



**CONFLICT OF INTEREST POLICY  
OF  
USA RACQUETBALL, INC.  
APPROVED 5/17/21  
REVISED 3/28/22**

**1. Purpose**

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

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

**2. Applicability of Policy**

This Conflict of Interest Policy is applicable to all USA Racquetball Affiliated Individuals. **“Affiliated Individuals”** include, but are not limited to, members of USA Racquetball’s Board of Directors, officers, committee members, task force members, hearing panel members, contractors, employees, and volunteers. These individuals shall disclose any possible conflict(s) for review by the Executive/Ethics/Personnel/Grievance Committee.

**3. Definitions**

**“Conflict of Interest”** or **“Conflict”** exists when an Affiliated Individual’s activities or interests interfere with, influence, or have the potential to interfere with or influence his or her responsibilities on behalf of USA Racquetball or undermine the interests of USA Racquetball. A **“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.

#### **4. Areas in Which Conflicts May Arise**

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

- a) Persons or entities supplying goods and services to USA Racquetball;
- b) Persons or entities leasing property or equipment to USA Racquetball;
- c) Persons or entities with whom USA Racquetball is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities or other property;
- d) Competing organizations;
- e) Donors and others supporting USA Racquetball;
- f) Agencies, organizations, and associations which affect the operations of USA Racquetball; or
- g) 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, directly or indirectly, with any persons or entities mentioned above. Examples of potential conflicts of interest are listed in Addendum A of this policy.

#### **5. Interpretation of This Policy**

The areas of conflicting interest and relations in those areas which may give rise to a conflict, as listed in Addendum A, are not exhaustive. Affiliated Individuals should disclose all relationships and activities that may give rise to a potential conflict of interest, whether or not listed expressly in Section 4.

Disclosure of a conflict or potential conflict of interest does not necessarily prohibit involvement in the disclosed activity or with USA Racquetball. For example, the conflict might not be material enough to be of practical importance, or if it is material, it might be possible for USA Racquetball and the Affiliated Individual to implement appropriate mitigating measures upon full disclosure of all relevant facts and

circumstances. However, it is USA Racquetball's policy that the existence of any of the interests described or similar in nature to those described in Section 4 and Addendum A will be disclosed before any transaction is consummated or any vote taken on an action, contract, relationship, or decision that would give rise to the potential conflict of interest. It is the continuing responsibility of each Affiliated Individual to scrutinize his/her transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

## **6. Disclosure Policy and Procedure**

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

Affiliated members are encouraged to disclose conflicts whenever they may arise or whenever the member becomes aware of them, in addition to annual disclosures. Specifically, Board members, committee members and members of panels must disclose any conflicts when they arise or whenever they become aware of them. Refer to USA Racquetball Bylaws Article XVI-A-7; USA Racquetball Grievance Procedure Policy V.a., and USA Racquetball Conflict of Interest Policy 7.c for detailed information on processes for resolving conflicts relative to potential conflict of interest disclosure issues on panels.

Disclosure of Conflicts must occur in all board meetings and be notated in the minutes when someone abstains or recuses due to conflict of interest. **(REFER TO USAR BYLAWS, ARTICLE V, 503.0.A and 503.0.B)**

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 Executive/Ethics/Personnel/Grievance Committee will decide if a conflict of interest exists pursuant to the procedures set forth in Section 7 below, as applicable, and if there are mitigating measures that could be implemented to permit USA Racquetball to move forward with the transaction or activity.

USA Racquetball has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, financial, or legal violations, or who cooperate with investigations of those reports. That means no Affiliated Individual may threaten, harass, discriminate against, or take any negative employment (where applicable) or participation-related action (e.g., discharge, demotion, suspension, non-assignment, negative review) on that basis. Any such retaliation will be treated as a violation of this Policy and USA Racquetball's Code of Conduct, and it may lead to serious consequences including termination of employment or participation for anyone involved in retaliation.

## **7. Procedures for Addressing Potential Conflicts of Interest**

### **a) With Respect to USA Racquetball Transactions or Business**

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

- i. The interested person may make a presentation to the Executive/Ethics/Personnel/Grievance Committee, which may be convened telephonically, regarding the transaction or arrangement involving the potential conflict of interest.
- ii. The interested person will then recuse themselves from any and all discussion and approval (if applicable) of the conflict of interest.
- iii. The Executive/Ethics/Personnel/Grievance Committee will determine whether an actual or apparent conflict of interest exists. For transactions, the Executive/Ethics/Personnel/Grievance Committee may consider whether a competitive bid or competitive evaluation exists.
- iv. If the Executive/Ethics/Personnel/Grievance Committee determines that an actual or apparent conflict of interest exists, it will determine whether there are mitigating measures that can be implemented to alleviate the conflict and/or what steps the interested individual and/or USA Racquetball must take or not take in order to avoid the conflict. The Executive/Ethics/Personnel/Grievance Committee may determine in some cases that USA Racquetball cannot engage in the transaction or arrangement at all due to the conflict or potential conflict of interest.

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

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

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

- i. The Interested Person may make a presentation to the Executive/Ethics/Personnel/Grievance Committee, which may be convened telephonically, regarding the potential conflict of interest.
- ii. The interested person will then recuse themselves from any and all discussion regarding the potential conflict of interest.

