



## **Conflict of Interest Policy**

**March 2021**

### **SECTION 1. PURPOSE**

USA Boccia is committed to sustaining an ethical workplace free of conflicts of interest and perceived conflicts of interest. Each Decision Maker has the responsibility to administer the affairs of USA Boccia honestly and prudently, and to exercise their best care, skill, and judgment for the sole benefit of USA Boccia. Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with USA Boccia or knowledge gained therefrom for their personal benefit. The interests of the organization must be the first priority in all decisions and actions.

A “**Conflict of Interest**” or “**Conflict**” exists when a Decision Maker (as defined below) acts on behalf of USA Boccia in connection with a transaction to which USA Boccia is a party, where the Decision Maker’s actions or relationships present the potential for improper personal gain or advantage, or for an adverse effect on the interests of USA Boccia, or where the Decision Maker’s actions or relationships create the appearance that the Decision Maker will not be able to put USA Boccia’s interests first. A “**conflict of interest**” also exists in the context of athlete or team selection when a Decision Maker participates in a selection decision that involves or impacts an athlete with whom the Decision Maker has a direct or indirect relationship, or when a Decision Maker participates in a benefits or services allocation decision that directly impacts the Decision Maker. This policy does not attempt to provide an exhaustive list of every possible circumstance that might give rise to a conflict of interest, but provides examples of situations that create conflicts of interest as a guide to the types of transactions (a “**transaction**” is any contract, transaction, agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a grant or loan, or the establishment of any other financial relationship with USA Boccia) and/or relationships that can create conflicts of interest.

USA Boccia requires that any of its Decision Makers recognize and attempt to avoid activities or investments that involve, might appear to involve, or could result in a potential conflict of interest.

## SECTION 2. PERSONS CONCERNED

This Conflict of Interest Policy is applicable to all USA Boccia Decision Makers. Decision Makers include, but are not limited to, members of USA Boccia, including members of its Board of Directors (the Board of USA Boccia ), Executive Director and staff, committee members, task force members, hearing panel members, employees, and volunteers.

## SECTION 3. AREAS IN WHICH CONFLICTS MAY ARISE

Conflicts of interest may arise in the relations of Decision Makers with any of the following third parties: (1) Persons and firms supplying goods and services to USA Boccia; (2) Persons and firms from whom USA Boccia leases property and equipment; (3) Persons and firms with whom USA Boccia is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities or other property; (4) Competing or affinity organizations; (5) Donors and others supporting USA Boccia; (6) Agencies, organizations, and associations which affect the operations of USA Boccia; (7) Family members, friends, and other employees. A **“Family Member”** is defined as a spouse, parent, child or a spouse of a child, brother, sister, or spouse of a brother or sister of a Decision Maker.

A conflicting interest may be defined as an interest, direct or indirect, with any persons or firms mentioned above. The list below is not intended to be an all-inclusive list of every instance that may create a conflict of interest, but, rather, is simply a sample of the types of relationships and activities that could create a conflict of interest. If a Decision Maker or other disclosing individual has any question as to whether a relationship or activity may create a conflict of interest, a disclosure should be made and the advice sought from the Ethics Committee. A potential conflict of interest might exist in at least the following circumstances:

- 1) Owning stock or holding debt or other proprietary interests in any third party dealing or potentially dealing with USA Boccia .

**EXAMPLE:** When a USA Boccia board member owns an interest in a company seeking to enter into a contract to provide services to USA Boccia.

- 2) Owning a business, maintaining a second job, or providing goods or services under a provider, contractor, or consulting agreement, where by the outside business provides goods or services to USA Boccia, the USOPC, or any other NGB.

**EXAMPLE:** When USA Boccia is contemplating entering into an agreement for the provision of services by a board member of USA Boccia.

- 3) Holding office, serving on the board, participating in management, or being otherwise employed (or formerly employed) with any third party dealing with USA Boccia .

**EXAMPLE:** When a USA Boccia board member is the CEO of a company negotiating a contract to provide services to USA Boccia.

