

## APPENDIX S

### WHISTLEBLOWER AND ANTI-RETALIATION POLICY

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

#### ARTICLE 1

##### 1.01 Purpose:

This Whistleblower and Anti-Retaliation Policy (Appendix S) is intended to support a strong culture of integrity and ethical conduct within the USA Artistic Swimming (“USAAS”) community by encouraging, valuing, and protecting good faith reporting of any alleged violation of any applicable law, policy, or potential ethics issue. The purpose of this policy is threefold:

- A. To clarify that USAAS will not tolerate fraudulent or dishonest conduct and/or compliance violations by its employees, board of director’s members, USAAS members, committee members, volunteers, or contractors.
- B. To set forth the process for handling allegations of such conduct, as defined in Section 1.01 A above.
- C. To affirm that Whistleblowers and Good Faith Reporters will not face retaliation for good faith reporting of such conduct, as defined in Section 1.01 A above.

##### 1.02 Definitions:

- A. **Protected Individual(s):** This Appendix S, as well as the protection it provides, applies to the following individuals (“Protected Individual(s)”):
  - USAAS Employees;
  - Members of the USAAS Board of Directors (“Board of Directors”);
  - USAAS Members;
  - USAAS Committee Members;
  - Volunteers; and
  - Contractors.

**Note:** Applicable to USAAS Athlete Representatives serving in one (or more) of the above-mentioned categories.
- B. **Whistleblower:** A Protected Individual who informs a manager, supervisor, the USAAS Executive Director (“Executive Director”), or USAAS President (“President”) about an activity which that individual believes to be a violation as defined in Section 1.03 below.
- C. **Good Faith Reporter:** A Good Faith Reporter or other reasonable party (i.e., witness or victim, etc.) not otherwise listed in Section 1.02 A. above are protected under this policy.
- D. **Acting in Good Faith:** Individuals reporting a perceived violation shall have some reasonable basis for believing there may be a violation. Knowingly making a false allegation is a violation of this policy.
- E. **Fraudulent or Dishonest Conduct:** A deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:
  1. Forgery or alteration of documents related to USAAS business.
  2. Unauthorized alteration or manipulation of USAAS computer files.
  3. Fraudulent financial reporting by USAAS officials or employees.
  4. Pursuit of a benefit or advantage in violation of USAAS Conflict of Interest Policy (Appendix U).
  5. Misappropriation or misuse of USAAS resources, such as funds, supplies, or other assets.

6. Authorizing or receiving compensation from USAAS for goods not received or services not performed.
  7. Authorizing or receiving compensation from USAAS for hours not worked.
- F. **General Retaliation:**
1. USAAS has zero tolerance for retaliation against a Whistleblower or Good Faith Reporter who makes good faith reports of potential violations.
  2. USAAS may not retaliate against an employee or contractor with the intent or effect of adversely affecting the terms or conditions of employment or other contractual rights including, but not limited to, threats of physical harm, loss of job, punitive work assignments, impact on salary or wages, or impact on contractual payments.
  3. No action, or threat of action, shall be taken against an Athlete Protected Individual as a reprisal for disclosing information to, or seeking assistance from, the United States Olympic and Paralympic Committee (“USOPC”) Office of the Athlete Ombuds as outlined in Section 220509(b)(5) of the Ted Stevens Olympic and Amateur Sports Act (“Act”).
- G. **Athlete SafeSport Retaliation:** Pursuant to Section 220501(b)(11) of the Act, “any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including, but not limited to, removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a Protected Individual as a result of any communication including, but not limited to, the filing of a formal complaint by the Protected Individual, or a parent or legal guardian of the Protected Individual, relating to the allegation of physical abuse, sexual harassment and/or sexual misconduct, or emotional abuse, or other reported alleged violation with:
- the U.S. Center for SafeSport;
  - a coach, trainer, manager, administrator or official associated with USAAS;
  - the U.S. Attorney General;
  - a Federal or State law enforcement authority;
  - the Equal Employment Opportunity Commission; or
  - Congress.”

