



USA Surfing Conflict of Interest Policy January 13, 2025

Applies to: USA Surfing Internal Individuals

A. Purpose

USA Surfing is committed to sustaining an ethical organization free of conflicts of interest and perceived conflicts of interest. USA Surfing requires that its Internal Individuals recognize and avoid activities or investments which involve, might appear to involve, or could result in a potential conflict of interest. Internal Individuals of USA Surfing include:

- Board members
- Officers
- Employees
- Committee members
- Hearing panel members
- Independent Contractors who have substantial decision-making authority, or are acting as a representative of USA Surfing
- Volunteers (including athlete representatives) who have substantial decision-making authority, or are acting as a representative of USA Surfing

Each Internal Individual has the responsibility to administer the affairs of USA Surfing honestly and prudently, and to exercise their best care, skill, and judgment for the sole benefit of USA Surfing. Internal Individuals will utilize the utmost good faith in all transactions involved in their duties, and they will not use their positions with USA Surfing or knowledge gained therefrom for their personal benefit. The interests of the organization must be the first priority in all decisions and actions.

B. Definitions

1. ***Conflict of Interest.*** A conflict of interest exists when an Internal 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 Surfing or undermines the interests of USA Surfing. The activities and interests of an Internal Individual's "Family Members/Friends¹," which includes spouses/domestic partners, children, siblings, parents, in-laws, close friends, blood relatives and any external business partners (known outside of an Internal Individual's role exclusively with USA Surfing), must also be considered when evaluating whether a conflict of interest exists.
2. ***Actual Conflict of Interest.*** An actual conflict of interest exists when an Internal Individual has an active relationship with a person or organization that may influence their decision making in their role with USA Surfing.
3. ***Perceived Conflict of Interest.*** A perceived conflict of interest exists when an Internal Individual does not have an active relationship with a person or organization, but it may appear to another individual

¹ For purposes of this policy, any reference to an Internal Individual will include an Internal Individual's Family Members/Friends.



that a connection between the two exists and has influenced a decision made by the Internal Individual. A perceived conflict of interest may also exist if an Internal Individual has disclosed a conflict of interest and has recused themselves from decision making but takes actions that make it appear that they were involved in the decision (e.g., the conflicted person recused themselves from a discussion about a particular decision but remained in the room while the discussion was ongoing). It is important to remember that perceived conflicts of interest are often seen by others as actual conflicts of interests.

4. *Potential Conflict of Interest.* A potential conflict of interest exists when an actual conflict of interest has not yet been established, but there is reasonable cause to believe that a future event may create a conflict of interest. An example of a potential conflict of interest is an Internal Individual that has an active relationship with a person or organization that is under consideration for a vendor contract with USA Surfing. By contrast, if the vendor relationship is established, the Internal Individual would have an actual conflict of interest related to this vendor.

C. Areas in Which Conflicts May Arise with Third Parties

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

- i. Persons or entities supplying goods and services to USA Surfing;
- ii. Persons or entities leasing property or equipment to USA Surfing;
- iii. Persons or entities with whom USA Surfing is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities or other property;
- iv. Competing or affinity organizations;
- v. Donors and others supporting USA Surfing;
- vi. Agencies, organizations, and associations which affect the operations of USA Surfing; or
- vii. Family Members/Friends and Internal Individuals of USA Surfing.

D. Examples

Conflicts of interest often arise when the Internal Individual or their Family Members/Friends have an interest, directly or indirectly, with any persons or entities mentioned above. Examples of potential conflicts of interest are listed below. The list below is not intended to be an all-inclusive list of every instance that may create a potential, perceived or actual 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. These are areas that should be disclosed to the Ethics Committee, and for the Ethics Committee to review for any mitigation, recusal or prohibited determinations.

1. *External Work.* An Internal Individual owns a business, maintains a second job or provides goods or services under a provider, contractor or consulting agreement which provides goods or services to USA Surfing.



