

## APPENDIX X

### **GIFTS AND ENTERTAINMENT POLICY** **(Approved by Board of Directors – January 30, 2022)** **(Housekeeping – January 30, 2022)** **(All new)**

Amendments to this Appendix X are the responsibility of the Board of Directors.

#### ARTICLE 1

##### 1.01 Purpose:

The Gifts and Entertainment Policy reinforces USA Artistic Swimming's ("USAAS") commitment to maintaining the highest standard of business and personal ethics, is designed to avoid even the appearance of wrongdoing, and provides direction as it relates to acceptable practices when receiving unsolicited gifts.

##### 1.02 Definitions:

- A. **Affiliated Individual(s):** This Appendix X applies to the following individuals ("Affiliated Individual(s)"):
- USAAS Employees;
  - Members of the Board of Directors;
  - Committee Members;
  - Volunteers;
  - Contractors; and
  - Spouses and Immediate Family Members of Individuals listed in 1.02 A above.
- Note:** Applicable to Athlete Representatives serving in one (or more) of the above-mentioned categories.
- B. **Third Party(ies):** For the purposes of this Appendix X, the term "Third Party(ies)" means customers, prospective customers, suppliers, prospective suppliers, and any person with whom USAAS does, or may do, business.

##### 1.03 Accepting Gifts and Entertainment from Third Party(ies):

- A. **Definition:** Gifts and entertainment include, but are not limited to, the following:
1. Tickets to sports, music or other such experiential events.
  2. Merchandise, such as gift baskets, apparel, hospitality bags, etc.
  3. Gift certificates and gift cards.
  4. Travel or lodging not associated with USAAS business.
  5. Favorable terms or discounts on a product or service for the employee's (or spouse or immediate family member's) benefit not otherwise available to all USAAS employees (and their spouses and/or immediate family members).
- B. **Permissible Gifts and Entertainment:** Affiliated Individuals may accept gifts from individuals/companies that currently do business with, or make donations to, USAAS as follows:
1. Partner/sponsor/supplier products and partner/sponsor/supplier-branded products (e.g., logoed jackets) with a value of up to \$1,000.00 per Affiliated Individual, per year, per individual/company;
  2. Other gifts (including, but not limited to, merchandise, gift certificates, gift cards, perishable and consumable gifts, etc.) with a value of no more than \$100.00 per Affiliated Individual, per year, per individual/company;
  3. Invitations to attend fundraising events with an individual/company representative at no cost to the Affiliated Individual; and
  4. Invitations to attend other social, educational, or entertainment events intended to enhance the business relationship, provided that the cost of the event does not exceed \$100.00 per Affiliated Individual per event and \$400.00 total per individual/company per year.

**1.04 Limitations:** Affiliated Individuals may never accept cash or financial instruments, such as checks or stocks from Third Party(ies).

**1.05 Disclosure and Approval:**

- A. **Disclosure:** All gifts or entertainment falling under Section 1.03 B above shall be promptly reported to the USAAS Executive Director via the Gifts Disclosure and Approval Form (Attachment A). Where the gift or entertainment is made to the Executive Director, the Executive Director shall promptly report to the Board of Directors.
- B. **Pre-Approval:** Any potential gifts or entertainment extended that exceed the limits and/or parameters in Section 1.03 B above shall be disclosed via the Gifts Disclosure and Approval Form (Attachment A) to the Executive Director who will seek pre-approval from the Board of Directors.
  - 1. **Declination of Gifts or Entertainment:** The Executive Director and Board of Directors, in consultation with the Affiliated Individual, may require that any gift(s), or associated value if already consumed or realized, be returned, donated to USAAS or donated to another agreed-upon charity, if pre-approval is not granted and it is believed that the gift(s) is not proper and/or creates an appearance of impropriety.

**1.06 Offering Gifts and Entertainment to Third Party(ies):**

Employees and Board of Directors may offer or provide gifts and/or entertainment to Third Party(ies) only for legitimate business purposes, provided that it complies with the following guidelines:

- A. Gifts (including gift certificates or gift cards) may not exceed \$100.00 in value per person per year, without the prior written approval of the Executive Director. If the offering is made by the Executive Director, the Executive Director shall first receive prior written approval from the Board of Directors.
- B. Cash or financial instruments, such as checks or stocks, are prohibited.
- C. Invitations to events/entertainment shall be reasonable and appropriate and adhere to the following guidelines:
  - 1. An Employee or Board Member shall be present;
  - 2. Topics of a business nature shall be discussed at the event;
  - 3. The cost associated with such an event should not exceed \$100.00 per individual/company per year, without the prior written approval of the Executive Director (or by the Board of Directors if the offering is made by the Executive Director); and
  - 4. Entertaining of any particular individual shall be infrequent, which, as a general rule, means not more than 2 times per year.
- D. The offering complies with the following guidelines:
  - 1. Is not given as a bribe, payoff or kickback;
  - 2. Does not create the appearance of impropriety;
  - 3. Is in good taste and occurs at a business-appropriate venue;
  - 4. Is reasonable and appropriate given the individual's position; and
  - 5. Is properly documented and in compliance with financial procedures and policies.
- E. **Government Employees:** The giving of gifts to federal, state, and local government employees is governed by a complex set of rules that is typically agency-specific. Generally, the giving of gifts to government employees is very limited or prohibited. Before offering a gift, of any value, to a government employee, the Affiliated Individual shall receive the approval of the Executive Director in advance and in writing. If an offering is made by the Executive Director, the Executive Director shall first receive prior written approval from the Board of Directors.

**1.07 Point of Contact:** Affiliated Individuals in need of further information or guidance in relation to this Appendix X should contact the USAAS Executive Director at:

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

**Email:** [ceo@usaartisticsswim.org](mailto:ceo@usaartisticsswim.org)

**1.08 USOPC Athlete Ombuds Assistance:**

The 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@usaathlete.org](mailto:ombudsman@usaathlete.org)

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

**ATTACHMENT A**  
**USA ARTISTIC SWIMMING, INC**  
**GIFTS DISCLOSURE AND APPROVAL FORM**

Per the USAAS Gifts and Entertainment Policy (Appendix X), please complete this form (a) immediately upon receipt of a gift and/or entertainment or (b) prior to accepting a gift and/or entertainment that falls beyond the permissible gifts, requiring pre-approval.

Name: \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> Employee         | <input type="checkbox"/> Board of Directors Member                          |
| <input type="checkbox"/> Committee Member | <input type="checkbox"/> Volunteer  |
| <input type="checkbox"/> Contractor       | <input type="checkbox"/> Spouse/Immediate Family Member<br>(please specify) |

\_\_\_\_\_  
Describe the gift(s):

- The value of the gift is estimated at \$\_\_\_\_\_.  
**Note:** This is a good faith estimate based on retail value. If the value cannot reasonably be estimated or determined, please state.

- Please describe the source of the gift (name and relationship to USAAS) and under what circumstances it was received:  
\_\_\_\_\_  
\_\_\_\_\_

- Indicate below any matters pending or likely to arise in the future that might involve the donor: \_\_\_\_\_  
\_\_\_\_\_

- Gift has already been received.
- Gift has been offered; seeking approval.

Certification:            I certify that this gift was not solicited.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Send completed form to: Executive Director, USA Artistic Swimming ([ceo@usaartisticswim.org](mailto:ceo@usaartisticswim.org))

<p><i>For internal record keeping only:</i></p> <p><input type="checkbox"/> Approved on _____ by _____</p> <p><input type="checkbox"/> Denied on _____ by _____</p> <p>Note any specific remedy, if applicable. _____</p>
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