- 4) Receiving remuneration for services with respect to individual transactions involving USA Boccia .

**EXAMPLE:** When a USA Boccia board member gets paid a commission if USA Boccia enters into a particular contract with a third party.

- 5) Using USA Boccia's time, personnel, equipment, supplies, or goodwill for anything other than USA Boccia -approved activities, programs, and purposes.

**EXAMPLE:** When a USA Boccia employee uses a USA Boccia vehicle for a personal road trip.

- 6) Soliciting or receiving personal gifts, loans, gratuities, or discounts from third parties. No personal gift of money should ever be accepted.

**EXAMPLE:** When a company trying to obtain a contract to provide services to USA Boccia provides a \$100 gift certificate to a USA Boccia board member who would be voting on whether USA Boccia should execute the contract in question.

**EXAMPLE:** Asking for box seats to a sporting event because of your position on USA Boccia's board of directors.

- 7) Acting (or having a family member act) as an agent, representative, or consultant to a business whose interests may conflict with the interests of USA Boccia.

**EXAMPLE:** When a USA Boccia board member agrees to promote another NGB in negotiations with potential sponsors or licensees.

**EXAMPLE:** When the spouse of a USA Boccia board member works for or is an investor in a company that competes with USA Boccia or that provides services to a company that competes with USA Boccia.

- 8) Having (or having a family member with) a business relationship with a sponsor, supplier, licensee, or vendor of USA Boccia (for a current list of USA Boccia sponsors, suppliers, and licensees, go to [usaboccia.org](http://usaboccia.org)).

**EXAMPLE:** When a family member provides legal services to one of USA Boccia's sponsor's.

- 9) Awarding USA Boccia business to, or provide favorable treatment to, a business owned or controlled by a volunteer, family member, or personal friend.
- 10) Participating and/or voting within a discretionary selection committee USA Boccia when the individual has a relationship with an athlete who is potentially impacted by the selection procedures (e.g., as coach, trainer, parent, etc.)

**EXAMPLE:** Participating in a decision to select an athlete on USA Boccia's team for the World Championships or major international competition when the Decision Maker is an athlete's current coach or family member.

- 11) Drafting selection procedures for protected competition when the individual could benefit directly or indirectly from the selection method.

**EXAMPLE:** The athlete representative assisting with drafting, voting on, and/or signing the procedures is also competing for a spot on the team for which the procedures are written.

- 12) Having activities or interests, whether direct or indirect, that interfere with or influence, or have the potential to interfere with or influence, a Decision Maker's responsibilities on behalf of USA Boccia or to undermine the interests of USA Boccia .

**EXAMPLE:** A USA Boccia board member has a significant client who owns or operates a facility being considered as the host of a USA Boccia event.

**EXAMPLE:** A Decision Maker serves on a hearing panel or appeal panel involving discipline against a member of the Decision Maker's club/team/family.

**EXAMPLE:** An athlete is the potential recipient of benefits or services that are being allocated by USA Boccia and participates in the allocation decision.

#### **SECTION 4. INTERPRETATION OF THIS CONFLICT OF INTEREST POLICY**

The areas of conflicting interest and relations in those areas which may give rise to a conflict, as listed in Section 3, are not exhaustive. Decision Makers should, in the first instance, attempt to avoid all relationships and activities which may give rise to a potential conflict of interest, whether or not listed expressly in Section 3.

