

## Gifts and Entertainment Policy

Date of Issuance: October 14, 2021

Applies to: USA Softball Board of Directors and Committee Members, USA Softball staff, and volunteers

### Purpose

To provide guidance to USA Softball team members (defined below) in the handling of situations involving gifts, entertainment, or other courtesies while serving as a representative of USA Softball.

### Policy Statement

In the course of an employee's employment or a Board or committee member's tenure with USA Softball, he or she may be offered a gift or invitation to a sporting event or other form of entertainment from an individual or company that does business with, or is interested in doing business with, USA Softball. Additionally, there may be situations where it is in USA Softball's interest for an employee or Board member to offer a gift or event invitation to a third party.

In addition to gifts and invitations received or given by USA Softball employees and Board or committee members, this policy applies to gifts and invitations received by the employee's or Board or committee member's spouses and immediate family members. The term "USA Softball Team Member" covers all of these individuals.

To ensure this policy covers actual and potential situations where an individual or entity may be conducting business with USA Softball, this policy includes, but is not limited to, interactions with existing and potential vendors and suppliers, potential new hires, existing or potential independent contractors, volunteers, or agents of USA Softball, and any individual or organization with whom a USA Softball Team Member may come into contact based on their association with USA Softball.

This policy should not be considered as an encouragement to make, solicit or receive any type of entertainment or gift. Indeed, USA Softball Team Members may not, under any circumstances, actively solicit any type of gift or form of entertainment. Further, USA Softball will not under any circumstances permit or authorize the receipt of any business gifts or participation in entertainment that might be considered lavish, inappropriate, or illegal. **The only permitted gifts or entertainment are those outlined in this policy, and those gifts or entertainment must be properly disclosed and, if applicable, approved.**

USA Softball Team Members with questions or concerns about giving or receiving a gift or entertainment should discuss that concern or question with the Chief Executive Officer.

### Non-Gifts

The following items/scenarios do not constitute a reportable gift or entertainment under this policy:

- a) Any item or event which is available to the general public and USA Softball Team Member pays fair market value for;
- b) Promotional items that are provided to all attendees at an event or items of nominal value (less than \$25.00 retail value);
- c) A gift or invitation extended by a relative or provided by an individual on the basis of personal friendship; individuals subject to this policy must be mindful of gifts and invitations based on friendship as opposed to gifts and invitations provided based on one's role with USA Softball;
- d) An item which may be publicly displayed or shared among USA Softball employees, such as flowers or cookies; or
- e) Food and/or beverage provided as meal or refreshment at a business meeting or reception attended by a USA Softball Team Member as part of their official responsibilities, provided such food and/or beverage is reasonable for the event.

**Receiving Business Courtesies**

The following items/scenarios set forth what gifts are permissible and non-permissible under this policy:

**I. Current Business Partners**

USA Softball Team Members may accept gifts from individuals and companies that currently do business with, or make donations to, USA Softball (Current Business Partners) as follows:

- a) partner/sponsor/supplier products and partner/sponsor/supplier-branded products (e.g., logoed jackets) with a value of up to \$1,000 per USA Softball Team Member, per year, per Current Business Partner;
- b) other gifts with a value of not more than \$100 per USA Softball Team Member, per year, per Current Business Partner;
- c) invitations for a USA Softball employee, Board member, or committee member to attend sporting events with an Current Business Partner or its representatives;
  - i. travel accommodations to and from such events may only be accepted to the extent approved in advance by the Chief Executive Officer;
- d) on an infrequent basis, invitations for a spouse or family member to join a USA Softball employee, Board member, or committee member at a sporting event with a Current Business Partner or its representatives;
  - i. travel accommodations to and from such events for the spouse or family member may only be accepted to the extent approved in advance by the Chief Executive Officer;
- e) invitations to attend fundraising events with a Current Business Partner or its representatives at no cost to USA Softball Team Member;
- f) invitations to attend other social, educational or entertainment events intended to enhance the business relationship with the Current Business Partner, provided that the cost of the event does not exceed \$100 per USA SOFTBALL Team Member, per event, and \$400 total per Current Business Partner, per year; and
- g) perishable or consumable gifts provided that the gift is reasonable and not unduly lavish.

**II. Prospective Business Partners**

USA Softball Team Members may accept gifts from individuals and companies that are not current business partners of USA Softball, but that may or may not be seeking to engage in a business relationship with USA Softball (Prospective Business Partners), as follows:

- a) gifts with a value of not more than \$100 per USA Softball Team Member, per year, per Prospective Business Partner;
- b) invitations for a USA Softball employee, Board member, or committee member to attend sporting events with a Prospective Business Partner or its representatives (but not travel to and from such events);
- c) invitations to attend fundraising events with a Prospective Business Partner or its representatives; and
- d) invitations to attend other social, educational or entertainment events intended to promote the possible business relationship, provided that the cost of the event does not exceed \$100 per USA Softball Team Member, per event, and \$200 total per USA Softball Team Member, per Prospective Business Partner, per year.

