



**United States Sailing Association
Whistleblower and Anti-Retaliation Policy**

1. Purpose and Applicability.

- a. This Whistleblower and Anti-Retaliation Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct at US Sailing by encouraging, valuing, and protecting good faith reporting of:
 - i. alleged violations described in Section 2 of this Policy;
 - ii. alleged retaliation arising out of reports thereof.
- b. This Policy applies to good faith reports made by the following Covered Individuals:
 - i. US Sailing athletes, employees, directors, officers, members, committee members, task force members, hearing panel members, contractors, and volunteers;
 - ii. any other good faith reporters or other individuals who may be parties to a report under this Policy such as witnesses and/or victims.
- c. US Sailing has zero tolerance for retaliation of any kind against Covered Individuals and others who speak up in good faith.

2. Violations Covered by this Policy. This Policy is intended to cover reports of alleged violations of:

- a. the Ted Stevens Olympic and Amateur Sports Act (the “Act”);
- b. any applicable U.S. Olympic and Paralympic Committee (“USOPC”) bylaws and policies;
- c. any US Sailing Bylaws, policies, and procedures;
- d. any applicable state and federal laws, rules, or regulations.

3. Retaliation.

- a. No Covered Individual shall suffer harassment, intimidation, adverse employment or livelihood consequences, or any other form of retaliation (“Retaliation”) for:
 - i. making a good faith report of a violation to US Sailing, the USOPC, the US Center for SafeSport, law enforcement, or other governmental or administrative body; or
 - ii. participating in an investigation by US Sailing, the USOPC, or the US Center for SafeSport, or an inquiry or investigation by any court, law enforcement, or other governmental or administrative body.
- b. Under this Policy, 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 –

- i. the US Center for SafeSport;
 - ii. a coach, trainer, manager, administrator, or official associated with the USOPC;
 - iii. the Attorney General;
 - iv. a Federal or State law enforcement authority;
 - v. the Equal Employment Opportunity Commission; or
 - vi. Congress
- c. US Sailing and any of its employees, contractors, agents, or volunteers shall not 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 Section 220509(b)(5) of the Act.

4. **Reporting.**

- a. Covered Individuals may report (in good faith) violations of this Policy to the [Chair](#) of US Sailing’s Ethics Committee. Reports may be submitted anonymously (though it may be more difficult to investigate anonymous reports).
- b. Complaints of violations of this Policy that fall under the exclusive jurisdiction of the US Center for SafeSport must be directed to the US Center for SafeSport. If the Ethics Committee receives a complaint that may fall under the US Center for SafeSport’s jurisdiction, it must send the complaint to US Sailing’s SafeSport coordinator who will confirm whether the US Center for SafeSport has exclusive jurisdiction over the matter and, if so, will make a report with the US Center for SafeSport.

5. **Acting in Good Faith.** Any person who makes a report under this Policy 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 US Sailing 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.

6. **Investigation and Enforcement.**

- a. The Ethics Committee will review and investigate reports of violations of this Policy pursuant to its applicable policies and procedures. Any investigation undertaken by the Ethics Committee will be conducted by disinterested parties and, if required by applicable law or policy, will include Sailor Athlete representation. If a member of the Ethics Committee is allegedly involved in or witness to the violation, they will recuse themselves from the investigation.
- b. The Ethics Committee shall coordinate with US Sailing’s Director of Human Resources if it receives any allegations of violation of this Policy involving

employees or contractors. If during an investigation, the Ethics Committee finds that an employee or contractor has committed Retaliation against a “protected individual” as that term is defined in the Act, the Ethics Committee must immediately report the Retaliation to US Sailing’s Director of Human Resources. US Sailing must immediately terminate or suspend that individual without pay pursuant to Section 220509(c)(2) of the Act.

- c. For complaints of violations of this Policy against non-US Sailing employees, after the initial investigation is complete, the Ethics Committee may decide to initiate a complaint with the US Sailing Review Board by filing the complaint with the Review Board Chair, who shall process the complaint pursuant to Section 15 of the US Sailing Regulations.
- d. If the Ethics Committee does not decide to initiate a complaint, it may advise the complaining party that, while the Ethics Committee will not initiate a complaint in its own name, the complaining party may still file their complaint directly with the Review Board Chair. If the complaining party chooses to go forward with the complaint, the Review Board Chair shall process the complaint pursuant to Section 15 of the US Sailing Regulations.
- e. Subject to the findings of the Review Board, US Sailing may discipline (up to and including by termination of employment or other association with US Sailing) a Covered Individual for any violations of this Policy.
- f. A Covered Individual making a report of a violation of this Policy in bad faith may be subject to disciplinary action.

7. **Confidentiality**. All reports made under this Policy shall be treated as confidentially as possible, given that there may need to be some disclosure to conduct the investigation.