However, the fact that one of the interests described in Section 3 exists does not necessarily mean that a conflict exists, or that the conflict, if it exists, is material enough to be of practical importance, or if material, that upon full disclosure of all relevant facts and circumstances it is necessarily adverse to the interests of USA Boccia. However, it is USA

Boccia's policy that the existence of any of the interests described or similar in nature to those described in Section 3 shall be disclosed before any transaction is consummated or any vote taken on an action, contract, relationship, or decision that would give rise to the potential conflict of interest. It shall be the continuing responsibility of each Decision Maker to scrutinize his/her transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

## **SECTION 5. DISCLOSURE POLICY AND PROCEDURE**

In addition to the mandatory disclosures required from each Decision Maker under Section 10 and Section 11 of this policy, any individual with a good faith belief that a Decision Maker has a conflict of interest may notify USA Boccia of such perceived conflict pursuant to the procedures set forth below. Furthermore, should any Decision Maker become aware of any undisclosed conflict of interest, or any conflict of interest not fully disclosed, such person should make full disclosure of their knowledge of the conflict of interest involved to the Ethics Committee.

Disclosure should be made to USA Boccia's Executive Director and to the Ethics Committee, which shall bring the matter to the attention of the board. Any Conflict of Interest disclosures brought to the Board will be reviewed and documented in the Board minutes.

After disclosure of the conflict or potential conflict of interest and all material facts, and after any discussion with the interested person, the Ethics Committee shall decide if a conflict of interest exists pursuant to Section 6 below, and if there are mitigating measures that could be implemented to permit USA Boccia to move forward with the transaction or activity.

Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following, at a minimum, are observed:

- 1) The conflicting interest is fully disclosed;
- 2) The person with the conflict of interest is excluded from the discussion and approval of such transaction;
- 3) A competitive bid or comparable valuation exists; and
- 4) The Ethics Committee has determined that the transaction is in the best interest of the organization pursuant to Section 6 below.

## **SECTION 6. PROCEDURES FOR ADDRESSING POSSIBLE CONFLICTS OF INTEREST WITH RESPECT TO TRANSACTIONS OR BUSINESS OF USA BOCCIA**

In the event a possible conflict of interest exists with respect to a proposed transaction, promptly and before any decision is made regarding the proposed transaction, the proposed transaction shall be addressed as follows:

- 1) The interested person may make a presentation to the Ethics Committee, which may be convened telephonically, regarding the transaction or arrangement involving the possible conflict of interest.
- 2) The Ethics Committee shall review alternatives to the proposed transaction or arrangement as presented to the Ethics Committee by the board, staff, or relevant committee.
- 3) After exercising due diligence, the Ethics Committee shall determine whether USA Boccia can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- 4) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Ethics Committee shall determine by a majority vote whether the transaction or arrangement is in USA Boccia's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination the Ethics Committee shall inform the board or committee whether there is a conflict of interest precluding USA Boccia from entering into the transaction or arrangement, or if there are mitigating measures that may be implemented to alleviate concerns regarding the potential conflict of interest.

#### **SECTION 7. PROCEDURES FOR ADDRESSING POSSIBLE CONFLICTS OF INTEREST IN DRAFTING SELECTION PROCEDURES AND ATHLETE / TEAM DISCRETIONARY SELECTION**

The following more particularized disclosure requirements and procedures apply in the context of drafting selection procedures and athlete/team discretionary selection decisions in order to ensure that no individual participating in the process has a conflict of interest that will impact his/her ability to make a fair and unbiased decision in the athlete or team selection process.

Any individual involved in the drafting of procedures, including the athlete representative, or on a discretionary selection committee who has a possible conflict of interest must either recuse themselves from the entire process or disclose it to the Ethics Committee for review. The Ethics Committee will first determine if a conflict exists. If a conflict exists, the Ethics Committee will then determine to what extent, if any, the individual can participate in the process. The Ethics Committee may determine that the individual can still participate in the drafting of the procedures or be included in the discussions for discretionary selection of a team, but not take part in any sign-off, vote, or decision. For example, a national team coach or high performance director may provide such information to the selection committee so long as such information is provided in a fair and unbiased manner and the committee member who disclosed the conflict of interest does not vote toward the final decision. There may also be instances where even if the Ethics Committee determines that a conflict exists, the individual can still participate in the entire process. For example, in a sport where a national team coach has worked with all

athletes equally in the past, and no bias can be shown towards any one particular individual, then it may be permissible for that national team coach to participate in the process. In no instances will a committee member otherwise influence other members of the committee in the selection process.