2. *External Interests*. An Internal Individual acts as an agent, representative, or consultant to a business whose interests may conflict with the interests of USA Surfing.
3. *External Activity*. An Internal Individual participates in activities, or maintains interests that interfere with the satisfactory performance of USA Surfing work assignments on behalf of USA Surfing (this could include outside employment, membership on Boards or any other non-work activity that interferes with the Internal Individual's ability to devote their full time to USA Surfing responsibilities).
4. *External Sport Position*. An Internal Individual is involved in another Olympic or Paralympic-related organization or committee (whether as an employee, Board member, Officer or volunteer), including but not limited to organizations such as Bid Committees, National Governing Bodies (NGBs), the International Olympic Committee (IOC), International Paralympic Committee (IPC), or the International Surfing Association (ISA), or other such sports organization that interacts with USA Surfing.
5. *Business Relation with Sponsor/Third Party*. An Internal Individual has a business relationship with a sponsor, supplier, licensee, vendor or any third party of USA Surfing.
6. *Work/Management Position with Sponsor/Third Party*. An Internal Individual holds a position of executive/officer/director, or participates in the management of, or is otherwise employed (or formerly employed) by a sponsor, supplier, licensee, vendor or any third party of USA Surfing.
7. *Financial Interest with a Sponsor/Third Party*. An Internal Individual has a substantial personal financial interest, or owns stock, holds debt or other proprietary interests in a potential or actual supplier or sponsor or third party of USA Surfing.
8. *Solicitation of Gifts*. An Internal Individual solicits gifts or gratuities using their USA Surfing role.
9. *Acceptance of Gifts*. An Internal Individual accepts discounts, gifts or gratuities from an entity doing business with USA Surfing, or an entity seeking business with USA Surfing, that violates the USA Surfing Gift and Entertainment Policy.
10. *Awarding Business*. An Internal Individual awards USA Surfing business to, or provides favorable treatment to, a business owned or controlled by a Family Member/Friend.
11. *USA Surfing Run Programs*. An Internal Individual takes part in USA Surfing run programs (such as camps, national championships, etc.)
12. *Athlete Selection or Resource Allocation*. An Internal Individual participates in drafting selection procedures or voting on a discretionary selection decision, or is otherwise involved in a resource allocation decision that involves or impacts an athlete who is a Family Member/Friend of the Internal Individual.
13. *Non-U.S. Citizen*. An Internal Individual who is not a citizen of the United States and the nation they are a citizen of has an Olympic or Paralympic surfing program that will compete with USA Surfing.
14. *Personal Relationships*. An Internal Individual has a personal relationship with another Internal Individual who they regularly work alongside or who their work affects.
15. *Use of USA Surfing Resources*. An Internal Individual uses USA Surfing's time, personnel, equipment, supplies, or goodwill for anything other than USA Surfing-approved activities, programs and purposes.



16. *Other Activities or Interests.* An Internal Individual engages in activities or maintains interests and relationships that interfere with or influence, or have the potential to interfere with or influence, the satisfactory performance of their responsibilities on behalf of USA Surfing or undermine the interests of USA Surfing.

E. Disclosure Certification Form and Records

Internal Individuals must disclose all relationships and activities which is an actual, perceived or potential conflict of interest, whether or not listed expressly in this policy. The purpose of the Disclosure Certification Form and documented disclosure process is to enable the self-identification of conflicts and potential conflicts, and determine appropriate steps to address any real, perceived or potential conflicts. Disclosure of a potential conflict of interest is required upon employment/retainment/ appointment, and on an annual² cycle, and on an on ongoing basis (including in any ensuing discussions during Board or Committee meeting) as it may arise.