**1.03 Violations:** This policy is for use where there may be a violation of the following:

- A. Compliance with the Act.
- B. Compliance with USOPC By-Laws, Policies and Procedures.
- C. Compliance with USAAS Code, Policies and Procedures.
- D. Compliance with State and Federal Laws.
- E. Compliance with the U.S. Center for SafeSport Policies and Procedures.
- F. Compliance with the U.S. Anti-Doping Agency (“USADA”) Policies and Procedures.
- G. Knowingly making false allegations.

**1.04 Reporting an Alleged or Suspected Violation:**

- A. **Report:** USAAS encourages reporting of alleged or suspected violations. This policy does not change or replace the mandatory reporting obligations consistent with the USAAS Athlete Safety Policy (Appendix Q). In addition, if criminal activity is suspected against an individual or property, it is a requirement to report violations directly to law enforcement immediately. Refer to Appendix Q.

Any possible violations shall be reported to the Executive Director or President.

**Executive Director Phone:** (719) 866-2219  
**Executive Director Email:** ceo@usaartisticswim.org  
**President Email:** president@usaartisticswim.org

- B. **Confidentiality:** USAAS has an obligation to investigate alleged violations. Reports will be treated as confidentially as possible. There is no such thing as an “unofficial” or “off the record” report. USAAS will keep the Whistleblower or Good Faith Reporter’s identity confidential, unless:
1. The individual agrees to be identified;
  2. Identification is necessary to allow USAAS or law enforcement officials to investigate or respond effectively to the report;
  3. Identification is required by law; or
  4. The individual accused of policy violations is entitled to the information as a matter of legal right in disciplinary proceedings.
- C. **Reporting by USAAS Managers and Supervisors:**
1. USAAS managers and supervisors (“managers and supervisors”) are required to report suspected violations to the Executive Director or President. In addition, managers and supervisors are responsible for maintaining a system of management controls which detect and deter potential violations. Failure to report a violation within the scope of this policy by a manager or supervisor may result in adverse personnel action against the manager or supervisor, up to and including dismissal.
  2. Reasonable care should be taken in dealing with suspected misconduct to avoid:
    - a. False allegations.
    - b. Premature notice to individuals suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation.
    - c. Violations of an individual’s rights under law. Accordingly, a manager or supervisor faced with suspected misconduct should:
      - Not contact the individual suspected to further investigate the matter or demand restitution.
      - Not discuss the case with anyone other than the Executive Director or President, as appropriate.
      - Direct all inquiries from any attorney retained by the suspected individual to the Executive Director or USAAS General Counsel.
      - Direct any inquiries from the media to the Executive Director.

### 1.05 Enforcement:

- A. **Investigation:** Pursuant to USAAS Grievance Procedures (Appendix K), the USAAS Ethics Committee will investigate reported alleged violations of this policy.
- B. **Final Determination of Investigation:** Upon review of the USAAS Ethics Committee’s report and recommendation, the Executive Director, President and Board of Directors shall determine the final outcome and decision of the investigation as required by Appendix K.
  1. **Employment Suspension/Termination:** If a USAAS employee has retaliated against a Protected Individual, the employee shall be immediately terminated or suspended without pay, as required by Section 220509(c)(2) of the Act.
- C. Enforcement will be executed by disinterested party(ies).

### 1.06 Whistleblower Protection:

Whistleblowers who believe that they have been retaliated against may file a grievance with the Executive Director or President, pursuant to Appendix K. This protection from retaliation is not intended to prohibit the Executive Director, or managers and supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

**1.07 Points of Contact and Resources:**

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

**Phone:** (719) 866-2219

**Email:** ceo@usaartisticsswim.org

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

**USOPC Integrity Hotline:** (877) 404-9935

**USOPC Integrity Portal:** <https://usopc.ethicspoint.com>

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

The USOPC Athlete Ombuds (“Athlete Ombuds”) provides cost-free, independent and confidential advice regarding athlete rights; resolving disputes or grievances; and any sport rule, policy, or process, including USAAS-athlete agreements, codes of conduct or Team selection procedures. The Athlete Ombuds can also help athletes connect with legal counsel or mental health resources, if needed. The Athlete Ombuds may be contacted at:

**Phone:** (719) 866-5000

**Email:** ombudsman@usathlete.org

**Website:** [www.usathlete.org](http://www.usathlete.org)