

# US Olympic & Paralympic Committee Policy



**Policy Name:** Anti-Bribery and Anti-Corruption Policy

**Date of Issuance:** December 16, 2021

**Policy Owner:** Chief Ethics and Compliance Officer

**Applies to:** All USOPC Board Members, Committee Members, Staff, Volunteers, and NGBs

## Purpose:

To support a culture of strong ethical conduct and protect the integrity of the USOPC and the broader Olympic and Paralympic movement, the Anti-Bribery and Anti-Corruption Policy defines bribery and the anti-corruption principles all individuals affiliated with USOPC must follow and provides guidance to assist in identifying and reporting instances of bribery and corruption.

## Policy Statement:

The United States Olympic & Paralympic Committee believes in promoting and sustaining a culture of integrity throughout the U.S. Olympic and Paralympic movement. To that end, the USOPC requires that all USOPC Team Members recognize and avoid any activity that constitutes bribery or corruption under international, federal, and state laws, including the Foreign Corrupt Practices Act (FCPA). For the purposes of this policy, the term “USOPC Team Member” includes all USOPC employees, board members, officers, committee members, task force members, hearing panel members, and volunteers. Contractors and vendors are referred to collectively as “contractors.”

A violation of anti-bribery and anti-corruption laws can lead to severe civil and/or criminal penalties for both the USOPC and the USOPC Team Member(s) involved. It is imperative that USOPC Team Members and third parties understand their obligations under this policy.

### 1. Definitions

A bribe is any attempt to persuade any individual or entity to act in one’s favor, for personal or business reasons, by providing that individual or entity with money, any item of value, or any other inducement. A bribe may be directed toward a government official or a private sector individual or entity. Under U.S. federal law, it is illegal to offer or accept government or private sector bribes.

Corruption is the abuse of power by an official or an employee entrusted with decision-making authority for personal gain.

A third party is an individual or entity that the USOPC has a current or prospective business relationship with and includes both commercial and international relationships, e.g., National Governing Bodies, International Federations, National Organizing Committees, the International Olympic Committee, and the International Paralympic Committee.

### 2. Prohibited Conduct

The USOPC does not tolerate bribery or corruption in any form. USOPC Team Members must never offer or accept a bribe in exchange for any advantage for themselves, a relative or close associate, or for the USOPC.

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USOPC Team Members must also not engage in corruption or engage in any dealings which someone could perceive as corrupt.

USOPC Team Members must abide by all applicable anti-bribery and anti-corruption laws in the United States and in any country in which the USOPC is conducting business, as well as the USOPC's rule relating to government officials in its [Gifts and Entertainment Policy](#).

All third parties of the USOPC, including, but not limited to, consultants, contractors, and contingent workers, are also prohibited from engaging in bribery or making otherwise corrupt payments on behalf of the USOPC. If you retain a third party that is based in a high risk jurisdiction (defined as a jurisdiction receiving a score of 60 or less on the [Transparency International Corruption Perception Index](#)), and / or a third party who conducts lobbying, obtains licenses, permits or other government approvals, or provides consulting services and who may interact with government officials must contact the Compliance team so appropriate diligence can be conducted.

## 3. International Relations

Some USOPC Team Members, NGB staff and volunteers, and in certain cases third parties acting on our behalf, interact with the international community, including the International Olympic Committee (IOC), the International Paralympic Committee (IPC), International Sport Federations (IFs), National Olympic Committees (NOCs), and athlete commissions. These interactions include but are not limited to negotiating business terms; interactions with Games hosts; bidding for and hosting international events, meetings, and congresses; serving on international commissions; and attending international meetings or events.

All persons listed above and those acting on our behalf must follow USOPC rules and the rules of the international entity with which we interact relating to gifts and the exchange of sensitive, proprietary information, and must also avoid even the appearance of impropriety. It is important to note in many instances that the gifting threshold for an international entity is even more stringent than USOPC policy. For instance, Article 4 of the IOC's Code of Ethics limits IOC members and third parties to receiving or accepting only tokens of a nominal value, *e.g.*, pen, pin, to avoid perceptions of partiality or lack of integrity.

The USOPC is also responsible for entities organizing the Olympic and Paralympic Games in the United States, as well as those bidding for a future Games, and persons acting on those entities' behalf. Host and bid entities have defined rules of conduct that reflect the requirements of the IOC, the IPC, and the recommendations outlined in Congress's 1999 Report of the Special Bid Oversight Commission, commonly referred to as the Mitchell Report. More specifically, the USOPC prohibits a United States bid or organizing committee from participating in any process that assists IOC or IPC members, their designees, or other international organizations. A United States organizing committee is also prohibited from engaging in such conduct for two years after the organizing committee has ceased to operate as the host city of the Olympic and Paralympic Games.

## 4. Recognizing Bribery and Corruption Risk

It is important that USOPC Team Members know how to recognize situations that are a higher risk for bribery and corruption. This section includes some examples of where USOPC Team Members may be exposed to bribery or corruption, but it is not comprehensive. USOPC Team Members must recognize and reject bribery and corruption in all forms.

