



## USA Surfing Gifts and Entertainment Policy January 13, 2025

***Applies to: USA Surfing Internal Individuals and Immediate Family (collectively, the “Connected Individuals”)***

### **A. Purpose**

USA Surfing is committed to sustaining an ethical workplace free of conflicts of interest and perceived conflicts of interest. USA Surfing therefore has adopted this Gifts and Entertainment Policy to provide instruction to USA Surfing Connected Individuals on how to handle offers of gifts or other forms of entertainment from individuals or companies that do business with, or are interested in doing business with USA Surfing. USA Surfing Connected Individuals include:

- “Internal Individuals,” which includes:
  - 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
- Immediate Family of any of those individuals listed above (which includes spouse, child, stepchild, parent, sibling, domestic partner, parent of spouse/domestic partner and sibling and child of domestic partner)

Additionally, this policy provides instruction on how USA Surfing can extend gifts to third parties. This policy should not be considered in any way as an encouragement to make, solicit or receive any type of gift or entertainment. Indeed, USA Surfing Connected Individuals may not, under any circumstances, actively solicit any type of entertainment or gift. Further, USA Surfing will not under any circumstances permit or authorize participation in any business gifts or entertainment that might be considered lavish, inappropriate or illegal.

### **B. Acceptance of Gifts<sup>1</sup> and Entertainment**

- i. ***Current Business Partners.*** USA Surfing Connected Individuals may accept gifts from individuals and companies that currently do business with, or make donations to, USA Surfing as follows:
  1. **Sponsor Gifts.** Partner/sponsor/supplier products and partner/sponsor/supplier-branded products (e.g., logoed jackets) with a total value of up to \$750 per USA Surfing Connected Individual, per year, per individual/company.

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<sup>1</sup> Acceptance of gift certificates are allowable within the limits as set forth in this policy.



2. **Other Gifts.** Other gifts with a value of not more than \$75 per USA Surfing Connected Individuals, per year, per individual/company.
  3. **Consumable Gifts.** Perishable or consumable gifts, provided that the gift is reasonable and not unduly lavish.
  4. **Sporting Events.** Invitations for the USA Surfing Connected Individual to attend sporting events with an individual/company representative at no cost (including travel to and from such events only to the extent approved in advance by the CEO or Chair of the Ethics Committee).
  5. **Fundraising Events.** Invitations to attend fundraising events with an individual/company representative at no cost.
  6. **Other Events.** 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 per USA Surfing Connected Individual per event and \$300 total per individual/company per year.
- ii. *Prospective Business Partners.* USA Surfing Connected Individuals may accept gifts from individuals and companies that are not current business partners of USA Surfing, but that may or may not be seeking to engage in a business relationship with USA Surfing as follows:
1. **Gifts.** Gifts with a value of not more than \$100 per USA Surfing Connected Individual per year, per individual/company.
  2. **Consumable Gifts.** Perishable or consumable gifts, provided that the gift is reasonable and not unduly lavish.
  3. **Sporting Events.** invitations for USA Surfing Connected Individual to attend sporting events with an individual/company representative (including travel to and from such events only to the extent approved in advance by the CEO or Chair of the Ethics Committee).
  4. **Fundraising Events.** Invitations to attend fundraising events with an individual/company representative at no cost.
  5. **Other Events.** 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 Surfing Connected Individual per event and \$200 total per USA Surfing Connected Individual per individual/company per year.

### C. Providing Gifts<sup>2</sup> and Entertainment to Current and Prospective Business Partners

There may be times when a USA Surfing Connected Individual (for purposes of this section, a “USA Surfing Host”) wishes, as a business matter, to extend to a current or potential USA Surfing business associate (i.e., an individual or company) a gift or an invitation to attend a social event (e.g., reception, meal, sporting event,

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<sup>2</sup> Providing gift certificates are allowable within the limits as set forth in this policy.



or theatrical event) to further or develop a business relationship. In this case, gifts may not exceed \$100 per person per year per third party, without the prior written approval of the Chair of the Ethics Committee.

Invitations to events must be reasonable and appropriate. Topics of a business nature must be discussed at the event, and a USA Surfing Host must be present. 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. Frequency beyond the foregoing must be approved in writing by the CEO and the Chair of the Ethics Committee. All such business entertainment must comport with the code of conduct and the code of ethics of the recipient's organization.

#### **D. Accepting and Providing Gifts/Entertainment to Government Officials (U.S. and Foreign)**

The giving of gifts to U.S. 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 are very limited or prohibited. Before offering a gift to a government employee, the USA Surfing Connected Individual must receive the advance written approval of the CEO and Chair of the Ethics Committee.

Business with or in foreign countries may sometimes differ from the United States, both in terms of common practice and legality. USA Surfing requires that all business matters be conducted in an ethical and legal manner.