USA Softball Team Members may accept gift certificates from Current or Prospective Business Partners within the limits set forth in this policy, but may never accept cash or other financial instruments (e.g., checks, stocks) in any amount from a Current or Prospective Business Partner.

**III. Anonymous Gifts**

USA Softball Team Members cannot accept anonymous gifts which are sent to them in their official capacity. Anonymous gifts should be disclosed and given to the Chief Executive Officer.

IV. International Events

USA Softball Team Members who receive gifts from international organizations, e.g., International Olympic Committee, International Paralympic Committee, in connection with their official duties in excess of the limits outlined in this policy must disclose those gifts to the Chief Executive Officer using the form attached to this policy.

V. Disclosure and Approval

USA Softball Team Members must disclose any and all gifts or invitations received in their capacity as an employee or representative of USA Softball. The Gift Disclosure form is included in this policy.

A gift is any item of value provided by individuals and/or organizations with present or prospective business relationships with USA Softball. If you are unsure whether a gift should be disclosed, consult the Chief Operating Officer or Chief Executive Officer.

Prior to accepting invitations that include complimentary travel and/or complimentary overnight accommodations, written approval must be received from the Chief Executive Officer.

In the event that a USA Softball Team Member receives a gift that exceeds the permissible limits, but is concerned that returning the gift may appear discourteous or it is not reasonably possible to refuse the acceptance of the gift (e.g., an anonymous gift, a gift being delivered by a third-party courier to the Team Member's office), USA Softball Team Member must provide the gift to the Chief Executive Officer. The receipt of these surrendered gifts, will be donated to USA Softball or another designated charity, and will be logged by the Chief Operating Officer.

The Chief Executive Officer shall have the right, in consultation with the affected USA Softball Team Member, to require that any gift(s), including those which would be otherwise acceptable under the terms of this Policy, be returned, surrendered and/or donated to USA Softball or another agreed upon charity if the Chief Executive Officer believes that such gift(s) is not proper and/or creates an appearance of impropriety.

Acceptance May Be Permitted After Disclosure and Approval. Any potential gifts or invitations from third parties that exceed the limits and/or parameters noted above must be disclosed to, and approved in advance by, the Chief Executive Officer before they may be accepted.

USA Softball Gifts and Entertainment Policy supplements the standards set forth in USA Softball Code of Conduct and Employee Manual. USA Softball expects its Team Members and affiliates to conduct themselves to the highest ethical standards in keeping with USA Softball's values.

### **Extending Business Courtesies**

The following items/scenarios set forth what gifts are permissible and non-permissible under this policy:

I. Current or Prospective Business Partners

There may be times when a USA Softball employee or Board member (for purposes of this section, USA Softball Host) wishes to extend a gift or an invitation to attend a social event (e.g., reception, meal, sporting event, or theatrical event) to a Current or Prospective Business Partner to further or develop a business relationship.

In such instances, gifts may not exceed \$100 per person, per year, without the prior written approval of the Chief Executive Officer. The Chief Executive Officer may gift complimentary tickets to others to USA Softball organized or affiliated events without any disclosure requirement or limitation requirement. The Chief Executive Officer may extend (non-ticket) gifts to others at a higher amount than the \$100 provided for generally in this policy at the discretion of the Chief Executive Officer, but not to exceed \$500 without the prior approval of USA Softball's President.

Invitations to events must be reasonable and appropriate. Topics of a business nature must be discussed at the event, and USA Softball Host must be present. The cost associated with such an event should not exceed \$100 per person/company per year, except with regard to sporting events and fundraising functions, without the prior written approval of the Chief Executive Officer. Moreover, such business entertainment with respect to any particular individual must be infrequent, which, as a general rule, means not more than four times per calendar year. Any business entertainment in excess of this standard must be approved in writing by the Chief Executive Officer. All such business entertainment must comport with the code of conduct or code of ethics of the recipient's organization.

USA Softball Team Members may give gift certificates within the limits set forth in this policy but may never give cash or financial instruments (e.g., checks, stocks) in any amount.

- II. **Development Staff**  
USA Softball recognizes that the foregoing limits may limit the ability of Marketing & Communications team members to perform their job functions. As a result, the limits outlined in this policy do not apply to the Marketing & Communications staff if the invitation/event/etc. is part of normal and reasonable job duties and the event is not lavish or unreasonable. For the Marketing & Communications staff, costs of gifts and events must not exceed \$600 per person, per year.
- III. **Government Employees**  
The giving of gifts to federal, state and local government employees is governed by a complex set of rules that are typically agency specific. Generally, the giving of gifts to government employees is very limited or prohibited. Before offering a gift to a government employee, you must receive the approval of the Chief Executive Officer.
- IV. **Departing Board Members**  
USA Softball may provide a gift to a departing Board member as an expression of gratitude for his or her service to the organization. Costs of such gifts must not exceed \$400 and any gift should not be unduly lavish.
- V. **Chief Executive Officer and President**  
USA Softball recognizes that the foregoing limits may limit the ability of the Chief Executive Officer and the President to perform their job functions on behalf of USA Softball. As a result, the limits outlined in this policy do not apply to events/tickets/invitations/accommodations/travel of the Chief Executive Officer or President if such invitation/event/tickets/travel/etc. are part of normal and reasonable job duties or entertainment with business acquaintances, even if a particular event is lavish or extraordinary event. USA Softball recognizes that the foregoing limits do not apply to the President or Chief Executive Office, however this policy shall continue to apply to any gift to the President or Chief Executive Officer that is a tangible personal property item (such as a collectible souvenir bat) that is estimated to be valued at more than \$750.
- VI. **Disclosure and Approval**

All gifts or invitations must be covered by the appropriate USA Softball budget and must be approved in advance by the applicable USA Softball Team Member's supervisor. Any potential gifts or invitations extended that exceed the limits and/or parameters noted above must be disclosed to, and approved in advance by, the Chief Executive Officer before they may be offered.

