

# **UNITED STATES TENNIS ASSOCIATION INCORPORATED**

## **GIFTS AND ENTERTAINMENT POLICY**

### **1. Purpose**

The United States Tennis Association Incorporated and its family of companies, including USTA National Tennis Center Incorporated, USTA Player Development Incorporated, USTA Foundation Incorporated, and USTA Coaching, Inc. (collectively, “USTA”) is committed to sustaining an ethical workplace free of conflicts of interest and perceived conflicts of interest. Therefore, the USTA has adopted this Gifts and Entertainment Policy to provide instruction to USTA employees, Volunteers (inclusive of Board Members, Officers, Committee Members, and Task Force Members – collectively referred to herein as “Volunteers”), and those formally engaged in business with the USTA regarding how to handle offers of gifts or other forms of entertainment from individuals or companies that do business with, or are interested in doing business with the USTA. Additionally, it provides instructions to the USTA for extending gifts to third parties.

This policy should not be considered in any way as an encouragement to make, solicit or receive any type of gift or entertainment. Indeed, USTA employees, Volunteers, and those formally engaged in business with the USTA may not, under any circumstances, actively solicit any type of gift or entertainment. Further, USTA will not under any circumstances permit or authorize participation in any business gifts or 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 properly disclosed.

### **2. Applicability of Policy**

This Gifts and Entertainment Policy is applicable to all USTA employees, Volunteers, and those formally engaged in business with the USTA, as well as their spouses and immediate family members (collectively referred to hereinafter as “Affiliated Individuals”).

### **3. Non-Gifts**

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

- a. Any item or event which is available to the general public and the Affiliated Individual pays fair market value for;
- b. Promotional items that are provided to all attendees at an event or items of nominal value (less than \$50.00 retail value);
- c. 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 one’s role with USTA;
- d. An item which may be publicly displayed or shared among USTA employees, such as flowers or cookies;
- e. An invitation to sports or social events that are part of normal, open, and generally acceptable business practices which serves and promotes the best interest of Affiliated Individual; or
- f. Food and/or beverage provided as meal or refreshment at a business meeting or reception attended by an Affiliated Individual as part of their official responsibilities, provided such food and/or beverage is reasonable for the event.

### **4. Receiving Business Courtesies**

- a. Current Business Partners

Affiliated Individuals may accept gifts from individuals and companies that currently do business with, or make donations to USTA, as follows:

- i. Partner/sponsor/supplier products and partner/sponsor/supplier-branded products (e.g., logoed jackets) with a value of up to \$1,000 per Affiliated Individual, per year, per individual/company;
- ii. Other gifts with a value of no more than \$400 per Affiliated Individual, per year, per individual/company;
- iii. Invitations for the Affiliated Individual to attend sporting events with an individual/company representative
  - a. Travel to and from such events may only be accepted to the extent approved in advance by the Chief Ethics Officer or Chair of the Audit Committee.
- iv. On an infrequent basis, invitations for a spouse or family member to join the Affiliated Individual at sporting events with an individual/company representative;
  - a. Travel to and from such events for the spouse or family member may only be accepted to the extent approved in advance by Chief Ethics Officer or Chair of the Audit Committee.
- v. Invitations to attend fundraising events with an individual/company representative at no cost to the Affiliated Individual;
- vi. Invitations to attend other social, educational, or entertainment events intended to enhance the business relationship, provided that the cost of the event does not exceed \$100 per Affiliated Individual, per event and \$400 total per Affiliated Individual per company, per year; and
- vii. Perishable or consumable gifts provided that the gift is reasonable and not unduly lavish.

b. Prospective Business Partners

Affiliated Individuals may accept gifts from individuals and companies that are not current business partners of USTA but that may or may not be seeking to engage in a business relationship with USTA as follows:

- i. Gifts with a value of not more than \$400 per Affiliated Individual, per year, per individual/per company;
- ii. Invitations for the Affiliated Individual to attend sporting events with an individual/company representative (but not travel to and from such events);
- iii. Invitations to attend fundraising events with an individual/company representative;
- iv. Invitations to attend other social, educational or entertainment events intended to promote the business relationship provided that the cost of the event does not exceed \$400 per Affiliated Individual, per event and \$400 total per Affiliated Individual, per individual/company, per year.

c. Limitations

Affiliated Individuals may accept gift certificates within the limits set forth in this policy, but may never accept cash or financial instruments, such as checks or stocks, in any amount from any source.

d. Disclosure and Approval

Except as otherwise provided herein, Affiliated Individuals must promptly disclose any and all gifts or invitations received in their capacity as an employee or representative of USTA to the Chief Ethics Officer or Chair of the Audit Committee. Where the gift or invitation is made to the Chief Ethics Officer or Chair of the Audit Committee, the requisite disclosure must be made to the Chief Executive Officer.

