



Gifts & Entertainment Policy



Revised January 2023

Policy Owner: Chief Legal Officer (legal@usagym.org)

Gifts and Entertainment Policy

Effective Date: June 2021

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General

The USA Gymnastics' Gifts and Entertainment Policy serves to guide USA Gymnastics ("USA Gymnastics" or "USAG") employees, Board of Directors, Officers, Judges, Committee members, Task Force Members, Hearing Panel Members, volunteers, and the immediate family members of employees, Board members and Officers, Judges and independent contractors, such individuals (collectively, "Covered Individual/s") regarding how to handle gifts, entertainment, or other favors. Accepting gifts, entertainment, or other favors from individuals or entities can result in a conflict or duality of interest when the party providing the gift or entertainment does so under circumstances where it might be inferred that such action was intended to influence or possibly could influence a Covered Individual in the performance of their USAG duties. This does not preclude the acceptance of gifts or entertainment of nominal or insignificant value which are not related to any particular transaction, event, or activity of USA Gymnastics.

Covered Individuals may not, under any circumstances, actively solicit any type of gift, favor, or form of entertainment. Further, USAG will not under any circumstances permit or authorize the receipt of any business gifts or participation in entertainment that might be considered lavish, inappropriate, or illegal. **The only permitted gifts or entertainment are those outlined in this policy, and those gifts or entertainment must be promptly and properly disclosed.**

Covered Individuals with questions or concerns about giving or receiving a gift or entertainment should discuss their concern or question with Chief Legal Officer. With regard to USAG's Board of Directors, approval(s) under this policy shall be obtained from USAG's Chief Legal Officer or the USAG Ethics and Grievance Committee. USAG's Chief Legal Officer shall seek approval(s) required under this policy from USAG's the USAG Ethics and Grievance Committee. The final arbiter of any issue related to or concerning this policy is the USAG Ethics and Grievance Committee (EandG@usagym.org).

Non-Gifts

The following items/scenarios do not constitute a reportable gift or entertainment under this policy:

1. Any item or event which is available to the general public and for which the Covered Individual pays fair market value;
2. Promotional items that are provided to all attendees at an event or items of nominal value (less than \$25.00 retail value);

3. A gift or invitation extended by a relative or provided by an individual on the basis of personal friendship; individuals subject to this policy must be mindful of gifts and invitations based on friendship as opposed to gifts and invitations provided based on their role with USAG;
4. An item which may be publicly displayed or shared among US AG employees, such as flowers or cookies; or
5. Food and/or beverage provided as meal or refreshment at a business meeting or reception attended by a Covered Individual as part of their official responsibilities, provided such food and/or beverage is reasonable for the event.

Receiving Business Courtesies Rules

1. Current USAG Business Partners.

USAG Covered Individuals may accept gifts, entertainment, or other favors, from individuals and companies that currently do business with, or make donations to USAG, ("Business Partner") as follows:

- a. Per Business Partner, a Business Partner's products, or branded products (e.g., logoed jackets):
 - (i) For USAG Officers and Board Members, with a value of up to \$500 per year per Business Partner.
 - (ii) For all other Covered Individuals, with a value of up to \$250 per year per Business Partner.
- b. For all Covered Individuals, other gifts with a value of not more than \$100, per year, per Business Partner.
- c. All invitations extended to Covered Individuals, including USAG's CEO/President, Executive Leadership Team members, Judges or Board Members, to attend a sporting event or business development meeting with a Business Partner representative (including travel to and from such events) requires advanced approval by the Chief Legal Officer.
- d. On an infrequent basis, invitations for a spouse or family member of a Covered Individual to join the Covered Individual at a sporting event with a Business representative, (including travel accommodations to and from such events), may only be accepted to the extent approved in advance by the Chief Legal Officer;
- e. Invitations to attend a fundraising event with a Business Partner representative at no cost to the Covered Individual;
- f. Invitations to attend other social, educational or entertainment events intended to enhance the business relationship, provided the cost of the event does not exceed \$100 per Covered Individual per event and \$400 total per year, per Business Partner; and
- g. Perishable or consumable gifts, provided the gift is reasonable and not unduly lavish.

2. **Prospective Business Partners.** Covered Individuals may accept gifts from individuals and companies who are not current business partners of USAG, but that may or may not be seeking to engage in a business relationship with USAG ("Prospective Partner"), as follows:
- (a) Gifts with a value of not more than \$100 per Covered Individual, per year, per Prospective Partner;
 - (b) Invitations for USAG employee/Board member to attend a sporting event with a Prospective Partner representative (without travel to and from such events);
 - (c) Invitations to attend fundraising events with a Prospective Partner representative (without travel to and from such events);
 - (d) Invitations to attend other social, educational or entertainment events intended to promote the possible business relationship, provided that the cost of the event does not exceed \$100 per Covered Individual per event and \$200 total per Covered Individual per year, per Prospective Partner.

