

**APPENDIX III
CODE OF CONDUCT AND ETHICS
USA WATER SKI & WAKE SPORTS
EFFECTIVE JANUARY 26, 2020**

USA Water Ski & Wake Sports (USA-WSWS) is committed to providing a safe and ethical environment for all of its members, affiliated clubs, athletes, volunteers and employees (collectively “Colleagues” for purposes of this Code of Conduct and Ethics). USA-WSWS has adopted this Code of Conduct and Ethics (“Code of Conduct”) which governs all members, affiliated clubs, athletes, volunteers and employees in USA-WSWS activities.

I. PRINCIPLES OF ACCEPTABLE AND ETHICAL CONDUCT

As a part of this Code of Conduct, all Colleagues must:

1. Be knowledgeable of, and abide by USA-WSWS’s Bylaws, Policies (including USA-WSWS’s SafeSport policies), Competition Rules, and other member requirements which may be adopted from time to time.
2. Resolve all alleged ethical and conduct violations in a fair, direct and prompt manner.
3. Preserve USA-WSWS’ stewardship role for water ski and wake sports.
4. Handle and engage in all USA-WSWS activities honestly and ethically, and in accordance with this Code of Conduct of Conduct.

Additionally, all Colleagues must exercise any duties and responsibilities undertaken on behalf of USA-WSWS (such as being an official, coach, director, officer, committee representative, or as an employee) (a) in good faith, (b) with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and (c) in a manner that the Colleague reasonably believes to be in the best interests of USA-WSWS. This Code of Conduct establishes minimum standards of acceptable conduct, and all Colleagues are expected to seek clarification or direction from the Ethics Committee Chair (who shall respond in consultation with the Ethics Committee) if they are uncertain about what is required or if they have any questions as to how this Code of Conduct may apply to their circumstances.

This Code of Conduct is intended to set forth the principles and procedures for defining, preventing, and addressing violations of USA-WSWS’ ethical and conduct standards, consistent with USA-WSWS’ Bylaws, Competition Rules, and other member requirements which may be adopted from time to time. **The standards set forth in this Code of Conduct are mandatory, and must be followed by all USA-WSWS Colleagues.** This Code of Conduct applies to all USA-WSWS Members and all other Colleagues. **USA-WSWS national team athletes will also be required to sign a team Code of Conduct and U.S. Team Agreement, which will apply in addition to this Code of Conduct (and which extend from this Code of Conduct to the extent that any higher or stricter standard applies under the team Code of Conduct or U.S. Team Agreement).** USA-WSWS employees may also be subject to additional requirements as set forth in USA-WSWS’ employee policies.

II. SCOPE OF THE CODE OF CONDUCT

The standards set forth in the Code of Conduct are mandatory; they must be followed by all Colleagues.

III. LEADERSHIP RESPONSIBILITIES

USA-WSWS Colleagues holding positions of leadership must exercise their responsibility in a manner that ensures that Colleagues have sufficient information to comply with applicable laws, regulations, and policies, provides the resources required to resolve ethical concerns, creates a culture that promotes the highest standards of ethics and conduct, and never sacrifices ethical and compliant behavior in the pursuit of other organization objectives.

In exercising any duties and responsibilities undertaken on behalf of USA-WSWS, officers, directors, committee persons and employees of USA-WSWS are subject to the laws of the State of Florida relating to the exercise of those duties in good faith, with ordinary and prudent care, and in a manner reasonably believed to be in the best interests of USA-WSWS. No such person shall be personally responsible to USA-WSWS for monetary damages for breach of fiduciary duty to USA-WSWS unless any such damages result from (a) a breach of loyalty, (b) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law, or (c) transactions from which the director, officer, or committee member directly or indirectly derives an improper personal benefit.

IV. OPEN COMMUNICATIONS

USA-WSWS recognizes that open and honest communication is essential to achieving the productive and transparent environment necessary to protect the integrity of sport. All USA-WSWS Colleagues are encouraged to create an environment and culture in which asking questions and challenging the status quo is encouraged and rewarded.

