

# UNITED STATES TENNIS ASSOCIATION INCORPORATED (USTA) WHISTLEBLOWER POLICY

## 1. Purpose

The United States Tennis Association Incorporated (hereinafter “USTA” and as further defined below) Whistleblower Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct at USTA by encouraging, valuing, and protecting good faith reporting of concerns involving USTA and those affiliated with USTA. The Policy covers good faith reporting of concerns of all kinds related to USTA and includes anti-retaliation protections for those who report in good faith and/or cooperate with an investigation of such reports, like witnesses and victims.

Every person—including athletes, employees, member, volunteers (which is inclusive of board members, committee members, and task force members), and others affiliated with USTA—has the right to report concerns and alleged violations in a way that is comfortable for them and cooperate in any investigations that follow without fear of retaliation for reporting or speaking to USTA or any other entity about USTA.

For purposes of this Policy, it means the USTA family of companies, including United States Tennis Association Incorporated, USTA National Tennis Center Incorporated, USTA Player Development Incorporated, USTA Foundation Incorporated, and USTA Coaching, Inc.

This Policy incorporates by reference the USTA’s Reporting Fraudulent Activities and/or Unethical Behavior – Whistleblower Hotline booklet, which is distributed to the USTA network on an annual basis from the Office of General Counsel.

## 2. Policy Coverage

The Policy covers reporting of any alleged violation of applicable law, policy, or procedures as well as potential ethical misconduct. Examples of alleged violations that may be reported under the Policy include, but are not limited to:

- a. Non-compliance with USTA’s Bylaws, policies, or procedures;
- b. Non-compliance with applicable Federal or State laws;
- c. Non-compliance with accepted accounting or financial practices (*e.g.*, fraud);
- d. Non-compliance with the Ted Stevens Olympic and Amateur Sports Act; and/or
- e. Non-compliance with applicable provisions of the United States Olympic and Paralympic Committee (USOPC) Bylaws or policies.

Under USTA policy, there are some violations that ***must*** be reported. Specifically, any violations of local, state, or federal law or any violations of applicable athlete safety policies, including those of USTA and the U.S. Center for SafeSport, must be reported.

**Note that nothing in this Policy changes or replaces any mandatory reporting obligations under the SafeSport Code for the Olympic and Paralympic Movements.** The U.S. Center for SafeSport can assist with any questions about those obligations. Should you need support in contacting the U.S. Center for SafeSport ([uscenterforsafesport.org](http://uscenterforsafesport.org)), you may contact the USTA SafePlay program at [www.usta.com/safeplay](http://www.usta.com/safeplay).

Suspected criminal activity against a person or property should be reported directly to law enforcement immediately.

If you are unsure about whether a matter might be a policy violation or are unsure about your reporting responsibility for a particular type of matter, start by reviewing the particular policy involved. USTA staff should refer to the Employment Handbook available on the Hub or reach out to the Office of General Counsel or Human Resources for more information.

### **3. Reporting**

There are several ways an individual may make a report under this Policy.

- a. Reporters may submit a report to EthicsPoint via phone at (866) 654-6516 or via their website at [www.ethicspoint.com](http://www.ethicspoint.com). EthicsPoint is monitored by Office of General Counsel and/or the Chair of the Audit Committee, as applicable, who will route reports to the right party to address the concerns.
- b. Reporters can make a report to the USTA's Managing Director, People Operations (Dario Otero – USTA Purchase Office – [otero@usta.com](mailto:otero@usta.com)), the USTA Director, Employee Relations (Marybeth Interdonato – USTA National Campus – [interdonato@usta.com](mailto:interdonato@usta.com)), or the Chief Ethics Officer (Andrea Hirsch – [hirsch@usta.com](mailto:hirsch@usta.com)).

Please remember that as a reporter, you do not need to (and should not) investigate the matter of concern, determine fault, or know how to fix it. A reporter does his or her part by making an issue known so the right people can take action.

### **4. Investigation and Resolution**

Once a report is received, it will be forwarded to the responsible party for investigation. Investigations of reports of potential violations will be handled according to the USTA's policies and procedures which govern that conduct, including who will investigate the matter and who is empowered to make the determination about whether a violation occurred for that matter.

