

Effective: 2021

**WHISTLE-BLOWER POLICY
OF
USA BASKETBALL**

1. Purpose

This Whistle-Blower Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct at USA Basketball by encouraging, valuing, and protecting good faith reporting by athletes, directors, officers, employees, organizational members, committee members, task force members, hearing panel members, contractor and volunteers (“Affiliated Individuals”) of USA Basketball of any alleged violation of any applicable law or policy or any potential ethics issue.

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 Basketball has zero tolerance for retaliation of any kind against people who speak up in good faith.

2. Alleged Violations Covered by this Policy

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

- a. The Ted Stevens Olympic and Amateur Sports Act
- b. The United States Olympic and Paralympic Committee (“USOPC”) Bylaws
- c. USA Basketball’s Constitution, rules, policies, and procedures, including but not limited to the:
 - i. USA Basketball Constitution
 - ii. USA Basketball Athlete and Participant Safety and Protection Handbook
 - iii. USA Basketball Statement of Principles of Ethical Behavior, Conflict of Interest, and Gifts & Entertainment Policy
 - iv. USA Basketball Code of Conduct
 - v. This Policy
- d. State and Federal law and regulations

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, or reach out to your direct supervisor within USA Basketball, the CEO, the CFO, or the person designated by the relevant policy to receive reports or answer questions. USA Basketball staff should additionally refer the USA Basketball Employee Handbook, which includes a whistleblower policy (and mandatory reporting requirements) with respect to alleged violations of law, if applicable.

Mandatory reporting: Some violations must be reported. Specifically, please be familiar with the requirements in the USA Basketball Employee Handbook, the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movement (this is not a USA Basketball-owned policy but nevertheless contains mandatory reporting requirements for certain Affiliated Individuals), the USA Basketball Athlete and Participant Safety and Protection Handbook, and the USA Basketball Code of Conduct. 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 USA Basketball’s Safe Sport Director, or contact the U.S. Center for SafeSport, if you have any questions about those obligations.

3. Reporting

How to Report

USA Basketball 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 without being discouraged to do so. This means Affiliated Individuals have options for how to report any concern about a potential ethical, policy, financial or legal violation.

An Affiliated Individual can make a report to the following individuals. If you have a question or are not sure where or to whom to report, please email EthicsCommittee@usabasketball.com and include "Report" in the subject line. This inbox is monitored by the CEO, Chairperson of the Ethics Committee, CFO, and Office Operations Director.

USA Basketball Constitution	USA Basketball CEO, CFO, or Chairperson
USA Basketball Athlete and Participant Safety and Protection Handbook	Please refer to the policy for mandatory reporting requirements and other reporting information: https://www.usab.com/youth/safesport/reporting.aspx . Certain violations are also required to be reported to the U.S. Center for SafeSport and law enforcement.
USA Basketball Statement of Principles of Ethical Behavior, Conflict of Interest, and Gifts & Entertainment Policy	USA Basketball CEO, CFO, or Chair of the Ethics Committee
USA Basketball Code of Conduct	USA Basketball CEO or Chairperson
USA Basketball Whistleblower and Anti-Retaliation Policy	USA Basketball CEO, CFO, Chairperson, or Chair of the Ethics Committee
Ted Stevens Olympic and Amateur Sports Act	USA Basketball CEO, CFO, or Chairperson
USOPC Bylaws	USA Basketball CEO, CFO, or Chairperson
State or federal law	Your direct supervisor at USA Basketball, the CEO, or CFO
Retaliation under this Policy	USA Basketball CEO, CFO, Chairperson, Chair of the Ethics Committee, or the USOPC

These are people who can also discuss the concern and help make sure it is addressed. The USOPC Athlete Ombudsman is also available to speak with athletes. Athletes may contact the Athlete Ombudsman at: (719) 866-5000, ombudsman@usathlete.org, or www.usathlete.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.

No Retaliation

USA Basketball 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, and any such action will be considered a violation of this Policy.

In addition to the above, prohibited retaliation includes 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 a 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 U.S. Center for SafeSport;
- b. a coach, trainer, manager, administrator, or official associated with the USOPC;
- c. the Attorney General
- d. a Federal or State law enforcement authority;
- e. the Equal Employment Opportunity Commission; or
- f. Congress.

USA Basketball and its Affiliated Individuals 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.

USA Basketball and its Affiliated Individuals are prohibited from retaliating against any individual who:

- a. Reports any allegation of child abuse of an amateur athlete who is a minor to law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);
- b. Reports any allegation of child abuse of an amateur athlete who is a minor to the U.S. Center for SafeSport, whenever such individual learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse; or
- c. Makes any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse.

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, USA Basketball's Code of Conduct, and other USA Basketball and USOPC rules and policies, and may lead to serious consequences including termination of employment or participation for anyone involved in retaliation.

Acting in Good Faith

Just as USA Basketball needs to make sure that no one in the basketball community is fearful of speaking up, USA Basketball also needs to make sure that no one in the basketball 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, the USA Basketball's Code of Conduct and possibly other USA Basketball rules and 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 employment or participation.

4. Response and Investigation

USA Basketball is committed to ensuring that no good faith report goes unheard or ignored. Please refer to the relevant policy for more information regarding the applicable process for addressing and investigating violations. Investigations and determinations will be executed by disinterested parties and include athlete representation where required.

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 Basketball is committed to ensuring that no good faith report goes unheard or ignored.

The USA Basketball Ethics Committee 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. The Chair of the Ethics Committee will report regularly to the USA Basketball Ethics Committee on coordination among these people. The USA Basketball Ethics Committee is responsible for making the determination of whether a violation has occurred.

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 Basketball will maintain the anonymity of the reporter to the extent possible while still complying with the law, requests of law enforcement, mandatory reporting requirements, and its obligations as a National Governing Body.

6. Follow Up

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