V. LEGAL AND REGULATORY COMPLIANCE

USA-WSWS requires all Colleagues to abide by all applicable United States federal, state, and local laws, including the Ted Stevens Olympic and Amateur Sports Act, and foreign laws, as applicable. The Code of Conduct operates in tandem with the policies and procedures of USA-WSWS, USA-WSWS's staff, and with all applicable U.S. and foreign laws and regulations. Where more than one set of laws, regulations, local customs, or norms exist, USA-WSWS Colleagues shall use the highest standard of behavior or the most restrictive requirement that applies.

All questions regarding conflicts of law, such as a conflict between any United States and foreign law, or regarding the legality of any action should be directed immediately to the USA-WSWS Executive Director and President for information and guidance.

VII. CONFLICTS OF INTEREST

USA-WSWS has instituted a strict policy regarding conflicts of interest. All USA-WSWS Colleagues must refrain from any activity or investment that creates, or that might appear to create, a Conflict of Interest. This policy requires all Conflicts of Interest, either actual or perceived, to be immediately reported following the procedures detailed below. This policy is intended to supplement but not replace all applicable state and federal laws governing conflicts of interest in nonprofit or charitable organizations.

Specifically, all Colleagues must be free from any influence which might interfere with the proper and efficient discharge of their duties, or which might be inconsistent with their loyalty to USA-WSWS. It is also the duty of USA-WSWS employees and volunteers not to use their position with USA-WSWS for personal advantage or gain. To that end:

- A. Colleagues shall not accept monetary compensation other than normal salaries and business expense reimbursement for services within the scope of their duties to USA-WSWS. In addition, no Colleagues, except for athletes speaking on the subject of their competitive experiences, shall

accept honoraria for speaking engagements where the subject of the discussion relates to activities of a USA-WSWS sports discipline.

- B. It is normal and acceptable for a Colleague to be provided meals, lodging and event clothing when acting in an official capacity at a USA-WSWS sanctioned event. It is also normal and expected that members and staff of a competition team representing a USA-WSWS sports discipline will be provided travel expenses and clothing. It is expected that exceptions to this rule will be made where no actual or perceived conflict of interest exists. USA-WSWS Colleagues shall submit requests for exceptions to the Chairman of the Ethics Committee who, in consultation with the Ethics Committee, shall have the authority to approve or disapprove of any such request.
- C. No Colleague shall engage in outside activities that are in clear and direct conflict with the interests of the USA-WSWS.
- D. Colleagues shall attempt to remain free from obligations to, or relationships with, any person or concern with which USA-WSWS has a business or other relationship. Where a Colleague has such an obligation or relationship, he or she shall disclose it to the Ethics Committee Chairman, who in consultation with the Ethics Committee, shall have the authority to approve or disapprove of the obligation or relationship. The Ethics Committee could request the individual to:
 - 1. Excuse himself or herself from any formal or informal discussions related to the relationship between the USA-WSWS and the person or concern; and
 - 2. Abstain from voting and from seeking to influence the vote on any matter related to the person or concern.
- E. USA-WSWS volunteers and employees shall not use assets, intellectual property or confidential information for personal gain.

VIII. GIFTS

USA-WSWS has instituted a strict policy regarding gifts. All USA-WSWS Colleagues must refrain from accepting or offering any gift in violation of this Code of Conduct. This policy requires all improper gifts to be immediately reported following the procedures detailed below. This policy is intended to supplement but not replace all applicable state and federal laws governing conflicts of interest in nonprofit or charitable organizations.

Except as permitted in this Code of Conduct, no Colleague shall accept any gift as a result of their position, including travel and entertainment. The gift policy will also apply to the purchase of goods and services at a price less than would be available to them if it were not for their position with USA-WSWS. Specifically:

- A. Gifts which the recipient reasonably and in good faith believes to have a value of less than \$150, and provided that the cumulative value of gifts from one source in any calendar year does not exceed \$300, may be accepted. In no event, however, may any such gift influence or appear to influence the recipient in the discharge of his or her official duties. No gift with a value of less than \$50 will count toward the \$300 annual limit.
- B. The following gifts shall be permitted:

1. Gifts from relatives.
2. Gifts from personal friends, unless the gift is provided because of a USA-WSWS affiliation.
3. Gifts from USA-WSWS.
4. Gifts provided as a result of the recipient's outside business or employment activities.
5. Awards or prizes given to competitors in contests or events open to the public.
6. Honorary degrees and other bona fide, non-monetary awards presented in recognition of service.
7. Gifts of personal hospitality.
8. Commemorative plaques or trophies
9. Food or refreshments offered as a part of a meal.
10. Hospitality (e.g., tours, event tickets, meals) provided to groups in conjunction with USA-WSWS board and committee meetings.
11. Gifts of tickets to athletic events shall also be permitted. This exception shall only apply to spectator events and shall not apply to events in which the recipient participates (e.g., the exception will not apply to a gift of lift tickets). Any gift of tickets with a value in excess of \$150 must be disclosed to the Chairman of the Ethics Committee no later than thirty (30) days after the event in question unless it is exempt by virtue of one of the exceptions listed above.

Questions regarding the application of the gift policy will be addressed by the Ethics Committee. The Committee will have the authority to waive the application of the gift policy on a case by case basis, if no actual or perceived conflict of interest exists.

Care must also be taken not to influence, or appear to influence, the decision-making processes of third parties through gift giving. To that end, the same restrictions that apply to the receipt of gifts shall apply to the delivery of gifts to third parties.

IX. USA-WSWS INFORMATION

All USA-WSWS Colleagues are responsible for the integrity and accuracy of organization documents, communications and financial records. USA-WSWS records serve as a basis for managing its activities and are important in meeting its obligations to vendors, sponsors, government regulators, creditors, the Board, and its members.

USA-WSWS shall maintain a system of internal controls to assure appropriate authorization, recording and accountability of USA-WSWS's assets. USA-WSWS shall maintain high standards of accuracy and completeness in documenting, maintaining, and reporting financial information. USA-WSWS shall also comply with tax and financial reporting requirements. All USA-WSWS financial documentation must reflect actual USA-WSWS funds, assets, and transactions. It must also conform to accounting principles generally accepted in the United States of America.

All responses to requests by internal auditors, legal staff, independent accountants, the Board, and outside counsel, must be complete and truthful. Colleagues must include all relevant information, even if the request does not specifically ask that that be done.

It is a violation of this Code of Conduct to alter or falsify information on any record or document, to intentionally make a false or exaggerated claim to anyone, or to mislead anyone about USA-WSWS activities. USA-WSWS documents and records must be

retained according to the law, and our own record retention policies. No one may remove or destroy records before the specified date without first obtaining permission as outlined in USA-WSWS's records management policy.

X. CONDUCT

Any one or more of the following shall constitute violations of this Code of Conduct or the USA-WSWS Code of Conduct of Ethics:

- A. Drugs and Alcohol. All USA-WSWS athletes must adhere to IWWF, USOC, USADA and WADA anti-doping protocols, policies and procedures. This includes participation in out of competition testing as required by the IWWF, USOC USADA and WADA Rules.
- B. Athlete Team Agreements. All members of USA-WSWS teams must also adhere to the requirements and obligations set forth in any athlete team Code of Conduct of Conduct and U.S. Team Agreement.
- C. Equal Treatment. USA-WSWS strictly prohibits unlawful discrimination or unlawful harassment of any kind. Treating someone in an unlawful discriminatory or harassing manner is a violation of this Code of Conduct.
- D. SafeSport Policy. Any violation of the USA Water Ski & Wake Sports SafeSport Policy (to be implemented shall be a violation of this Code of Conduct.
- E. Fraud, Deception. Any act of fraud, deception, improper use of USA-WSWS assets, or dishonesty in connection with any USA-WSWS-related activity.
- F. Inappropriate Conduct. Any non-consensual physical contact, obscene language or gesture, or other defamatory, demeaning, or threatening language (whether written or oral) or conduct directed towards a Colleague is a violation of this Code of Conduct.
- G. Conduct Detrimental. Any other material and intentional wrongful act, conduct or failure to act not provided for above, which is detrimental to the image or reputation of USA-WSWS or its Objects and Purposes.
- H. Disclosure of Confidential Information. Any intentional or reckless disclosure of material USA-WSWS confidential information.
- I. Retaliation. Any retaliation against any person who reports or participates in an investigation of a possible violation of our Code of Conduct.
- J. Failing to Report Violations and False Accusations. Any knowing or intentional failure to report a violation of this Code of Conduct or USA-WSWS' Code of Conduct of Ethics, or any false accusation which is knowing or intentional.

