



CONFLICT OF INTEREST POLICY

OF

UNITED STATES ASSOCIATION OF BLIND ATHLETES

[Ethics Committee is tasked with reviewing and evaluating potential conflicts of interest]



SECTION 1. PURPOSE

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

A “**Conflict of Interest**” or “**Conflict**” exists when an Affiliated Individual’s activities or interests interfere with or have the potential to interfere with or influence his or her responsibilities on behalf of the USABA or undermine the interests of the USABA. An Affiliated Individual “**conflict of interest**” also exists in the context of athlete or team selection when an Affiliated Individual participates in a selection decision that involves or impacts an athlete with whom the Affiliated Individual has a direct or indirect relationship, or when an Affiliated Individual participates in a benefits or services allocation decision that directly impacts the Affiliated Individual.

This policy does not attempt to provide an exhaustive list of every possible circumstance that might give rise to a conflict of interest but provides examples of situations or “**transactions**” where potential conflicts of interest often arise. A “**transaction**” is any contract, transaction, agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a grant or loan, or the establishment of any other financial relationship with USABA.

SECTION 2. APPLICABILITY OF POLICY

This Conflict of Interest Policy applies to all USABA Affiliated Individuals. “**Affiliated Individuals**” include, but are not limited to, members of USABA’s Board of Directors (the Board of USABA), officers, committee members, task force members, hearing panel members, employees, and volunteers. This Policy shall be posted on USABA’s website.

SECTION 3. AREAS IN WHICH CONFLICTS MAY ARISE

Conflicts of interest often arise due to the relationships Affiliated Individuals have with the following third parties: (1) Persons or entities supplying goods and services to USABA; (2) Persons or entities leasing property or equipment to USABA; (3) Persons or entities with whom USABA is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities or other property; (4) Competing or affinity organizations; (5) Donors and others supporting USABA; (6) Agencies, organizations, and associations which affect the operations of USABA; or (7) Family members, friends, and other employees. A “**Family Member**” is defined as a spouse, domestic partner, parent, parent of spouse/domestic partner, child, stepchild, child of a domestic partner, sibling, or the sibling of a spouse/domestic partner of an Affiliated Individual.

Potential conflicts of interest often arise when Affiliated Individuals have an interest, direct or indirect, with any persons or entities mentioned above. The list below is not intended to be an all-inclusive list of every instance that may create a potential conflict of interest, but, rather, is simply a sample of the types of relationships

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and activities that may give rise to a conflict of interest. If an Affiliated Individual or other disclosing individual has any question as to whether a relationship or activity may create a conflict of interest, a disclosure must be made. Activities of Family Members are considered to be activities of the Affiliated Individuals for purposes of determining conflicts of interest. Examples of potential conflicts of interest are listed below:

- 1) 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 **USABA**.

EXAMPLE: A **USABA** board member owns a 70 percent interest in a company seeking to enter into a contract with **USABA** to provide consulting services.

- 2) 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, whereby the outside business provides goods or services to **USABA**, the USOPC, or any other NGB. In addition, an officer of **USABA** is prohibited by law from serving as an officer of any other NGB.

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

- 3) Affiliated Individual or a Family Member holds office, serves on the board, participates in management, or otherwise is employed (or formerly employed) with any third party dealing with **USABA**.

EXAMPLE: A **USABA** board member is the CEO of a technology company negotiating a contract with **USABA** to provide IT services.

- 4) Receiving remuneration for services concerning individual transactions involving **USABA**.

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

- 5) Affiliated Individual uses **USABA** time, personnel, equipment, supplies, or goodwill for anything other than **USABA**-approved activities, programs, and purposes.

EXAMPLE: A **USABA** employee uses a **USABA** vehicle for a personal road trip.

- 6) Affiliated Individual solicits or receives personal gifts, loans, gratuities, or discounts from third parties in violation of **USABA** Gift & Entertainment Policy. No personal gift of money should ever be accepted.

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

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



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

EXAMPLE: A **USABA** board member agrees to promote another NGB in negotiations with potential sponsors or licensees.

- 8) Affiliated Individual or a Family Member has a business relationship with a sponsor, supplier, licensee, or vendor of **USABA** (for a current list of **USABA** sponsors, suppliers, and licensees, go to <https://www.usaba.org/about-us/sponsors-partners/>)

EXAMPLE: A **USABA** employee's spouse or family member provides legal services to a **USABA** sponsor.

- 9) Affiliated Individual awards **USABA** business to, or provides favorable treatment to, a business owned or controlled by a volunteer, family member, or personal friend.

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

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

EXAMPLE: The athlete representative assisting with drafting, voting on, and/or signing the procedures is also competing for a spot on the team for which the procedures are written.