### **Gift Giving Among Team Members**

In addition to situations involving an external individual, USA Softball Team Members should also consider the following when considering giving and receiving gifts between USA Softball Team Members.

- a) Gifts should not be exchanged between any USA Softball Team Members who have a superior/subordinate relationship.
  - i. USA Softball exempts collaborative gifts within reasonable limits among teams for special occasions (e.g., a new baby, wedding) from this policy; however, the organizers of any "pooled resources" gift must make clear that contributions are strictly voluntary.
  - ii. USA Softball supervisors may purchase holiday gifts for their teams, but the amount spent should be the same for all team members and the amount should be reasonable.
  - iii. USA Softball Team Members who are supervisors should not solicit contributions for a direct report from their other direct reports.
- b) For USA Softball Team Members who do not have a superior/subordinate relationship, the value of an internal gift should not exceed \$25.
- c) Participation in any teamwide gift exchange, such as a "Secret Santa" should be explicitly presented as optional.
- d) All internal gifts exchanged between USA Softball Team Members should be appropriate for a workplace setting and must comply with all USA Softball policies.

This policy does not prohibit the personal exchange of gifts between Team Members, but Team Members engaged in personal gift exchanges should not coordinate any element of a gift exchange during work hours or using USA Softball resources (e.g., email).

### **Board Members with Multiple Roles**

Some USA Softball Board members may serve on multiple boards or be employed by other organizations within the Olympic and Paralympic Movement. Depending on the other role and the interactions, Board members may be subject to additional considerations when accepting a gift. If the Board member's other position is directly linked to his or her USA Softball position (e.g., a Board member serves on the IOC Board, a position he or she qualified for by virtue of his or her position on USA Softball Board), this policy shall govern any gifts given or received while the Board member is serving in his or her other capacity.

If the Board member's other position is not directly linked to his or her USA Softball position (e.g., a Board member is employed by a company which is not a Business Partner of USA Softball), the Board member will not be bound by this policy when serving in his or her non-USA Softball capacity and should instead follow the gift and entertainment policy of his or her employer. However, the Board member must consider the relationship between the gift giver and USA Softball. Even if a gift is given to the Board member in a non-USA Softball capacity, if the gift giver is a Current or Prospective Business Partner, the gift is governed by this policy.

### **Policy Violations**

Any USA Softball Team Member found to have violated this policy will be referred to the Chief Operating Officer and subject to appropriate disciplinary action, up to and including termination of employment.

If a Team Member is unsure of any of the requirements set forth in this policy or has questions regarding a specific situation related to gifts and entertainment, they should consult with their supervisor or contact the Chief Executive Officer.

**Contact Information**

Craig Cress, Chief Executive Officer: [ccress@usasoftball.com](mailto:ccress@usasoftball.com)

Allison Flaig, Chief Operating Officer: [aflaig@usasoftball.com](mailto:aflaig@usasoftball.com)

USA Softball Gifts/Hospitality Disclosure Form  
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|  |  |
|--|--|
| Name of Recipient  |  |
| Relationship to USA Softball   |  |
| Description of gift/hospitality  |  |
| Estimated or known value<br><i>Note: This is a good faith estimate based on retail value. If the value cannot reasonably be estimated or determined, so state.</i> |  |
| Date and place of offer  |  |
| Who made the offer   |  |
| Why the offer was made   |  |
| Is there a current/potential contract with the donor? If yes, provide details  |  |
| If the gift exceeded the limits set forth in the Policy, was a request for approval made to the CEO?   |  |
| Date of the Request to the CEO   |  |
| CEO's response to the request  |  |

USA Softball Gifts/Hospitality Disclosure Form  
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Certification: I certify that the gift(s) disclosed above was/were not solicited.

Signature of recipient \_\_\_\_\_

Date \_\_\_\_\_

Submit this completed form to [aflaig@usasoftball.com](mailto:aflaig@usasoftball.com)



USA Softball Gifts/Hospitality Refusal Form

Only to be completed in the case of refusal of a gift/hospitality.

|  |  |
|--|--|
| Reasons why approval is not granted  |  |
| Has the gift been returned, used, disposed of, or donated to a nominated charity? If yes, provide details. |  |

Signature of officer \_\_\_\_\_

Date \_\_\_\_\_

Submit this completed form to [aflaig@usasoftball.com](mailto:aflaig@usasoftball.com)