XI. RESOLVING ETHICAL AND CONDUCT ISSUES

Colleagues have an obligation to be familiar with this Code of Conduct. Lack of awareness or misunderstanding of an ethical or conduct standard is not itself a defense to a charge of unethical conduct that violates the Code of Conduct. USA-WSWS Colleagues should direct all conduct and ethics questions and concerns to the Ethics Committee or to other appropriate authorities in order to choose a proper response.

XII. WHISTLEBLOWER POLICY

A "whistleblower" as defined by this policy is any USA-WSWS Colleague who reports an activity to one or more of the parties specified in this policy that they consider to be illegal, dishonest, unethical or in conflict with the interests of USA-WSWS. Reports should be made as set forth below. All Colleagues must exercise sound judgment to avoid baseless allegations. A Colleague who intentionally files a false report of wrongdoing will be subject to sanctions up to and including termination.

"Whistleblower" protections provide confidentiality and prevent retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense, disclosure of identity may be required. USA-WSWS will not retaliate against a whistleblower. Any "whistleblower" who believes he or she is being retaliated against must contact the USA-WSWS Executive Director immediately, with copies to USA-WSWS' President and the chair of the committee having jurisdiction (Ethics Committee or Judicial Committee). The right of the "whistleblower" to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. USA-WSWS Colleagues with any questions regarding this policy should contact the Ethics Committee.

XIII. INVESTIGATION AND ADJUDICATION

Jurisdiction for investigating and adjudicating alleged violations under this Code of Conduct or the Code of Conduct of Conduct is as follows:

- A. Jurisdiction over issues arising under USA-WSWS' SafeSport Policy shall be as set forth in the Bylaws of USA-WSWS and its SafeSport policy.
- B. Jurisdiction over other issues arising under Article IX (Complaint and Appeal Procedures) of the USA-WSWS shall be as set forth in the Bylaws of USA-WSWS.
- C. Jurisdiction over all other issues arising under Article VIII (Conflict of Interest and Ethical Practice) or otherwise relating to this Code of Conduct shall be with the USA-WSWS Ethics Committee.
- D. Alleged violations involving USA-WSWS employees may be addressed if/as appropriate by USA-WSWS' Executive Director and USA-WSWS' President.

When Colleagues believe that a violation has occurred, they should report it to the USA-WSWS Executive Director, with copies to USA-WSWS's President and the chair of the committee having jurisdiction (Ethics Committee or Judicial Committee). Where jurisdiction is unclear, the chair persons shall communicate and determine how to proceed.

In certain circumstances, issues may be resolved informally, such as by bringing it to the attention of the individual and seeking an informal resolution of the issue. If that occurs, a report shall still be made documenting the agreed upon resolution.

If an informal resolution is not appropriate or proper, the Authority or Committee having jurisdiction shall undertake a formal proceeding pursuant to procedures adopted in accordance with USA-WSWS' Bylaws (or by the U.S. Center for SafeSport if/as applicable). Any formal investigation or proceedings by the Ethics Committee shall generally follow the same procedures as are applicable to Complaints over which the Judicial Committee has jurisdiction.

Anyone who violates this Code of Conduct is subject to disciplinary measures, which may include termination of employment, suspension or expulsion from USA-WSWS.

Disciplinary measures may also be taken with respect to senior staff who condone improper conduct by their associates or who do not take measures to correct problems that are brought to their attention.

This policy serves as a framework to guide ethical conduct, but by no means covers every situation. If you are unclear about the requirements of this policy, please consult your supervisor or contact the Chairman of the Ethics Committee. You have a responsibility to ask questions if you have doubts about a situation or proposed course of action.

The following people shall be required to deliver an annual certification (which can be satisfied by email statement) to the Executive Assistant of USA-WSWS regarding compliance with this Code of Conduct

1. USA-WSWS and Sport Disciplines board of directors.
2. Members of the USA-WSWS Athletes Advisory Council.
3. Employees of USA-WSWS.