1. *Disclosure Certification Form.* Internal Individuals must sign, agree to abide by, and submit to the Ethics Committee for review the Disclosure Certification form within the earlier of 30 days of employment/appointment or the first meeting or business transaction in which they participate in.
2. *Periodic Disclosures.* Periodic disclosures may occur at any time, including, but not limited to: (i) during a Board/Committee meeting³ at any time, (ii) during a vote on a business transaction⁴, (iii) during the drafting of selection procedures or the selection of athletes in a discretionary selection, (iv) at any other time that it may potentially arise, or has arisen, or (v) when a conflict has changed. All disclosures must be made on an ongoing basis.

All periodic disclosures must be either recorded in the minutes of a Board/Committee meeting or submitted to the Ethics Committee on the Disclosure Certification form for review.

F. Mitigating Measures

The disclosure of a potential, perceived or actual conflict does not necessarily prohibit involvement in the disclosed activity or with USA Surfing. 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 Surfing and an Internal Individual to implement appropriate mitigating measures upon full disclosure of all relevant facts and circumstances. Each disclosure will be reviewed individually by the Ethics Committee.

Actions may be recommended to protect the individual and USA Surfing from conflicts. These actions may include limitation of involvement, separation from certain USA Surfing activities or requests to cease the activity in question, and will be determined on a case-by-case basis. In this event, the Ethics Committee will record their determinations related to any limited participation in a certain activity. All follow-up will be discussed with the Internal Individual, and if applicable, managers will also be included in the discussion.

² Previous disclosed conflicts must be always be disclosed again on the annual cycle.

³ All Board and Committees meetings will expressly require its members to disclose any potential conflicts of interest related to the agenda prior to the commencement of the official transactions of business.

⁴ All Board and Committees meetings will expressly require its members to disclose any potential conflicts of interest related to an action of business prior to a vote taken.



The Ethics Committee will also determine if there is an alternate person(s) or entity(ies) that may be affected by the mitigation. The Ethics Committee may communicate to the alternate person(s) or entity(ies) the mitigation parameters and reasons therefore, if so requested.

G. Procedures for Reviewing and Managing Potential Conflicts of Interest

The Ethics Committee, all of whom must be disinterested towards the matter at hand, is responsible for reviewing, managing, and implementing any mitigating measures for actual, perceived, or potential conflicts of interest. Under no circumstance will a person with an actual, perceived, or potential conflict of interest attempt to unduly influence any other individual involved. For the below procedures, and in accordance with the USA Surfing Document and Retention Policy, USA Surfing will retain (i) all Disclosure Certification Forms; (ii) meeting minutes that contain disclosures; and (iii) mitigation measures that involve conflicts of interest.

1. ***Disclosure Certification Form.*** In any instance when an Internal Individual submits a disclosure certification form to the Ethics Committee, including the CEO, the Ethics Committee will review the form and take the following actions.
 - a. **No Conflicts Disclosed.** No further action required beyond retention of document.
 - b. **Conflict Disclosed.**
 - i. **Permissive Request for Additional Information.** The Ethics Committee may request further information from the Internal Individual, or any other source, to determine if an actual conflict exists.
 - ii. **Determination.** The Ethics Committee will make the final determination of an actual conflict, which will be documented and communicated to the Internal Individual in writing. If a conflict exists, the Ethics Committee will determine if any mitigation measures can be implemented to alleviate the conflict and/or what steps the Internal Individual must take or not take in order to avoid the conflict.
 - iii. **Mitigating Measures.** The Ethics Committee will determine necessary actions to address the conflict, including but not limited to, prohibition from any action, recusal from participation or vote, limited participation, or other mitigating measures, which will be communicated in writing to the Internal Individual, and any other affected person, if applicable.
2. ***Periodic Disclosures for Board/Committees (including selection committees and hearing panels).*** In any instance when an Internal Individual discloses a potential conflict that arises outside of the Disclosure Certification Form process, the Ethics Committee will take the following actions.
 - a. **Internal Individual Recuses from Further Involvement or Action.** No further action required beyond retention of record.
 - b. **Internal Individual Requests for Implementation of Mitigating Measures⁵.** The Ethics Committee will adhere to the following procedures:

⁵ Discussion about the specific topic and vote thereon will be suspended and postponed until the Ethics Committee makes a determination on the matter.