Directions for submitting a gift disclosure:

- i. Prior to accepting invitations or gifts that include travel and/or overnight accommodations, written approval must be received from the Chief Ethics Officer or Chair of the Audit Committee. In the case of the Chief Ethics Officer or Chair of the Audit Committee's request for approval, such approval must be received from the Chief Executive Officer.
- ii. In the event that an Affiliated 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 Affiliated Individual's office), the Affiliated Individual must provide the gift to the Chief Ethics Officer or Chair of the Audit Committee. The receipt of these surrendered

gifts, which will be donated to USTA Foundation or another designated charity, will be logged by the Chief Ethics Officer.

- iii. The Chief Ethics Officer or Chair of the Audit Committee may, in consultation with the Affiliated Individual, require that any gift(s) be surrendered and donated to USTA Foundation or another agreed-upon charity if the Chief Ethics Officer or Chair of the Audit Committee believes that such gift(s) is not proper and/or creates an appearance of impropriety.

## **5. Extending Business Courtesies**

### **a. Current or Prospective Business Partners**

There may be times when an Affiliated Individual wishes to extend 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 may not exceed \$400 in value per person, per year, without the prior written approval of the Chief Ethics Officer or Chair of the Audit Committee.

Invitations to events must be reasonable and appropriate. Topics of a business nature must be discussed at the event, and the Affiliated Individual must be present. The cost associated with such an event should not exceed \$400 per person/company per year, except with regard to sporting events and fundraising functions, without the prior written approval of the Chief Ethics Officer or Chair of the Audit Committee. Moreover, such business entertainment with respect to any particular individual must be infrequent, which, as a general rule, means not more than four (4) times per calendar year. Any business entertainment in excess of this standard must be approved in writing by the Chief Ethics Officer or Chair of the Audit Committee.

All such gifting and business entertainment must comport with the Bylaws, regulations, policies, and procedures of the recipient's organization.

USTA employees or Board members may give gift certificates within the limits set forth in this policy, but may never give cash or financial instruments, such as checks or stocks.

### **b. Government Employees**

The giving of gifts to federal, state, and local government employees is governed by a complex set of rules that is typically agency-specific. Generally, the giving of gifts to government employees is very limited or prohibited. Before offering a gift to a government employee, of any value, you must receive the approval of the Chief Ethics Officer in advance and in writing.

### **c. Disclosure and Approval**

Except as otherwise provided herein, all gifts or invitations offered by an Affiliated Individual must be covered by the appropriate USTA budget and must be approved in advance by the appropriate USTA supervisor.

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

Directions for submitting a gift disclosure:

- i. Prior to accepting invitations or gifts that include travel and/or overnight accommodations, written approval must be received from the Chief Ethics Officer or Chair of the Audit Committee. In the case of the Chief Ethics Officer or Chair of the Audit Committee's request for approval, such approval must be received from the Chief Executive Officer.
- ii. In the event that an Affiliated 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 Affiliated Individual's office), the Affiliated Individual must provide the gift to the Chief Ethics Officer or Chair of the Audit Committee. The receipt of these surrendered

gifts, which will be donated to USTA Foundation or another designated charity, will be logged by the Chief Ethics Officer.

- iii. The Chief Ethics Officer or Chair of the Audit Committee may, in consultation with the Affiliated Individual, require that any gift(s) be surrendered and donated to USTA Foundation or another agreed-upon charity if the Chief Ethics Officer or Chair of the Audit Committee believes that such gift(s) is not proper and/or creates an appearance of impropriety.

## **6. Decorations and Awards:**

Affiliated Individual may accept without restriction any decoration or award from any source given in recognition of meritorious public contribution or an achievement.

## **7. Policy Violations**

Violations of this policy may be reported to USTA by the processes outlined in the USTA Whistleblower Policy and available to access online via EthicsPoint. Violations will be referred to the Chief Ethics Officer or Chair of the Audit Committee and subject to appropriate disciplinary action, up to and including termination of employment, removal of Volunteer, termination of contract, and any other remedies as provided in the USTA Bylaws, regulations, policies, and procedures.

## **8. USTA Point of Contact**

If an Affiliated 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 contact the Chief Ethics Officer:

- Andrea Hirsch, Chief Ethics Officer: [hirsch@usta.com](mailto:hirsch@usta.com)

## USTA GIFT DISCLOSURE FORM

Please complete this form immediately upon receipt of gifts<sup>1</sup> received in your capacity as an employee or representative of USTA.

Name: \_\_\_\_\_

- ☐ USTA Employee      ☐ USTA Volunteer      ☐ Formally Engaged in Business with the USTA  
☐ Other (please specify): \_\_\_\_\_

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 USTA) and under what circumstances it was received:

- ☐ Current business partner: \_\_\_\_\_  
☐ Prospective business partner: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

- 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 completed form to the:

- Andrea Hirsch, Chief Ethics Officer: [hirsch@usta.com](mailto:hirsch@usta.com)

*Should you wish for your request to be determined by the Chair of the Audit Committee, please indicate the same in your request and it will be handled accordingly.*

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<sup>1</sup> USTA defines personal gifts as items of value provided by individuals and/or organizations with present or prospective business relationships with USTA. See USTA Gift and Entertainment Policy for exceptions to this definition.