Gift Certificates. Covered Individuals may accept gift certificates within the limits set forth in this policy but may never accept cash or financial instruments (e.g., checks, stocks) in any amount from a Current Business or Prospective Partner.

Anonymous Gifts

USAG Covered Individuals cannot accept anonymous gifts that are sent to them in their official capacity. Anonymous gifts should be disclosed and given to USAG's Chief of Staff or Chief Legal Officer for handling.

International Events

Covered Individuals who receive gifts from international organizations, e.g., International Olympic Committee, International Paralympic Committee, in connection with their official duties in excess of the limits outlined in this policy must disclose those gifts to the Chief Legal Officer, using the form attached to this policy.

Disclosure and approval

All gifts or invitations falling under section 1(a), 1(c) and 2(b) above and all invitations that involve the third party paying for the Covered Individual's travel and/or overnight accommodations must be promptly reported to the USAG's Chief Legal Officer. Prior to accepting invitations to opportunities that include travel and overnight accommodations, written approval must be received from USAG Chief Legal Officer or USAG Ethics & Grievance Committee.

Before accepting, any extended potential gifts or invitations exceeding the limits and/or parameters noted above must be disclosed to, and approved in advance by, USAG Chief Legal Officer.

In the event that a Covered Individual receives a gift that exceeds the permissible limits but is concerned that returning the gift may appear discourteous or it is not reasonably possible to refuse the acceptance of the gift (e.g., an anonymous gift, a gift being delivered by a third-party courier to the Covered Individual's office), the Covered Individual must provide the gift to the Chief Legal Officer. The receipt of these surrendered gifts, which will be donated to the USAG or another designated charity, will be logged by USAG Ethics and Compliance.

In addition, the USAG Chief Legal Officer or the USAG Ethics and Grievance Committee shall have the right, in consultation with the effected Covered Individual, to require that any gift(s) be donated to USAG or another agreed upon charity if the USAG Ethics and Grievance Committee believes that such gift(s) is not proper and/or creates an appearance of impropriety.

The USAG Gifts and Entertainment Policy supplements the standards set forth in the USAG Code of Conduct and Employee Handbook. The USAG expects Covered Individuals, members, and affiliates to conduct themselves to the highest ethical standards in keeping with the USAG's values.

Extending Business Courtesies

There may be times when a USAG employee or Board member (for purposes of this section "USAG Host") wishes, as a business matter, to extend to a current or potential USAG business associate (i.e., an individual or company) a gift or an invitation to attend a social event (e.g., reception, meal, sporting event, or theatrical event) to further or develop a business relationship. In such instances gifts by the USAG employee may not exceed \$100 per person per year, without the prior written approval of USAG's Chief Legal Officer. For a Board member, or a member of the USAG Executive Leadership Team, such gifts may not exceed \$250 per person per year, without prior written approval of the Board Chair or USAG's Chief Legal Officer.

Invitations to events must be reasonable and appropriate. Topics of a business nature must be discussed at the event, and the USAG host must be present. The cost associated with such an event should not exceed \$100.00 per person/company per year, except with regard to sporting events and fundraising functions, without the prior written approval of USAG's Chief Legal Officer. Moreover, such business entertainment with respect to any particular individual must be infrequent, which, as a general rule, means not more than four times per year. Frequency beyond the foregoing must be approved in writing by USAG's Chief Legal Officer. All such business entertainment must comport with the Code of Conduct or code of ethics of the recipient's organization.

USAG colleagues may give gift certificates within the limits set forth in this policy but may never give cash or financial instruments (e.g., checks, stocks).

USAG recognizes that the foregoing limits may hamper the ability of business development team members to perform their job functions. In light of this, the foregoing limits will not apply to the USAG business development team if the invitation/event/etc. is part of normal and reasonable job duties and the event is not lavish or unreasonable. For the business development team, costs of gifts and events should not exceed \$600 per person per year.

Any gifts, entertainment, or other favors from individuals or entities to USAG Board members, that exceed the limits stated above, must be disclosed to and approved in advance by the USAG Board Chair before they may be accepted.

US Government Employees

The giving of gifts to federal, state, and local government employees is governed by a complex set of rules that are typically agency specific. Generally, the giving of gifts to government employees is very limited or prohibited. Before offering a gift to a government employee, you must receive the written approval of the USAG Legal Department.

Foreign Government Employees.

The giving of gifts to foreign government officials is governed by the U.S. Foreign Corrupt Practices Act. Generally, the giving of gifts or anything of value to foreign government officials is restricted or prohibited. Before considering a gift to a foreign government employee or official, you must confer with the USAG Legal Department.

Departing Board Members.

The USAG may provide a gift to a departing Board member as an expression of gratitude for their service to the organization. Costs of such gifts must not exceed \$400, and any gift should not be unduly lavish.

