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# United States Olympic Committee

## Audit Division



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Report for:  
**USA Rugby**

Review of:  
**Compliance Checklist**

Dated:  
**December 21, 2018**



December 21, 2018

Ross Young  
Chief Executive Officer  
USA Rugby

Dear Ross,

Enclosed is the United States Olympic Committee's (USOC) report on the 2018 Compliance Checklist for USA Rugby (USAR). We want to express our appreciation for the time you and your staff spent completing the Checklist and providing documents during the review.

USAR was compliant in the areas as it specifically relates to the Compliance Checklist Report for the questions outlined below in the following areas: governance/managerial, financial capabilities, and SafeSport. The review identified two deficiencies related to due process and athlete representation and three deficiencies related to anti-doping. There are also additional observations in the report that when implemented, would improve the grievance process, athlete representation on committees, SafeSport policy language and compliance for SafeSport 2018 requirements.

The report will be presented to the USOC Athlete and Engagement Committee and be made available on the Team USA website. We hope you found the review process to be helpful. If you have any suggestions, please do not hesitate to share them with us.

Sincerely,

Bridget Toelle, CPA, CIA  
Vice President, Compliance and Audit

Rich Wright  
Staff Auditor

cc: Rick Adams                      Chris McCleary                      Barbara O'Brien  
Wendy Guthrie                      Denise Parker                      Kurt Weaver  
Onye Ikwuakor                      Sara Pflipsen                      Todd Clever  
Rachel Isaacs



# COMPLIANCE CHECKLIST REPORT

## USA Rugby

### OBJECTIVE AND SCOPE

The objective of the review is to verify USAR is in compliance with key elements of the Ted Stevens Olympic and Amateur Sports Act (Sports Act), the USOC Bylaws and certain USOC policies, in order to demonstrate ongoing commitment to the values and requirements of membership in the USOC. The scope includes the 2018 Compliance Checklist certified by USAR and the supporting documents provided by USAR. Compliance Checklist procedures are designed to verify that certain NGB policies or processes are in place. This Compliance Checklist does not conclude on the effectiveness of any policies or processes reviewed. Audit procedures are completed on select NGBs each year to verify various policies and processes are being followed.

The following chart shows all the requirements in the Compliance Checklist and corresponding status for USAR. For any deficiencies, see the explanations and action plans after the chart.

	Question	Status
<b>Governance/Managerial</b>		
1	Do you have a code of conduct for your employees, members, board of directors and officers?	Compliant
2	Do you have a strategic plan that is capable of supporting athletes in achieving sustained competitive excellence, and in growing the sport?	Compliant
3	Do you have your current bylaws posted on your website?	Compliant
<b>Financial Capability</b>		
4	Are you recognized by the IRS as a tax-exempt organization?	Compliant
5	Are you incorporated under the laws of a state of the United States or the District of Columbia as a not-for-profit corporation?	Compliant
6	Do you have your three most recent IRS Form 990s on your website?	Compliant
7	Have you completed and posted on your website your three most recent annual audited financial statements?	Compliant
8	Do you have written financial policies and procedures?	Compliant
9	Do you have an approval and/or review process for cash disbursements?	Compliant
10	Do you provide frequent (monthly or quarterly) financial statements to your board or designated committee?	Compliant
11	Do you have a board-approved annual budget?	Compliant
12	Have you spent USOC funds as required by the funding agreements in the previous 12 months?	Compliant
<b>Due Process and Athlete Representation</b>		
13	Do you provide procedures for the prompt and equitable resolution of grievances of your members?	Deficient