Additionally, any person (including any potentially impacted athlete or coach of a potentially impacted athlete) with a good faith belief that an individual involved in the team or athlete selection process has a conflict of interest may report the alleged conflict of interest to USA Boccia 's Ethics Committee [ethicscommittee@usaboccia.org](mailto:ethicscommittee@usaboccia.org). Anonymous reporting is permitted. Before the selection process may proceed further, the Ethics Committee will: (1) obtain a statement from the supposedly interested person regarding the nature of his/her interest in the selection process; (2) obtain a statement from the reporting party regarding the perceived nature of the conflict of interest, if the report was not made anonymously; (3) exclude from further deliberations both the individual involved in the selection process and the reporting party; (4) determine whether the individual with the alleged conflict of interest in fact has a conflict of interest; and (5) if a conflict of interest is determined to exist, either mandate the individual's recusal from the process or determine to what extent, if any, that individual can participate in the process.

If an individual is recused and a vacancy on the committee exists, either in the drafting process or on the discretionary selection committee, USA Boccia shall use its best reasonable efforts to fill that vacancy. If a vacancy results in the athlete representative position, another athlete representative who meets the qualifications for that committee shall be appointed.

## **SECTION 8. VIOLATIONS OF THE CONFLICTS OF INTEREST POLICY**

- 1) If the Ethics Committee has reasonable cause to believe a Decision Maker has failed to disclose actual or possible conflicts of interest, it shall promptly inform the Decision Maker of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- 2) If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Ethics Committee determines the Decision Maker has failed to disclose an actual or possible conflict of interest, it shall refer the matter to the Ethics Committee to take appropriate disciplinary and corrective action.
- 3) While any such failure to disclose an actual or possible conflict of interest is under investigation, the Decision Maker shall be precluded from engaging in further decisions of USA Boccia that bear any relation whatsoever to the matter that is the subject of the actual or possible conflict of interest.
- 4) USA Boccia has zero tolerance for retaliatory conduct by any USA Boccia member, employee, coach, referee/official, board member or any other official associated with USA Boccia who reports a Conflict of Interest issue. Retaliation for reporting an alleged Conflict of Interest shall constitute a

violation of USA Boccia's rules and Code of Ethics and will be grounds for disciplinary actions.

## **SECTION 9. RECORDS OF PROCEEDINGS:**

The minutes of the Ethics Committee meetings shall contain:

- 1) The names of the persons who disclosed or otherwise were found to have a connection with an actual or possible conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, and the Ethics Committee's decision as to whether a conflict of interest in fact existed.
- 2) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, or selection process, the content of the discussion (including, but not limited to, an analysis of the fairness and reasonableness of the transaction or arrangement in question, or the fairness of having the individual participate in the selection process), including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

## **SECTION 10. ANNUAL STATEMENTS**

Each Decision Maker shall annually sign and submit to the Ethics Committee and USA Boccia's Executive Director a statement, using the form attached hereto, which affirms such person:

- 1) Has received a copy of the conflicts of interest policy;
- 2) Has read and understands the policy;
- 3) Has agreed to comply with the policy, and
- 4) Understands that USA Boccia is a charitable organization and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes. The disclosure statements shall be reviewed by the Ethics Committee. Each annual disclosure shall be reviewed and addressed by the Ethics Committee.

Any actual, perceived, or potential conflict of interest should be disclosed in the annual statement.

Any new USA Boccia employee shall submit a conflict of interest disclosure statement within 14 days of his or her hiring by USA Boccia. Any other new Decision Maker shall submit a conflict of interest disclosure statement by the earlier of 14 days after his or her appointment or his or her first board, committee, or task force meeting. In no



event shall a Decision Maker participate in any decisions to commit USA Boccia to a proposed transaction or in athlete or team selection procedures prior to submission of his or her conflict of interest disclosure statement.

The Ethics Committee shall maintain copies of all Annual Statements submitted under this Section 10.