- i. The Ethics Committee will first review the conflict and make a determination whether an actual conflict exists.
- ii. The Ethics Committee will allow the Internal Individual to make a statement and/or present their reasons for continued participation and/or appropriate mitigation measures, and to submit any documentation to support their position.
- iii. The Ethics Committee will allow any affected person (e.g. a complainant in a hearing process in relation to a hearing panel member) to make a statement and/or present their reasons.
- iv. The Ethics Committee will determine whether there are mitigating measure that can be implemented.
- v. The Ethics Committee will submit a reasoned written determination to the Internal Individual, and any other affected person, if applicable.

H. Challenging/Reporting an Undisclosed Conflict of Interest

Any individual with a good faith belief that an Internal Individual has a conflict of interest which was not disclosed may notify the Ethics Committee of such perceived conflict. Reports may be made anonymously. The Ethics Committee⁶ will investigate into the matter as appropriate, including allowing the reporting individual and the Internal Individual the opportunity to present their reasons, provide a statement and submit any supporting documentation.

All good faith reports of violations of this policy are protected under the USA Surfing Whistleblower Policy, which can be found on USA Surfing's website at usasurfing.org. USA Surfing has zero tolerance for retaliation (as defined in the Whistleblower Policy) against an individual for making a good faith report of, or challenge to, a potential violation of this policy.

I. Policy Violations

If the Ethics Committee⁷ has reasonable cause to believe an Internal Individual has failed to disclose an actual or potential conflict of interest, it will promptly inform the Internal Individual of the basis for such belief and afford the individual an opportunity to explain the alleged failure to disclose.

If, after hearing the Internal Individual's response and after making further investigation as warranted by the circumstances, the Ethics Committee determines the Internal Individual has failed to disclose the conflict or potential conflict of interest, it will take appropriate disciplinary and corrective action. The Ethics Committee will communicate all such decisions in writing to the Internal Individual. The Ethics Committee's decision will be final and binding, except that any disciplinary action that may result in an individual being declared ineligible for participation in a Protected Competition (as defined by the USOPC Bylaws), shall have the opportunity for a hearing in accordance with USA Surfing's Complaint Resolution Policy.

⁶ Only disinterested members of the Ethics Committee may participate in any review of challenges to an undisclosed conflict of interest.

⁷ Only disinterested members of the Ethics Committee may participate in any review of potential policy violations.



J. Resources

Individuals who wish to report concerns related to this policy as it relates to involvement in the Olympic and Paralympic Movement, or are uncomfortable reporting a concern directly to USA Surfing, may also submit a report to the United States Olympic & Paralympic Committee (USOPC) using the [USOPC Integrity Portal](#). The Integrity Portal allows individuals to submit concerns to the USOPC confidentially and/or anonymously. Reports may be made online or by telephone.

Website: usopc.ethicspoint.com

Hotline: 877-404-9935

Team USA athletes (as defined by the USOPC) may contact the Athlete Ombuds for independent and confidential advice on a variety of sport related matters, including their rights, applicable rules, policies or processes, and questions related to resolving disputes and grievances. The Athlete Ombuds can also help Team USA athletes connect with legal counsel or mental health resources if needed. All other USA Surfing athletes (i.e., athletes competing domestically at the masters or youth level, recreational athletes, foreign athletes), are welcome to visit the Athlete Ombuds website to review informational resources and should work directly with USA Surfing to understand additional resources and options available to them.

Email: ombudsman@usathlete.org

Website: www.usathlete.org

A. USA Surfing Point of Contact

The CEO and Chair of the Ethics Committee are responsible for this policy and the enforcement of this policy. If any individual has any questions as to whether a relationship or activity may create a conflict of interest, they may contact USA Surfing at:

CEO: admin@usasurfing.org

Chair of the Ethics Committee: found on usasurfing.org