14	Do your grievance procedures provide for fair notice and opportunity for a hearing to any athlete, coach, trainer, manager, administrator or official before declaring the individual ineligible to participate?	Compliant
15	Do you require at least 20% athlete representation on grievance panels?	Deficient
16	Do you have at least 20% athlete representation on your board of directors?	Compliant
17	Do you have at least 20% athlete representation on your budget committee?	Compliant
18	Do you have at least 20% athlete representation on your selection committee, which prepares, approves or implements selection of international, Olympic, Paralympic and Pan American Games team members, including athletes, coaches, administrators and sport staff?	Compliant
<b>SafeSport</b>		
19	Do you have USOC SafeSport language in your bylaws that provides jurisdictions to the U.S. Center for Safe Sport?	Compliant
20	Do you have a USOC-compliant Athlete Safety Policy?	Compliant
21	Do you have a grievance process that is materially free of bias and conflicts of interest for SafeSport allegations, and includes the opportunity for review by a disinterested individual or body?	Compliant
22	Does your policy require criminal background checks, at least every two years, for those individuals that are formally authorized, approved or appointed (a) to a position of authority over, or (b) to have frequent contact with athletes?	Compliant
23	Does your policy require education and training specific to SafeSport for those individuals that are formally authorized, approved or appointed (a) to a position of authority over, or (b) to have frequent contact with athletes?	Compliant
<b>Anti-Doping</b>		
24	Do you inform Athletes, Athlete Support Personnel and other Persons in your sport of the USOC National Anti-Doping Policy and of the USADA Protocol?	Deficient
25	Unless otherwise agreed by USADA, at least quarterly do you provide USADA with an updated list of athletes, proposed by your NGB, to be included in the USADA RTP? With respect to each athlete on such list and such additional athletes as may be designated by USADA for inclusion in the USADA RTP, do you provide USADA with initial contact information which shall, at a minimum, include accurate residential, mailing and email addresses (if available) and phone numbers for each athlete?	Deficient
26	At least six months prior to the commencement of the most recent applicable Olympic or Paralympic Games, did you provide USADA with a list of all athletes that may have reasonably been selected to represent the U.S. in such Games?	Deficient
27	Do you have an identified staff member to act as a liaison with USADA?	Compliant

## DEFICIENCIES

***Do you provide procedures for the prompt and equitable resolution of grievances of your members?***

USAR's Bylaws, Article 11, *Opportunity to Participate in Protected International Competitions*, limits athletic events to protected international competitions, however, in accordance with applicable provisions of the Sports Act, Article 11 should be updated to include *any* amateur athletic competition.

**USAR Action Plan:** *USA Rugby will be working with our governing Congress and Board of Directors to implement this language. Our schedule for change of the bylaw document will be first presented to our board of directors on September 7th and their regular meeting, then finalized at the Congress meeting on September 29th.*

***Do you require 20% athlete representation on all grievance panels?***

USAR's Bylaws, Article 12, *Rights of Grievance*, does not require 20% athlete representation on grievance/hearing panels or the "three-member Appellate Panel" as mentioned in Section 12.5. USAR answered this survey question as follows: "Our other grievances around competition and other items endeavor to seat athlete representatives on the panel, but it is not always possible."

USAR needs to update its Bylaws to include language requiring 20% athlete representation for all grievance/Appellate Panels.

**USAR Action Plan:** *USA Rugby will be working with our governing Congress and Board of Directors to implement this language. Our schedule for change of the bylaw document will be first presented to our board of directors on September 7th and their regular meeting, then finalized at the Congress meeting on September 29th.*

***Do you inform Athletes, Athlete Support Personnel and other Persons in your sport of the USOC National Anti-Doping Policy and of the USADA Protocol?***

USAR stated they inform athletes, athlete support personnel and other persons, however, they did not provide a form/policy or document to verify this occurs.

**USAR Action Plan:** *USA Rugby will provide the template documents utilized for its notifications. We have also added this to the request for review to our Medical and Safety committee. The results of that review will be provided to the USOC and Rich Wright for inclusion in our documentation.*

***Unless otherwise agreed by USADA, at least quarterly do you provide USADA with an updated list of athletes, proposed by your NGB, to be included in the USADA RTP? With respect to each athlete on such list and such additional athletes as may be designated by USADA for inclusion in the USADA RTP, do you provide USADA with initial contact information which shall, at a minimum, include accurate residential, mailing and email addresses (if available) and phone numbers for each athlete?***

According to USADA, USAR did not provide an updated list in the second quarter of 2018. Therefore, USAR is not compliant with this requirement. Even if the list does not change, USADA requires a quarterly verification of the athletes in the RTP.

USAR needs to ensure they provide the requisite list to USADA each quarter.

**USAR Action Plan:** *USA Rugby has requested our Medical and Safety Committee to review of our notification and reporting process to USADA and WADA. Their work will complete by the end of 2018, but the they are on notice to submit all documentation quarterly for athletes, regardless of any changes to the list of athletes.*

***At least six months prior to the commencement of the most recent applicable Olympic or Paralympic Games, did you provide USADA with a list of all athletes that may have reasonably been selected to represent the U.S. in such Games?***

USAR met this requirement for the men's team but did not meet the deadline for the women's team. USAR needs to ensure future list submissions are completed at least six months prior to a competition. USAR will not be able to remedy this deficiency until six months prior to the next Olympic Games.

**USAR Action Plan:** *This is an unacceptable failure on the part of USA Rugby. We have asked our medical and safety committee to review its internal operations to evaluate our process of USADA notification and ensure we meet all deadlines for the USOC, USADA and WADA.*

*Once this new process is codified, we will share with Rich Wright and the USOC. The Medical and Safety Committee has been asked to complete their work by the end of 2018.*

## **ADDITIONAL OBSERVATIONS**

During the review we identified additional areas for improvement. The additional observations do not impact the compliant status but could impact it in the future.