- 11) Affiliated Individual has activities or interests, whether direct or indirect, that interfere with or influence, or have the potential to interfere with or influence, their responsibilities on behalf of **USABA** or to undermine the interests of **USABA**.

EXAMPLE: A **USABA** board member has a significant client who owns or operates a facility being considered as the host of a **USABA** event.

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



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

SECTION 4. MANAGEMENT AND INTERPRETATION OF THIS CONFLICT OF INTEREST POLICY

The areas of conflicting interest and relations in those areas which may give rise to a conflict, as listed in Section 3, are not exhaustive. Affiliated Individuals should disclose all relationships and activities which may give rise to a potential conflict of interest, whether or not listed expressly in Section 3.

However, disclosure of a conflict or potential conflict of interest does not necessarily prohibit involvement in the disclosed activity or with the USABA. For example, the conflict might not be material enough to be of practical importance, or if it is material, it might be possible for the USABA and Affiliated Individual to implement appropriate mitigating measures upon full disclosure of all relevant facts and circumstances. However, it is USABA policy that the existence of any of the interests described or similar to those described in Section 3 shall be disclosed before any transaction is consummated or any vote taken on an action, contract, relationship, or decision that would give rise to the potential conflict of interest. It shall be the continuing responsibility of each Affiliated Individual to scrutinize his/her transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

Management of Conflict of Interest Policy

As set out below, this Policy is managed primarily by the Ethics Committee. All communications with the Ethics Committee may be directed to the staff liaison to the Ethics Committee:

Molly Quinn
(719) 866-3220
mquinn@usaba.org

For Athletes With Questions Regarding This Conflict of Interest Policy:

The Athlete Ombudsman provides cost-free, independent and confidential advice regarding athlete rights; resolving disputes or grievances; and any sport rule, policy, or process, including NGB-athlete agreements, codes of conduct or team selection procedures. The Athlete Ombudsman can also help athletes connect with legal counsel or mental health resources if needed. Athletes may contact the Athlete Ombudsman at:

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



SECTION 5. DISCLOSURE POLICY AND PROCEDURE

The Ethics Committee shall ensure that disclosure forms submitted by each person required to submit the forms, and shall review the forms to determine whether any conflicts of interest exist that would disqualify the person making the disclosure from serving USABA in the capacity in which the disclosure is submitted. For example, if the Committee determines that an officer of USABA is also serving as an officer of another NGB, the Ethics Committee shall inform the Board of Directors that the individual is disqualified from serving as a USABA officer for that reasons. In addition, the Ethics Committee shall review potential transactional conflicts as set out herein. This review shall include the review of forms submitted by the members of the Board of Directors and the Chief Executive Officer or Executive Director.

In addition to the mandatory disclosures required from each Affiliated Individual under Section 10 and Section 11 of this policy, any individual with a good faith belief that an Affiliated Individual has a conflict of interest may notify the **USABA** Ethics Committee of such perceived conflict according to the procedures set forth below. Such notice may be provided anonymously. Furthermore, should any Affiliated Individual become aware of any undisclosed conflict of interest, or any conflict of interest not fully disclosed, such person should make full disclosure of their knowledge of the conflict of interest involved to **USABA** Ethics Committee.

After disclosure of the conflict or potential conflict of interest and all material facts, and after any discussion with the interested person and any other relevant party, the Ethics Committee shall decide if a conflict of interest exists under to the procedures outlined in Section 6 and Section 7 below, as applicable, and if there are mitigating measures that could be implemented to permit **USABA** to move forward with the transaction or activity.

Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following, at a minimum, are observed:

- 1) The conflicting interest is fully disclosed;
- 2) The Affiliated Individual recuses themselves from any discussion and approval of such transaction;
- 3) A competitive bid or comparable valuation exists; and
- 4) The Ethics Committee has determined that the transaction is in the best interest of the organization according to Section 6 below.

SECTION 6. PROCEDURES FOR ADDRESSING POSSIBLE CONFLICTS OF INTEREST CONCERNING [NGB] TRANSACTIONS OR BUSINESS



In the event a possible conflict of interest exists concerning a proposed transaction, promptly and before any decision is made regarding the proposed transaction, the proposed transaction shall be addressed as follows:

- 1) The interested person may make a presentation to the Ethics Committee, which may be convened telephonically, regarding the transaction or arrangement involving the potential conflict of interest.
- 2) The Ethics Committee shall review alternatives to the proposed transaction or arrangement as presented to the Ethics Committee by the board, staff, or relevant committee.
- 3) After exercising due diligence, the Ethics Committee shall determine whether **USABA** can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- 4) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Ethics Committee shall determine by a majority vote whether the transaction or arrangement is in **USABA's** best interest, for its benefit, and whether it is fair and reasonable. In conformity with the above determination, the Ethics Committee shall inform the board or committee whether there is a conflict of interest precluding **USABA** from entering into the transaction or arrangement, or if there are mitigating measures that may be implemented to alleviate concerns regarding the potential conflict of interest.

