



USA Surfing Whistleblower and Anti-Retaliation Policy

January 13, 2025

Applies to: USA Surfing Internal Individuals, Individual Members, Individuals Associated with a Member Organization, and all other Volunteers

A. Purpose

The USA Surfing Whistleblower and Anti-Retaliation Policy (the Policy) is intended to support a strong culture of integrity and ethical conduct at USA Surfing by encouraging, valuing, and protecting good faith reporting of concerns involving USA Surfing and those affiliated with USA Surfing. The Policy covers good faith reporting of concerns of all kinds related to USA Surfing and includes anti-retaliation protections for those who report in good faith and/or cooperate with an investigation of such reports, like witnesses and victims.

This policy applies to any matter which is related to USA Surfing's business and does not relate to private acts of an individual not connected to the business of USA Surfing, nor replace any applicable state and federal laws governing whistleblowing applicable to nonprofit and charitable organizations.

B. Applicability

The following individuals are covered under this Policy:

- “Internal Individuals,” which 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
- USA Surfing Individual Members, which include:
 - Athletes
 - Coaches
 - Judges
 - Supporting members
- Individuals associated with a USA Surfing Member Organization
- All other volunteers

C. Reportable Offenses

This Policy covers the reporting of any alleged violation of applicable law, policy or procedures, as well as potential ethical misconduct.



1. *Offenses that May be Reported.* Examples of alleged violations that may be reported under this Policy include, but are not limited to:
 - i. Potential violations of applicable federal, state and local laws
 - ii. Non-compliance with USA Surfing’s Bylaws, policies, or procedures (including ethical, financial and legal obligations)
 - iii. Non-compliance with the Ted Stevens Olympic and Amateur Sports Act
 - iv. Non-compliance with applicable provisions of the United States Olympic & Paralympic Committee (USOPC) Bylaws or policies
 - v. Non-compliance with accepted accounting or financial practices (e.g., fraud or malfeasance)
 - vi. Allegations of Athlete Safety of Athlete Safety violations from USA Surfing’s Athlete Safety Policy or the U.S. Center for SafeSport’s Code

2. *Offenses that Must be Reported:*
 - i. Violations of applicable federal, state or local law
 - ii. Allegations of Athlete Safety violations from USA Surfing’s Athlete Safety Policy or the U.S. Center for SafeSport’s Code¹ involving sexual misconduct

D. Reporting

Any individual covered under this policy has a right to report an alleged violation and USA Surfing will not discourage anyone from doing so.

1. *Reporting in Good Faith.* Anyone reporting a perceived ethical, policy, financial or legal violation must act in good faith and have reasonable grounds for believing that the information shared in the report indicates that a violation may have occurred. Any report which the individual made that was knowingly false, with good reason to believe that it was false or has no plausible basis will in itself be a violation of this Policy. Any such report may be subject to disciplinary action.

2. *Making A Report.* An individual may make a report under this Policy by:
 - i. Email: USA Surfing at admin@usasurfing.com
 - ii. Email: Ethics Committee, contact information found on usasurfing.org
 - iii. Call: USA Surfing General mailbox 949-391-1010
 - iv. Online Complaint Portal found on www.surfing.org

Individuals may request that the report remains anonymous.

3. *Requested Information.* Individuals who report a concern should clearly state that they are making a complaint under and pursuant to this Policy. USA Surfing may follow up to clarify whether that is the intent if is not labeled clearly. Additionally, the following information is requested, but not required:

¹ Nothing herein replaces or changes an individual’s obligations under the SafeSport Code.



- i. Name and contact information of the reporter
- ii. Name and contact information of the individual alleged to have violated this Policy.
- iii. Name and contact information of any other individual who may have information related to the matter
- iv. The rule (e.g. law, policy, procedure, regulation) that was allegedly violated
- v. Factual information about the circumstances around the alleged violation
- vi. Any other documentation related to the matter

Reporters do not need to (and should not) investigate the matter of concern, determine fault, or know how to fix it. A reporter does his or her part by making an issue known so the right people can take action.