- iii. The Executive/Ethics/Personnel/Grievance Committee will determine whether an actual or apparent conflict of interest exists
- iv. If the Executive/Ethics/Personnel/Grievance Committee determines that a conflict of interest exists, it will either mandate the individual's recusal from the process or determine to what extent, if any, that individual can participate in the process. The Executive/Ethics/Personnel/Grievance 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 may not take part in any sign-off, vote, or decision. For example, a national team coach or high performance director may provide information to the selection committee so long as such information is provided in a fair and unbiased manner and the committee member who disclosed the conflict of interest does not vote toward the final decision.
- v. Under no circumstances will a person with an actual or potential conflict attempt to unduly influence other members of the committee in the selection process.

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

**c) With Respect to Board, Staff, or Committee/Panel Meetings**

- i. Any participant may bring a "point-of-order" motion if they believe that another participant or themselves is deliberating or voting on an issue that would constitute a conflict of interest.
- ii. The person chairing the meeting shall offer the questioned member the opportunity to rebut the potential conflict. The chairperson may offer the member the opportunity to voluntarily recuse him or herself. Failing this the chairperson shall rule if the member may advise or vote on the issue.
- iii. If the chairperson rules that the member will not vote, that participant may bring an "appeal" of the chairperson's decision. This motion does not require a second. (Note that this is not a Challenge to the Chairperson, merely an appeal of the decision to not allow the member to vote.)
- iv. The full meeting or a quorum thereof shall, by a majority vote, decide whether the perceived conflict is such that the participant in question must remove or recuse themselves from deliberation and voting.

**8. Violations of USA Racquetball's Conflict of Interest Policy**

If the Executive/Ethics/Personnel/Grievance Committee has reasonable cause to believe an Affiliated Individual has failed to disclose an actual or potential conflict of interest, it will promptly inform the

Affiliated Individual of the basis for such belief and afford the Affiliated Individual an opportunity to explain the alleged failure to disclose. Prior to entering into investigation of the potential conflict of interest, the Executive/Ethics/Personnel/Grievance Committee shall be confirmed to be impartial and non-biased. If this cannot be confirmed, a separate body of non-biased and impartial individuals will be appointed to investigate.

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

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

## **9. Annual Disclosure Statements**

Each Affiliated Individual will annually sign and submit to the Executive/Ethics/Personnel/Grievance Committee and USA Racquetball's CEO a statement, using the standardized form, affirming that they:

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

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

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

USA Racquetball will maintain copies of all Annual Disclosure Statements submitted under this Section 9 in accordance with USA Racquetball's document retention policies and procedures.

## **10. Periodic Statements/Updates**

In addition, each director, officer, committee member, task force member, hearing panel member, contractor, and employee will submit to the Executive/Ethics/Personnel/Grievance Committee a signed statement as necessary describing any new potential conflicts of interest as and when such potential conflicts of interest arises. USA Racquetball will maintain records of all periodic statements or updates submitted under this Section 10. (REFER TO USAR BYLAWS, ARTICLE V, 503.0.A and 503.0.B)

#### **11. Conflict of Interest Policy Lead**

The USA Racquetball Executive/Ethics/Personnel/Grievance Committee Chair or USA Racquetball's CEO can be contacted with any questions about this policy. Contact information can be found on the USA Racquetball website (About/Leadership) or write to [ed@usaracquetball.com](mailto:ed@usaracquetball.com).

#### ***For Athletes With Questions Regarding This Conflict of Interest Policy:***

*The USOPC 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](mailto:ombudsman@usathlete.org)*

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

## USA RACQUETBALL CONFLICT OF INTEREST POLICY -- ADDENDUM A

The list below is not intended to be an all-inclusive list of every instance that may create a potential conflict of interest, but, rather, is simply a sample of the types of relationships and activities that may give rise to a conflict of interest. If an Affiliated Individual or other disclosing individual has any question as to whether a relationship or activity may create a conflict of interest, a disclosure must be made.

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

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

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

- ii. 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 USA Racquetball, the USOPC, or any other NGB.

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

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

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

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

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

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

**EXAMPLE:** A USA Racquetball employee using their position at USA Racquetball 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 USA Racquetball's headquarters.

**EXAMPLE:** A USA Racquetball Board member gets paid a commission if USA Racquetball enters into a particular contract with a third party.

- vi. 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 Racquetball.



**EXAMPLE:** A USA Racquetball Board member agrees to promote another NGB in negotiations with potential sponsors or licensees.

- vii. Affiliated Individual or a Family Member has a business relationship with a sponsor, supplier, licensee, or vendor of USA Racquetball (for a current list of USA Racquetball sponsors, suppliers, and licensees, go to <https://www.teamusa.org/usa-racquetball/about/partners>).

**EXAMPLE:** A USA Racquetball employee's spouse provides legal services to a USA Racquetball sponsor.

- viii. Affiliated Individual awards USA Racquetball business to, or provides favorable treatment to, a business owned or controlled by a volunteer, family member, or personal friend.

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

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

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

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

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

**EXAMPLE:** A USA Racquetball Board member has a significant client who owns or operates a facility being considered as the host of a USA Racquetball 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 USA Racquetball and participates in the allocation decision.

- xi. A USA Racquetball officer is an officer of another NGB.

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