In the event the potential conflict of interest does not involve a transaction between **USABA** and a third party, the potential conflict will be addressed as follows:

- 1) The interested person may make a presentation to the Ethics Committee, which may be convened telephonically, regarding the transaction or arrangement involving the possible conflict of interest.
- 2) The Ethics Committee will coordinate with the interested person and others, as necessary, to determine whether the potential conflict is one precluding the interested person from taking certain actions, or if there are mitigating measures that may be implemented to alleviate concerns regarding the potential conflict of interest.

SECTION 7. PROCEDURES FOR ADDRESSING POSSIBLE CONFLICTS OF INTEREST IN DRAFTING SELECTION PROCEDURES AND ATHLETE / TEAM DISCRETIONARY SELECTION

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

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



(1) The Interested Person may make a presentation to the Ethics Committee, which may be convened telephonically, regarding the potential conflict of interest.

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

(3) There may also be instances where even if the Ethics Committee determines that a conflict exists, the individual can still participate in the entire process. For example, in a sport where a national team coach has worked with all athletes equally in the past, and no bias can be shown toward any one particular individual, then it may be permissible for that national team coach to participate in the process.

(4) While a conflicted committee member may provide objective data and recommendations to assist the unconflicted Affiliated Individuals, in no instances will a conflicted committee member attempt to unduly influence other members of the committee in the selection process.

Additionally, any person (including any potentially impacted athlete or coach of a potentially impacted athlete) with a good faith belief that an Affiliated Individual involved in the team or athlete selection process has a conflict of interest may report the alleged conflict of interest to USABA's Ethics Committee. Reports may be made anonymously. Before the selection process may proceed further, the Ethics Committee will:

(1) obtain a statement from the Affiliated Individual with the potential conflict of interest regarding the nature of his/her interest in the selection process;

(2) obtain a statement from the reporting party regarding the perceived nature of the conflict of interest, if the report was not made anonymously;

(3) exclude from further deliberations both the Affiliated Individual involved in the selection process and the reporting party;

(4) determine whether the Affiliated Individual with the alleged conflict of interest has a conflict of interest; and

(5) if a conflict of interest is determined to exist, either mandate the individual's recusal from the process or determine to what extent, if any, that individual can participate in the process.

If the Affiliated Individual is recused and a vacancy on the committee exists, either in the drafting process or on the discretionary selection committee, **USABA** shall use its best reasonable efforts to fill that vacancy. If a



vacancy results in the athlete representative position, another athlete representative who meets the qualifications for that committee shall be appointed and approved by a representative group of athletes.

SECTION 8. VIOLATIONS OF THE CONFLICTS OF INTEREST POLICY

- 1) If the Ethics Committee has reasonable cause to believe an Affiliated Individual has failed to disclose actual or possible conflicts of interest, it shall promptly inform the Affiliated Individual of the basis for such belief and allow the member to explain the alleged failure to disclose.
- 2) If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Ethics Committee determines the Affiliated Individual has failed to disclose the conflict or potential conflict of interest, it shall take appropriate disciplinary and corrective action. The Ethics Committee's decision shall be final.
- 3) While any such failure to disclose a conflict or potential conflict of interest is under investigation, the Affiliated Individual shall be precluded from engaging in further decisions of **USABA** that bear any relation whatsoever to the matter that is the subject of the conflict or potential conflict of interest.
- 4) All investigations, proceedings and actions undertaken by the Ethics Committee shall be undertaken by disinterested persons – that is, by persons who do not themselves have any conflict of interest in participating in the investigation, proceeding, or action.

SECTION 9. RECORDS OF PROCEEDINGS AND DISCLOSURES IN BOARD MEETINGS:

The minutes of the Ethics Committee meetings shall contain:

- 1) The names of the persons who disclosed or otherwise were found to have an actual or possible conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, and the Ethics Committee's decision as to whether a conflict of interest existed; and
- 2) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, or selection process, the content of the discussion (including, but not limited to, an analysis of the fairness and reasonableness of the transaction or arrangement in question, or the fairness of having the individual participate in the selection process), including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

In addition, at the beginning of each Board meeting, Board members shall expressly disclose any conflicts of interest concerning any matters to be taken up by the Board during that meeting, which disclosures shall be noted in the minutes of the Board meeting.

SECTION 10. ANNUAL DISCLOSURE STATEMENTS



Each Affiliated Individual shall annually sign and submit to the Ethics Committee and USABA's [CEO/General Counsel/Designee] a statement, using the form attached hereto, affirming that they:

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

Any actual, perceived, or potential conflict of interest should be disclosed in the annual statement.