Disclosure and Approval.

All gifts or invitations must be covered by the appropriate USAG budget and must be approved in advance by the applicable USAG Covered Individual's supervisor.

Any potential gifts or invitations extended that exceed the limits and/or parameters noted above must be disclosed to, and approved in advance by, the Chief Legal Officer before they may be offered.

Giving Among Members.

In addition to situations involving an external individual, USAG Team Members should also consider the following when considering giving and receiving gifts between USAG Team Members.

Gifts should not be exchanged between any USAG Team Members who have a superior/subordinate relationship. USAG exempts collaborative gifts within reasonable limits among teams for special occasions (e.g., a new baby, wedding) from this policy; however, the organizers of any "pooled resources" gift must make clear that contributions are strictly voluntary.

USAG supervisors may purchase holiday gifts for their teams, but the amount spent should be the same for all team members and the amount should be reasonable.

USAG Team Members who are supervisors should not solicit contributions for a direct report from their other direct reports.

For USAG Team Members who do not have a superior/subordinate relationship, the value of an internal gift should not exceed \$25.

Participation in any teamwide gift exchange, such as a "Secret Santa" should be explicitly presented as optional.

All internal gifts exchanged between USAG Team Members should be appropriate for a workplace setting and must comply with all USAG policies.

This policy does not prohibit the personal exchange of gifts between Team Members, but Team Members engaged in personal gift exchanges should not coordinate any element of a gift exchange during work hours or using USAG resources (e.g., email, chats).

Board Members with Multiple Roles

Some USAG Board members may serve on multiple boards or be employed by other organizations within the Olympic and Paralympic Movement. Depending on the other role and the interactions, Board members may be subject to additional considerations when accepting a gift.

If the Board member's other position is directly linked to his or her USAG position (e.g., a Board member serves on the IOC Board, a position they qualified for by virtue of their position on the USAG Board), this policy shall govern any gifts given or received while the Board member is serving in their other capacity.

If the Board member's other position is not directly linked to their USAG position (e.g., a Board member is employed by a company that is not a Business Partner of USAG), the Board member will not be bound by this policy when serving in their non-USAG capacity and should instead follow the gift and entertainment policy of their employer. However, the Board member must consider the relationship between the gift giver and USAG. Even if a gift is given to the Board member in a non-USAG capacity, if the gift giver is a Current or Prospective Business Partner, the gift is governed by this policy.

Policy Violations

Any USAG Covered Individual found to have violated this policy will be referred to USAG Ethics and Grievance Committee and subject to appropriate disciplinary action, up to and including termination of employment.

If a Covered Individual is unsure of any of the requirements set forth in this policy or has questions regarding a specific situation related to gifts and entertainment, they should consult with their supervisor or contact the Chief Legal Officer.

Summary

USA Gymnastics employees, Board of Directors and Officers, Judges, Committee members, Task Force Members, Hearing Panel Members, volunteers, immediate family members of employees, Board members and Officers, and independent contractors may not accept gifts, entertainment, or other favors except as set forth above. USAG employees and Board members are encouraged to seek advice from their department head, the Chief Legal Officer, or the Board Chair, if uncertain.

Contact Information

Covered Individuals may seek advice from the USAG's Chief Legal Officer (dshon@usagym.org) or seek review from the Ethics and Grievance Committee (EandG@USAGYM.org).

Publication

The USA Gymnastics Gifts and Entertainment Policy will be added to Section 5 (Rules of Conduct and Performance) of the Employee Handbook and included in the Board of Directors Handbook and will be posted on the USA Gymnastics website.

USA Gymnastics Gift Disclosure Form

Please complete this form immediately upon receipt of personal gifts, favors or entertainment exceeding values as outlined in the USA Gymnastics Gifts and Entertainment Policy that were received in your capacity as an employee or representative of USA Gymnastics (USAG).

USAG defines personal gifts as: Items of value provided by individuals and/or organizations with present or prospective business relationships with USAG. Excluded from disclosure are promotional gifts of nominal value (less than \$50.00 retail value) such as coffee mugs, hats, pins, etc.

Name: _____ ☐ USAG Employee ☐ USAG Volunteer

USAG Staff or Volunteer Position: _____

- Please describe the gift(s) received:

- The value of the gift is estimated at \$ _____

Note: This is a good faith estimate based on retail value. If the value cannot reasonably be estimated or determined, so state.

- Please describe the source of the gift (name and relationship to the USAG) and under what circumstances it was received:

- Indicate below any matters pending or likely to arise in the future that might involve the donor:

Certification: I certify that this gift was not solicited.

SIGNATURE: _____

DATE: _____

Send this form to: USA Gymnastics, Attn: Chief Legal Officer and Chief of Staff, 1099 N Meridian St, Ste. 800, Indianapolis, IN 46204, or via email to: Legal@USAGYM.org