E. Investigation

1. Review of the Report.

- i. Upon Receipt. Upon receipt of a report, it will be forwarded to the Ethics Committee for review. The Ethics Committee will promptly acknowledge receipt of the report to the reporter, if the identity is known.
- ii. Preliminary Review. The Ethics Committee will then take steps to gather preliminary information. The Ethics Committee is committed to fully investigating all reports, but some circumstances may warrant dismissal, such as the reporter declining to participate in the investigation, an allegation that is not actionable by USA Surfing, or insufficient evidence for an allegation such that an investigation is not warranted.

2. Investigation.

- i. Disinterested Investigator. In all cases, matters will be investigated by a disinterested party, which may be a member of the Ethics Committee or USA Surfing may engage an external investigator.
- ii. Investigation Process. The investigator will conduct a thorough review of the report and the laws/policies/procedures alleged to have been violated, along with gathering any relevant information including interviewing individuals who have pertinent information. The investigator may reach out to experts on the subject matter of the complaint (e.g. someone with financial expertise if the matter involves finances). The investigator will, at a minimum, allow the individual who the allegation is against to provide a statement (verbal or written) and any supporting documentation.
- iii. Written Determination. The investigator will determine, on a probable cause basis, whether a violation occurred and provide a written report of the findings to the Ethics Committee.

F. Resolution

In all cases, the Ethics Committee will communicate the findings of the investigative report to the individual who the allegation was against.

1. No Violation. If the investigator found no violation, the matter will be closed.



2. ***Limited Information.*** If, after conducting as thorough of a review as possible, the investigator still could not obtain enough information to make an informed decision of a violation of this Policy, the matter will either be set aside, or may be referred to the Judicial Committee for a potential Code of Conduct violation. Matters set aside may only be re-opened if new material information is brought forward.
3. ***Violation.*** If the investigator determines that a violation under this Policy occurred, all disinterested members of the Ethics Committee will review the investigative report, and convene on the matter. The Ethics Committee may request additional information from the investigator if so warranted. The Ethics Committee will provide the individual who the allegation was against an opportunity to present his/her position prior to implementing any discipline.
4. ***Disciplinary Action.*** The Ethics Committee will give the appropriate weight to all evidence received and determine any disciplinary action that is proportionate to the violation, which may include, but not limited to, termination of employment, limited or suspended participation, corrective orders, a warning, or no further action. If the Ethics committee determines that participation rights may be taken away that affects an individual's ability to participate in a Protected Competition (as defined in the USOPC bylaws), that individual will have the opportunity for a hearing before being declared ineligible, through USA Surfing's Complaint Resolution Policy.

G. Anti-Retaliation

USA Surfing has zero tolerance for retaliation against people who make good faith reports under this Policy or those who cooperate with investigations of those reports (e.g. witnesses, victims). Retaliation, for the purposes of this Policy, is defined as any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against an individual associated with USA Surfing as a result of any report, complaint, or other communication reporting misconduct of any kind to USA Surfing, the USOPC, the Office of the Athlete Ombuds, any law enforcement agency or government entity, or employees of these organizations. Examples of adverse or discriminatory actions that would be considered retaliatory include, but are not limited to:

- Removal from a training facility
- Reduced coaching or training
- Reduced meals or housing
- Removal from competition

In addition, USA Surfing nor any of its Internal Individuals shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombuds.

Any individual who reasonably believes he or she has been retaliated against, or that someone else has been retaliated against in violation of this policy shall follow the same procedure as above for reporting a concern. The report will be handled in accordance with this Policy.

H. Confidentiality and Anonymity



USA Surfing will make every effort to keep the identities of the reporting parties and witnesses confidential. However, disclosure of an individual's identity or identifying information may be required in some cases, such as where USA Surfing is required by law to report a matter to law enforcement.

USA Surfing will respect any individual who desires to remain anonymous. USA Surfing will review all reports with the same level of attention, but if a reporter chooses to remain anonymous, USA Surfing may be limited in its ability to fully investigate a report, which may make it more difficult to resolve.

I. 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 submit a report 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 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

J. USA Surfing Contact

The CEO and the Ethics Committee is responsible for this Policy and its enforcement. If an individual is unsure about whether a matter might be a Policy violation or are unsure about reporting responsibilities for a particular type of matter, you may reach out to USA Surfing or the Ethics Committee at any time:

USA Surfing: admin@usasurfing.org

Ethics Committee: found on usasurfing.org