA Water Ski & Wake Sports (USA-WSWS) who are required to undergo Background Screening pursuant to USA-WSWS SafeSport Policy, and who do not meet the screening criteria, may appeal the screening failure following the procedures set forth below. This policy and process applies only to background screening, and does not apply to Motor Vehicle Record Reviews (for which there is no appeal except to challenge the accuracy of the reported information directly with NSCI).

Appeals may be initiated in two ways:

1. Challenging the accuracy of the reported information; or,
2. Acknowledging the accuracy of the reported information and requesting that the screening disqualification be limited or modified.

Any challenge to the accuracy of the reported information should be addressed directly to NSCI (the screening agency). The USA-WSWS Review Panel (see below) has no authority to amend or modify the screening criteria or the reported information.

A member receiving a screening failure may initiate an appeal of the resulting disqualification by the USA-WSWS Review Panel. Any appeal must be made within thirty (30) days after notice of the background screening disqualification.

The criteria for considering any appeal include:

- The age of the individual at the time the offense occurred.
- The amount of time that has lapsed since the offense occurred.
- The nature and severity of the offense, e.g., felony, misdemeanor, SafeSport violation.
- Overall criminal history, e.g., pattern of offenses.
- Status of any ongoing disqualifying matter, e.g., resolution of a matter which may be pending.
- Evaluation of whether an individual may pose a threat to athlete welfare or sport integrity.
- Consideration of the role sought by the member, and how that role relates to potential issues of athlete safety or sport integrity, e.g., coach or event judge.
- Consistent policy application, including similar judgments on appeal for similar offenses.

As a general policy, the presumption is that the background screening disqualification will be upheld unless the member establishes by clear and convincing evidence that the member will not pose any issues of athlete safety or sport integrity if the appeal is granted.

To initiate an appeal, the member must:

- Email USA-WSWS ([compliance@usawaterski.org](mailto:compliance@usawaterski.org)) with the subject line "Background Check Appeal".
- Provide the full name, contact information, and a description of the role/position/rating the applicant is seeking with USA-WSWS.
- Provide a reasonable explanation of the disqualifying information, along with any information that might be useful for the appeal, including references from others.

The appeal will be decided by USA-WSWS' Review Panel, consistent with this Policy and all applicable policies of the United States Olympic & Paralympic Committee (USOPC). The Review Panel will consist of three members, USA-WSWS' Executive Director, USA-WSWS' President, and a member of the USA-WSWS Athletes Advisory Council (AAC). In the event of a conflict of interest, the Chair of the USA-WSWS Ethics Committee will appoint a substitute Review Panel member (for the Executive Director or President), and the Chair of the AAC will appoint a substitute Review Panel member (for the AAC representative). The USA-WSWS Ethics Committee shall have oversight of the process.

The Review Panel will schedule a hearing as soon as practical. The appealing party may participate by conference or video call, and may be represented by legal counsel. The Review Panel will make every effort to render a decision within three (3) business days. Any decision to amend or modify the screening disqualification must be by a unanimous decision of the Review Panel. USA-WSWS shall immediately notify the United States Olympic & Paralympic Committee of any decision to amend or modify the screening disqualification.

The decision of the Review Panel shall be final. Any further appeal shall be to the American Arbitration Association pursuant to the United States Olympic & Paralympic Committee's arbitration and appeals procedures.

USA-WSWS staff will update the contact information within its SafeSport Handbook and related policies to current staff and hyperlink changes.