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## **A. Direct Bribery and Corruption Risk**

### *i. Contact with government officials*

- a. A USOPC Team Member attempts to solicit a government official's support for a USOPC initiative by promising that government official event tickets at an Olympic or Paralympic Games. It does not matter whether the government official accepts the tickets; the attempt alone constitutes a violation of law.

### *ii. Contact with current or prospective business partners*

- a. A USOPC Team Member is offered cash, entertainment, or a gift by a vendor to influence a contracting decision so that the vendor will receive the contract.

### *iii. Contact with athletes and those affiliated with them*

- a. A USOPC Team Member is offered a "sweetheart deal" on a luxury vacation by an athlete's parent in exchange for providing an advantage to that athlete.

### *iv. Contact with the officials in connection with a host bid for the Olympic & Paralympic Games*

- a. An individual with voting rights for a host bid solicits benefits for themselves and family members in exchange for supporting the USOPC's preferred host city in a vote.

## **B. Third Party Bribery and Corruption Risk**

Situations involving third parties also present a bribery and corruption risk. Third parties may offer bribes or engage in corruption while acting on behalf of the USOPC, which can expose the USOPC to legal liability.

Often times, bribery and corruption concerns involving a third party will not be obvious, so it is important to be cautious when working with a third party. When you have interactions with a third party (either an individual or a business entity), ask yourself the following questions:

### *i. Who is the third-party?*

It is important to know the third parties you are interacting with on behalf of the USOPC and the nature of their business. Key indicators to assess the risk associated with working with a third party include the third party's qualifications to perform the service for which it was retained, the third party's associations, the third party's business reputation, and the third party's relationships with government officials. If any of these factors raises red flags, consider why you are doing business with the third party and the risk of corruption related to the relationship.

### *ii. Why is this payment necessary?*

As a USOPC Team Member, you should understand the business rationale for using a third party, including what specific services are being performed and why they are being performed. You should also consider the payment and if the value paid is actually commensurate with the work being performed or the services provided. If you cannot answer why a third party's involvement is necessary or are paying a rate that is not consistent with market prices, the transaction may be indicative of corruption.

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USOPC Team Members who encounter a situation in which they feel uncomfortable in their interactions with a third party or suspect that a USOPC relationship with a third party is not legitimate should contact the Ethics team. The Ethics team can provide guidance on situations the USOPC Team Member is unsure about.

## 5. Facilitation Payments

Some anti-bribery and anti-corruption laws, such as the FCPA, do offer limited exceptions for “facilitation payments.” A facilitation payment is a payment to a foreign official, political party, or party official for “routine governmental action,” such as processing papers or issuing permits to expedite performance of non-discretionary duties. In other words, a facilitation payment is meant to speed up a process that a government official is otherwise bound to perform as part of their job or duties, influencing only the *timing* of an action, not the *outcome* of an action.

The difference between a bribe and a facilitation payment can be very difficult to distinguish, both legally and ethically. To ensure compliance with all applicable laws and reduce the reputational risk to the USOPC that can be caused by even the mere appearance of impropriety, the USOPC prohibits USOPC Team Members from making facilitation payments.

In the event that a USOPC Team Member is in a situation where a facilitation payment appears both necessary and unavoidable, *e.g.*, a government official requires additional payment to perform a non-discretionary service, the USOPC Team Member must contact the USOPC’s Chief Ethics and Compliance Officer or General Counsel for approval before making the proposed payment.

## 6. Violations

If the Ethics team or the Ethics and Compliance Committee has cause to believe a USOPC Team Member has engaged in bribery or corruption, the matter may instead be referred to law enforcement and investigated. If there is a determination that a USOPC Team Member engaged in unethical and / or illegal conduct following any internal and / or external investigation, the USOPC will take appropriate disciplinary action including termination of employment.

## 7. Speak Up Policy and Reporting Violations

The [USOPC Code of Conduct](#) requires USOPC Team Members to report of violations of USOPC policies, including this policy; the process to report violations is outlined in the [Speak Up Policy](#). Individuals, including USOPC Team Members, who identify a bribery or corruption concern must immediately report the concern to the USOPC’s Chief Ethics and Compliance Officer in addition to reporting the matter through the [USOPC Integrity Portal](#) or calling the USOPC’s Integrity Hotline at 1-877-404-9935.

By reporting, an individual does not need to, and must not, investigate the matter. The reporter should report only the facts that they know and allow the Ethics team and/or the Ethics and Compliance Committee to investigate the matter.

The USOPC has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, or legal violations, or who cooperate with investigations of those reports. That means no USOPC staff, board or committee member, or volunteer may threaten, harass, discriminate against, or take any negative employment related action (*e.g.*, discharge, demotion, suspension, negative review) on the basis of the individual reporting a concern, including those related to bribery and corruption.

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## 8. Resources

If you have questions about this policy, please contact the Chief Ethics and Compliance Officer, the General Counsel, or the Director of Ethics.

Chief Ethics and Compliance Officer: Holly Shick ([holly.shick@usopc.org](mailto:holly.shick@usopc.org))

General Counsel: Chris McCleary ([chris.mccleary@usopc.org](mailto:chris.mccleary@usopc.org))

Director of Ethics: Evangeline Rivera ([evangeline.rivera@usopc.org](mailto:evangeline.rivera@usopc.org))

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## ***Revision History***

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