In all cases, matters will be investigated by a disinterested party. If, after investigating to the extent warranted by the circumstances, the investigator concludes that the subject of a report has committed a violation under the governing policy, the subject of the report will be subject to discipline to the extent permitted by the USTA's policies and procedures.

USTA is committed to reviewing all incoming reports, but there may be occasions when USTA cannot conduct a full investigation and a report will be dismissed without investigation. Such circumstances include the reporter declining to participate in the investigation, an allegation that is not actionable by USTA, or insufficient evidence for an allegation such that an investigation is not warranted.

In the event that an investigation of potential retaliation finds that an employee of USTA has retaliated against an individual in response to any communication, including a formal complaint, from that individual (or their parent / legal guardian) related to an allegation of physical abuse, sexual harassment, or emotional abuse, USTA shall immediately suspend that employee without pay or terminate the employee.

### **5. Anti-Retaliation Provisions**

USTA has zero tolerance for retaliation against people who make good faith reports under this Policy or those who cooperate with investigations of those reports. Retaliation, for the purposes of this Policy, is defined as any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against an athlete, employee, board member or officer, member, committee member, task force member, hearing panel member, volunteer, or others associated with USTA as a result of any report, complaint, or other communication reporting misconduct of any kind to USTA, the USOPC, the USOPC's Office of the Athlete Ombuds, any law enforcement agency or government entity, or employees of these organizations. Examples of adverse or discriminatory actions that would be considered retaliatory include, but are not limited to:

- Removal from a USTA Office (Purchase, USTA National Tennis Center, NY Times Square Office, or USTA National Campus)
- Removal from competition
- Removal from a volunteer position

In addition, USTA, nor any of its employees, contractors, agents, or volunteers, shall 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.

## **6. Good Faith**

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. Such a violation may itself be reported under this Policy and it may lead to serious consequences, including termination of employment or participation.

## **7. Confidentiality and Anonymity**

USTA will make every effort to keep the identities of the reporting parties and witnesses confidential. However, disclosure of an individual's identity or identifying information may be required in some cases, such as where USTA is required by law to report a matter to law enforcement.

If a matter is reported anonymously and the reporter chooses to remain anonymous as it is investigated, USTA will respect that. USTA will review all reports with the same level of attention, but if a reporter chooses to remain anonymous, USTA may be limited in its ability to fully investigate a report.

## **8. USOPC Resources**

Individuals who wish to report concerns related to this policy as it relates to involvement in the Olympic and Paralympic Movement, or are uncomfortable reporting a concern directly to the USTA, may also submit a report using the USOPC Integrity Portal. The Integrity Portal allows individuals to submit concerns to the USOPC confidentially and/or anonymously. Reports may be made online or by telephone.

Website: [usopc.ethicspoint.com](http://usopc.ethicspoint.com)

Hotline: 877-404-9935

Athletes who compete as Operation Gold events (referred to by the USOPC as Team USA) athletes may contact the Athlete Ombuds for independent and confidential advice on a variety of sport related matters, including their rights, applicable rules, policies or processes, and questions related to resolving disputes and grievances. The Athlete Ombuds can also help Team USA athletes connect with legal counsel or mental health resources if needed. All other USTA athletes (i.e., athletes competing domestically at the masters or youth level, recreational athletes, foreign athletes), are welcome to visit the Athlete Ombuds website to review informational resources and should work directly with the USTA to understand additional resources and options available to them.

Email: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org)

Website: [www.usathlete.org](http://www.usathlete.org)

## **9. USTA Resources**

This policy is approved by the USTA Board of Directors, and any questions should be directed to Andrea Hirsch, USTA Chief Legal Officer ([hirsch@usta.com](mailto:hirsch@usta.com)) or Rachel Booth, USTA General Counsel ([booth@usta.com](mailto:booth@usta.com)).

***The USTA has contracted with EthicsPoint, an independent service provider specializing in secure and anonymous "Whistleblower / Hotline" services. The services provided by EthicsPoint enables a USTA Employee, USTA Volunteer, and Person to anonymously report a suspected violation of policy via the EthicsPoint phone service or website. To report, call EthicsPoint at (866)654-6516 or access the EthicsPoint website at [www.ethicspoint.com](http://www.ethicspoint.com) and follow the instructions.***

*To the extent possible, USTA will take every conceivable action to ensure that any person who reports a suspected violation is shielded from public embarrassment or subject to retaliation.*