Under the U.S. Foreign Corrupt Practices Act of 1977, it's a felony under U.S. laws for USA Surfing or USA Surfing Connected Individuals, or anyone acting on its or their behalf to give, offer, promise or authorize a payment to a foreign official, foreign political party or official thereof, or any candidate for foreign political office, for the purpose of corruptly obtaining or retaining business for USA Surfing. U.S. law also makes it a felony to pay money or anything of value to a commission agent, sales representative or consultant when there is knowledge or firm belief that the payment will be used to corruptly influence a government official in connection with business USA Surfing is attempting to obtain or retain. Political contributions will not be made by or on behalf of USA Surfing in foreign countries. USA Surfing will observe the laws of foreign countries in which it operates concerning payments of agents' fees and commissions, provided these laws are not in conflict with U.S. law. USA Surfing Connected Individuals are not to engage in activities designated to circumvent foreign laws concerning retaining or paying sales representatives and consultants.

#### **E. Allowable Items**

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

- i. Items/Events Publicly Available. Any item or event which is available to the general public and the USA Surfing Connected Individual pays fair market value for.
- ii. Promotional Items. Promotional items that are provided to all attendees at an event or items of nominal value (less than \$25 retail value).
- iii. Relative/Friend Gifts. 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 Surfing.



- iv. Shareable/Displayable Gifts. An item which may be publicly displayed or shared among USA Surfing employees, such as flowers or cookies.
- v. Meals. Food and/or beverage provided as meal or refreshment at a business meeting or reception attended by a USA Surfing Connected Individual as part of their official responsibilities, provided such food and/or beverage is reasonable for the event.

## F. Prohibited Items

USA Surfing Connected Individuals may never give or receive cash or financial instruments (e.g., checks, stocks) in any amount from any source.

## G. Disclosure and Approval

- i. Disclosure. USA Surfing Connected Individuals must promptly disclose any and all gifts or invitations received in their capacity as a representative of USA Surfing to the CEO. Where the gift or invitation is made to the CEO, the requisite disclosure must be made to the Chair of the Ethics Committee. The Gift Disclosure Form is attached to this policy.
- ii. Accepting and Providing of Gifts. Accepting or providing gifts or invitations must be in accordance with this Policy, USA Surfing's Employee Policies and USA Surfing Financial Policies and Procedures and Budget. Any potential gifts or invitations extended or received that exceed the limits and/or parameters noted above, or involve travel expenses, must be disclosed to, and approved in advance by, the CEO and the Ethics Officer before they may be offered or accepted.
- iii. Accepting or Providing Travel Expenses. All gifts or invitations falling under this policy and all invitations that involve the third party paying for USA Surfing Connected Individual's travel and/or overnight accommodations must be approved in advance and in writing by the CEO; or in the case of a Board Member or CEO, to Chair of the Ethics Committee.
- iv. Surrendering Gifts. In the event that a USA Surfing Connected Individual 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 USA Surfing's Connected Individual's office), the USA Surfing Connected Individual must provide the gift to the CEO, or in the case of the CEO to the Chair of the Ethics Committee. The receipt of these surrendered gifts, which will be donated to USA Surfing or another designated charity, will be logged by Treasurer. In addition, the Ethics Committee shall have the right, in consultation with the USA Surfing Connected Individual, to require that any gift(s) be donated to USA Surfing or another agreed upon charity if the Ethics Committee believes that such gift(s) is not proper and/or creates an appearance of impropriety.

## H. Policy Violations

Violations of this policy may be reported to USA Surfing by the processes outlined in the USA Whistleblower Policy, which can be found on USA Surfing's website. USA Surfing Connected Individuals may receive



appropriate disciplinary action, up to and including termination of employment or their role with USA Surfing.

## **I. USA Surfing Point of Contact**

USA Surfing Connected Individuals are encouraged to seek advice if uncertain from either his/her supervisor, the CEO or the Chair of the Ethics Committee. The CEO and Chair of the Ethics Committee are responsible for this policy and the enforcement of this policy.

CEO: [admin@usasurfing.org](mailto:admin@usasurfing.org)

Chair of the Ethics Committee: found on [usasurfing.org](http://usasurfing.org)



## USA Surfing Gift Disclosure Form

Please complete this form immediately upon receipt of gifts<sup>3</sup> received in your capacity as USA Surfing Connected Individual, as defined in the USA Surfing Gift and Entertainment Policy.

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

Role: \_\_\_\_\_

1. Describe the gift(s) received:

2. 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, so state.*

3. Describe the source of the gift (name and relationship to USA Surfing) and under what circumstances it was received:

4. Indicate below any matters pending or likely to arise in the future that might involve the third-party:

5. Certification: I certify that this gift was not solicited.

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

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

Send this completed form to: [admin@usasurfing.org](mailto:admin@usasurfing.org).

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<sup>3</sup> USA Surfing defines personal gifts as items of value provided by individuals and/or organizations with present or prospective business relationships with USA Surfing. See the USA Surfing Gift and Entertainment Policy for exceptions to this definition.