***Do you provide procedures for the prompt and equitable resolution of grievances of your members?***

USAR's grievance procedures as outlined in Article 12, *Rights of Grievance*, Section 12.4 of the Bylaws is unclear regarding its "informal means" in handling grievances. Additionally, "appropriate committee" is not clearly defined or identified. USAR should define "informal means" in this Article and provide examples of the "appropriate committees" to ensure there is not confusion or concerns when a grievance is resolved through these procedures.

Additionally, there should be a clear process to explain how complaints against the CEO are handled to demonstrate these types of grievances are free of conflict of interest.

*USAR Note: USA Rugby will be working with our governing Congress and Board of Directors to implement this language. Our schedule for change of the bylaw document will be first presented to our board of directors on September 7th and their regular meeting, then finalized at the Congress meeting on September 29th.*

***Do you have at least 20% athlete representation on your Audit/Budget committee? Selection committee?***

USAR should add similar language to explain how an athlete is elected or appointed to committees. USAR could add similar language found in Article 5, *Board of Directors*, Section 5.4 (b) to Article 7, *Committees*, Section 7.1. This will clarify the process and ensure athletes are elected or appointed by eligible athletes. USAR's Audit/Budget and Selection Committee has 20% athlete representation and therefore were not deficient for these elements.

*USAR Note: USA Rugby will be working with our governing Congress and Board of Directors to implement this language. Our schedule for change of the bylaw document will be first presented to our board of directors on September 7th and their regular meeting, then finalized at the Congress meeting on September 29th.*

***Do you have a USOC-compliant Athlete Safety Policy?***

USAR's policy appears contradictory in terms of reporting procedures. In Section A, page 8, it is clear that "Sexual misconduct" violations should be reported directly to the Center ("Office" in USAR's Handbook), however, page 16 under "Reporting Procedure" states, "All reports of violations of any of the USA Rugby or USCSS definitions and policies or any violations of this SafeSport Program Handbook shall be made to USA Rugby...".

USAR needs to update the reporting language to clearly identify where particular reports should go.

*USAR Note: USA Rugby will work with its SafeSport committee to update our policies and handbook at their next meeting on September 29, 2018*

Auditor completed a review of USAR's SafeSport program based on requirements as of the compliance review date of June 20, 2018. Auditor also identified that as of June 20, 2018, USAR's SafeSport Policy is not yet in compliance with the SafeSport Policy requirements and should ensure their SafeSport program is updated prior to September 2018.

USAR needs to update their SafeSport Handbook language for the following elements:

- The Handbook should specifically state, "Background checks and SafeSport training will be completed before contact with athletes begins and in any event within 60 days of the new role."
- Include NGB tracking and periodic checks for compliance.
- Clearly publish if the background check requirement applies to certain or all people under 18

years of age.

Additionally, it is not yet required in the USOC Athlete Safety Policy, however, NGBs must comply with the Protecting Youth Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. The legislation requires that any reports of child abuse go to the US Center for SafeSport, however USAR's policy did not specifically require this at the time of review. USAR should update policies to ensure they comply with the legislation.

*USAR Note: USA Rugby will work with its SafeSport committee to update our policies and handbook at their next meeting on September 29, 2018*

***Do you have a grievance process that is materially free of bias and conflicts of interest for SafeSport allegations, and includes the opportunity for review by a disinterested individual or body?***

USAR's SafeSport policy has complaint procedures for SafeSport grievances, however, the last paragraph on page 22 references Article 12, *Rights of Grievance*, of the Bylaws related to filing a grievance or appeal. The Bylaw grievance process was deemed deficient above. Additionally, USAR stated the SafeSport grievance process followed the procedures outlined in the Bylaws. There seems to be confusion around SafeSport grievances and whether it follows the Bylaw process or the grievance process outlined in the USAR SafeSport Program Handbook. USAR should either remove the Article 12 reference from the SafeSport policy or clarify that Article 12 only applies to SafeSport appeals and not the initial grievance process to avoid confusion for someone filing a SafeSport grievance.

*USAR Note: USA Rugby will clarify the grievance process to ensure the original complaints are directed to the US Center for SafeSport, and the Grievance process is there as an appeal option only.*

## CONCLUSION

USAR must improve its due process, athlete representation on committees, and anti-doping procedures to be fully compliant with the USOC's Compliance Checklist. This Compliance Checklist does not conclude on the effectiveness of any policies or processes reviewed. Additional audit procedures are completed on select NGBs each year to verify various policies and processes are being followed.