Any new **USABA** employee shall submit a conflict of interest disclosure statement within 14 days of his or her hiring by USABA. Any other new Affiliated Individual shall submit a conflict of interest disclosure statement by the earlier of 14 days after his or her appointment or his or her first board, committee, or task force meeting. In no event shall an Affiliated Individual participate in any decisions to commit **USABA** to a proposed transaction or in athlete or team selection procedures before submission of his or her conflict of interest disclosure statement.

USABA shall maintain copies of all Annual Statements submitted under this Section 10 in accordance with its document retention policies and procedures.

SECTION 11. PERIODIC STATEMENTS / UPDATES

In addition, each director, officer, committee member, task force member, hearing panel member, and employee shall submit to the Ethics Committee a signed statement as necessary describing any new potential conflicts of interest as and when such potential conflicts of interest arise. **USABA** shall maintain copies of all periodic statements or updates submitted under this Section 11.

SECTION 12. ANTI-RETALIATION POLICY

No individual who in good faith reports a violation of this Conflict of Interest Policy or participates in providing information concerning potential conflicts of interest shall suffer harassment, retaliation or adverse consequences. "Retaliation" as used in this policy includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in USABA's activities or processes when the action is reasonably related to the report or engagement with USABA. Retaliation may be present even where there is a finding that no violation occurred, but "retaliation" does not include good-faith actions lawfully pursued in response to a report of a violation.



USABA CONFLICT OF INTEREST DISCLOSURE STATEMENT

I, _____, am a member of **USABA** and serve in the following role(s):

- Board of Directors
- Committee Member
Please specify which committee(s) _____
- Task Force Member
Please specify which task force(s) _____
- Hearing Panel Member
Please specify which hearing panel(s) _____
- Employee
- Volunteer
- Selection Committee
- Athlete Representative
- Other _____

I attest to the following:

- I have received the **USABA** Conflict of Interest Policy (the “Policy”).
- I have read and understand the Policy.
- I agree to comply with the Policy.
- I understand that **USABA** is a charitable organization and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.
- If I am an officer of **USABA**, I cannot serve as an officer of any other NGB.

1. Do you or a Family Member own stock or hold debt or other proprietary interests in any third party dealing or who may potentially deal with **USABA**?



YES

NO

If yes, please describe who holds the proprietary interest, their relationship to you, what proprietary interest they hold, and what dealings they have or might have with the **USABA**:

2. Do you or a Family Member own a business, maintain a second job, or provide goods or services under an agreement by which the outside business provides goods or services to **USABA**, the USOPC, or another agency serving the blind?

YES

NO

If yes, please describe who provides the goods or services, their relationship to you, to whom the goods or services are provided, and a description of the goods or services:

3. Do you or a Family Member hold office, serve on the board, participate in management, or are otherwise employed (or formerly employed) with a third party dealing with **USABA**?

YES

NO

If yes, please describe who holds the position, their relationship to you, what position they hold, and details about their dealings with the **USABA**:

4. Do you or a Family Member act as an agent, representative, or consultant to a business whose interests may conflict with the interests of **USABA**?



YES

NO

If yes, please describe who serves as the agent, representative, or consultant, their relationship to you, and the business interests they might have that conflict with the interests of **USABA**

5. In the past year, did you or any of your Family Members receive, or become entitled to receive, directly or indirectly, any personal benefits from **USABA** or as a result of your relationship with **USABA**, that in the aggregate could be valued more than \$5,000.00 that were not or will not be compensation directly related to your duties to **USABA**?

YES

NO

If yes, please describe the benefit(s), and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

6. Are you or any of your Family Members a party to or do you or your Family Members have an interest in any pending legal proceedings involving **USABA**?

YES

NO

If yes, please describe the proceeding(s), and, if a Family Members was involved, the identity of the Family Member and your relationship to that person:



7. If you are on an athlete selection committee, are you affiliated with an athlete competing for a spot on the team, are you an athlete competing for a spot on the team, do you coach an athlete who is competing for a spot on the team, or do you have an immediate family member, employee, or colleague who is otherwise participating in the competition for which the selection committee has been convened?

YES

NO

If yes, please describe the identity of the affiliated person, athlete, or person involved in or impacted by the selection proceedings in question, and your relationship to that person:

8. Do you or a Family Member have a business relationship with a sponsor, supplier, licensee or vendor of USABA?

YES

NO

If yes, please describe who has the business relationship and which sponsor, supplier, licensee or vendor the relationship is with:

9. Are you aware of any other events, transactions, arrangements or other situations that have occurred or may occur in the future that you believe should be examined by USABA’S Ethics Committee under the terms and intent of USABA’S Conflict of Interest Policy?

YES

NO

If yes, please describe the situation(s):



I HEREBY CONFIRM that my responses to the above questions are complete and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this disclosure is inaccurate or that I have not complied with this policy, I will notify the Ethics Committee immediately.

Print Name: _____

Signature

Date