#### **SECTION 11. PERIODIC STATEMENTS / UPDATES**

Each Board member, Executive Director and staff, committee member, task force member, hearing panel member, volunteer and employee shall submit to the Ethics Committee a signed statement as necessary describing any new potential conflicts of interest as and when such potential conflicts of interest arises. The Ethics Committee shall maintain copies of all Periodic Statements or updates submitted under this Section 11. The chair of the Ethics Committee can be reached at [ethicscommittee@usaboccia.org](mailto:ethicscommittee@usaboccia.org).

## USA BOCCIA CONFLICT OF INTEREST DISCLOSURE STATEMENT

I, \_\_\_\_\_, am a member of USA Boccia and service in the following role(s):

Board of Directors

Staff

Committee Member

Please specify which committee(s) \_\_\_\_\_

Task Force Member

Please specify which task force(s) \_\_\_\_\_

Hearing Panel Member

Please specify which hearing panel(s) \_\_\_\_\_

Volunteer

Selection Committee

Other

I attest to the following:

I have received the USA Boccia Conflict of Interest Policy (the "Policy").

I have read and understand the Policy.

I agree to comply with the Policy.

I understand that USA Boccia is a charitable organization and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

*Note: This disclosure statement also requires you to provide information with respect to certain other parties that are related to you. These persons are called "affiliated persons" and include, but are not limited to:*

*a) Your spouse, domestic partner, child, mother, father, brother, sister, grandparent, cousin or other blood relative;*

*b) Any corporation or organization of which you are a board member, an officer, a partner, participate in management or are employed by, or are, directly or indirectly, a debt holder or beneficial owner of any class of equity securities; and*

*c) Any trust or other estate in which you have a substantial beneficial interest or as to which you serve as a trustee or in a similar capacity.*

1. Have you or any of your affiliated persons provided services (other than board/staff/committee/task force/hearing panel/ employee/volunteer service) or property to USA Boccia in the past year?

YES

NO

If yes, please describe the nature of the services or property, and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

2. Have you or any of your affiliated persons purchased services or property from USA Boccia in the past year?

YES

NO

If yes, please describe the purchased services or property, and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

3. Please indicate whether you or any of your affiliated persons had any direct or indirect interest in any business transaction(s) in the past year to which USA Boccia was or is a party.

YES

NO

If yes, please describe the transaction, and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

4. Were you or any of your affiliated persons indebted to pay money to USA Boccia at any time in the past year (other than travel advances or the like)?

YES

NO

If yes, please describe the indebtedness, and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

5. In the past year, did you or any of your affiliated persons receive, or become entitled to receive, directly or indirectly, any personal benefits from USA Boccia or as a result of your relationship with USA Boccia that were not or will not be compensated directly related to your duties to USA Boccia ?

YES

NO

If yes, please describe the benefit(s), and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

6. Are you or any of your affiliated persons a party to or have an interest in any pending legal proceedings involving USA Bocca?

YES

NO

If yes, please describe the proceeding(s), and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

5. Are you aware of any other events, transactions, arrangements or other situations that have occurred or may occur in the future that you believe should be examined by USA Boccia's board in accordance with the terms and intent of USA Boccia's Conflict of Interest Policy?

YES

NO

If yes, please describe the situation(s), and, if an affiliated person is/was involved, the identity of the affiliated person and your relationship to that person:

6. If you are on an athlete selection committee, is there an affiliated person who is an athlete competing for a spot on the team, do you coach an athlete who is competing for a spot on the team, or do you have an immediate family member, employee, or colleague who is otherwise participating in the competition for which the selection committee has been convened?

YES

NO

If yes, please describe the identity of the affiliated person, athlete, or person involved in or impacted by the selection proceedings in question, and your relationship to that person:

I HERBY CONFIRM that my responses to the above questions are complete and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this disclosure is inaccurate or that I have not complied with this policy, I will notify the board or committee Chairperson or General Counsel (as applicable) immediately.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date