



Whistleblower And Anti-Retaliation Policy Effective September 24, 2022

1. Purpose

This Whistle-Blower and Anti-Retaliation Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct at the U.S. Biathlon Association (“USBA” or “US Biathlon”). It is applicable to USBA athletes, board of directors, officers, employees, members, committee members, task force members, hearing panel members, contractors, and volunteers USBA (“Affiliated Individuals”).

The freedom to speak up means being able to raise concerns in whatever way is most comfortable and effective and feeling free to cooperate in investigations that follow. This policy encourages Affiliated Individuals and other reasonable parties (i.e., witnesses, victims, etc.) to report in good faith violations of this Policy and values and protects those same individuals. USBA has zero tolerance for retaliation of any kind against people who speak up in good faith.

2. Violations Covered by this Policy

This Policy is for use where there may be a violation of:

- any applicable State or Federal law, rule, or regulation
- USBA Bylaws, policies, and procedures
- principles of ethics
- accounting or financial practices (e.g., fraud)
- USOPC Bylaws and policies
- Ted Stevens Olympic and Amateur Sports Act (the “Act”)

If an Affiliated Individual is unsure about whether a matter might be a policy violation or is unsure about their reporting responsibility for a particular type of matter, please start by reviewing the particular policy involved which can be found on USBA’s website at <https://www.teamusa.org/us-biathlon> or you may reach out to USBA’s Director of Operations for questions and/or more information.

Also, keep in mind that some violations **must** be reported. Specifically, please be familiar with the requirements in the Safe Sport Policy, Minor Athlete Abuse Prevention Policy, Finance Policy and Procedures, Conflict of Interest and Gift and Entertainment Policy. And of course, if an Affiliated Individual suspects any criminal activity against a person or property, they should report this directly to law enforcement immediately.

Nothing in this Policy changes or replaces any mandatory reporting obligations under the SafeSport Code for the Olympic and Paralympic Movements – talk to USBA’s Athlete Safety Coordinator (athletesafety@usbiathlon.org) if you have any questions about those obligations.

3. Reporting

No Retaliation

USBA has an open-door policy and encourages Affiliated Individuals to share questions, concerns, suggestions, or complaints in the way and to the people with which they are most comfortable. This means Affiliated Individuals have options for how to report any concern about a potential ethical, policy, financial or legal violation.

USBA has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, financial or legal violations, or who cooperate with investigations of those reports. That means no Affiliated Individual may threaten, harass, discriminate against, or take any negative employment (where applicable) or participation related action (e.g., discharge, demotion, suspension, non-assignment, negative review) on that basis.

USBA also prohibits retaliation against “whistleblowers”. Additionally, Affiliated Individuals are prohibited from taking or threatening 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 such retaliation can be reported as described above in the same way as any other policy violation. It will be treated as a violation this Policy and USBA’s Code of Conduct and may lead to serious consequences including termination of employment or participation for anyone involved in retaliation.

How to Report

Affiliated Individuals may always report to a USBA staff member or their supervisor (if applicable). Or the Affiliated Individual can make a report to USBA’s Board Chair at boardchair@usbiathlon.org. These are people who can also discuss the concern and help make sure it is addressed. Affiliated Individuals can also make reports to the CEO of USBA at ceo@usbiathlon.org.

Please remember that as a reporter, Affiliated Individuals do not need to (and should not) investigate the matter of concern or determine fault or how to fix it. The Affiliated Individual does their part by making it known so the right people can take action. Investigations and reports are discussed below.

Acting in Good Faith

Just as we need to make sure that no one in our community is fearful of speaking up, we also need to make sure that no one in our community is fearful about false reports that might harm them.

With that in mind, anyone reporting a perceived ethical, policy, financial, or legal violation must be acting in good faith and have some basis for believing there may be a violation. Anyone that makes a false report knowing that it is false or that it has no basis is violating this Policy and other USBA policies in the same way as someone retaliating against a good faith reporter. Such a violation may itself be reported under this Policy and it may lead to serious consequences, including termination of participation and/or membership.

4. Investigation

Once a report is made in one of the ways described above, the person receiving the report is responsible for getting it to the person who can best address the concern, based on the matter reported and in keeping with other appropriate policies. In all cases, USBA is committed to ensuring that no good faith report goes unheard or ignored.

USBA's Director of Operations is responsible for coordinating among these people so that reporters can be confident that reported concerns get to the people best positioned to act on them. For example, the Nominating, Governance & Ethics Committee is responsible for overseeing issues related to the Code of Conduct, Gift & Entertainment and Conflict of Interest Policy. It also oversees the Disciplinary Proceedings and Grievance Policy. The Finance Committee is responsible for overseeing issues related to the Finance Policies and Procedures. The Director of Operations is responsible for overseeing issues related to the Safe Sport Policy and the Minor Athlete Abuse Prevention Policy. The CEO will report regularly to the Nominating, Governance & Ethics Committee. Importantly, at all times those handling the report will be disinterested and if a conflict arises, they will be removed.

USBA will use an outside, third-party professional who is disinterested to investigate the complaint. If upon investigation, USBA finds that an employee has retaliated against a protected individual, that person will be immediately terminated or suspended without pay as required by §220509(c)(2) of the Ted Stevens Olympic and Amateur Sport Act.

5. Confidentiality

In many cases, a reported matter will need investigation in order to reach the right resolution. Cooperation as a reporter or otherwise may be very helpful and much appreciated. Reports will be treated as confidentially as possible; some information may have to be disclosed to certain parties in order to conduct a thorough investigation, to comply with the law, and to provide accused individuals access to due process.

If a matter is reported anonymously and the reporter chooses to remain anonymous as it is investigated, USBA will respect that.

6. Follow Up

If an Affiliated Individual reports an alleged violation of ethics, USBA policy, or applicable laws, USBA's Director of Operations will report back to the Affiliated Individual on the progress and investigation results as appropriate and if allowed under applicable policy that is alleged to have been violated. And of course, the Affiliated Individual is always free to follow up to learn more from the person they reported to. Confidentiality and legal obligations may affect the details available.

If the investigation of a report that was made in good faith is not to the satisfaction of the reporter, then the reporter may report that, too.

Thank you for helping to ensure that USBA is a safe zone for speaking up in good faith on important matters!