



WHISTLE-BLOWER POLICY

1. Purpose

This Whistle-Blower Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct at USA Triathlon by encouraging, valuing, and protecting good faith reporting. This policy applies to athletes, board of directors, officers, employees, members, committee members, task force members, hearing panel members, contractors, and volunteers (“Affiliated Individuals”) of USA Triathlon of any alleged violation of any applicable law or policy or any potential ethics issue. This policy also applies to any good faith reporter or other reasonable parties (i.e. witnesses, victims, etc.), and such parties are also protected under this policy.

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. It also means that USA Triathlon has zero tolerance for retaliation of any kind against people who speak up in good faith.

2. Violations Covered by this Policy

Alleged violations covered under this policy include, but are not limited to, the following:

- any applicable State and/or Federal laws, rules and regulations
- any USA Triathlon bylaws, policies and procedures
- USOPC bylaws and policies
- principles of ethics
- accounting or financial practices (e.g., fraud)
- the Ted Stevens Olympic and Amateur Sport 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 policy involved.

Also, keep in mind that some violations *must* be reported. Specifically, Affiliated Individuals should be familiar with the requirements in the SafeSport 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 Safe Sport Code for the Olympic and Paralympic Movements – contact Nellie Viner, USA Triathlon’s Senior Counsel, if you have any questions about those obligations.

3. Reporting

No Retaliation

USA Triathlon defines retaliation in accordance with §220501(b)(11) of The Ted Stevens Olympic and Amateur Sport Act:

“Retaliation” means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with—

- (A) the Center;
- (B) a coach, trainer, manager, administrator, or official associated with the corporation;
- (C) the Attorney General;
- (D) a Federal or State law enforcement authority;
- (E) the Equal Employment Opportunity Commission; or
- (F) Congress.

USA Triathlon 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 the right to report and options for how to report any concern about a potential ethical, policy, financial or legal violation.

USA Triathlon 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.

USA Triathlon also prohibits retaliation against “whistleblowers” and other protected individuals. No employee, contractor, agent, volunteer, or NGB 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 as outlined in §220509(b)(5) of the Ted Stevens Olympic and Amateur Sport Act.

Any retaliation can be reported as described above in the same way as any other policy violation. It will be treated as a violation of this Policy and USA Triathlon’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 an USA Triathlon staff member or their supervisor (if applicable). Or, the Affiliated Individual can make a report to Deonna Neal, Chair of the Ethics Committee (deonna.d.neal@gmail.com); Nellie Viner, USA Triathlon's Senior Counsel (nellie.viner@usatriathlon.org) or Victoria Brumfield, USA Triathlon's Chief of Staff (victoria.brumfield@usatriathlon.org). These are people who can also discuss the concern and help make sure it is addressed.

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 or of reports are discussed below.

Acting in Good Faith

Just as Affiliated Individuals need to make sure that no one in their community is fearful of speaking up, they also need to make sure that no one in their community is fearful about false reports that might harm them. To that end, 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 the USA Triathlon Code of Conduct 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 employment or participation.

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, USA Triathlon is committed to ensuring that no good faith report goes unheard or ignored.

Nellie Viner, USA Triathlon's Senior Counsel 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.

So long as a conflict of interest does not exist, USA Triathlon's Ethics Committee and Senior Counsel investigate complaints of alleged violations under this Policy and make determinations on alleged violations, including any applicable athlete involvement. If the investigators have a conflict of interest upon initial review, USA Triathlon will use an outside, third-party professional who is disinterested to investigate the complaint. If upon investigation, USA Triathlon 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, USA Triathlon will respect that.

6. Follow Up

If an Affiliated Individual reports an alleged violation of ethics, USA Triathlon policy, or applicable laws, USA Triathlon will report back to the Affiliated Individual on the progress and investigation results as appropriate. 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.