
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
USA Bobsled and Skeleton

Review of:
Compliance Checklist

Dated:
August 13, 2019



UNITED STATES
OLYMPIC & PARALYMPIC
COMMITTEE
1 Olympic Plaza
Colorado Springs, CO 80909

August 13, 2019

Darrin Steele
Chief Executive Officer
USA Bobsled and Skeleton

Dear Darrin,

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

USABS was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: governance/managerial, SafeSport, and financial capability. There were initially seven deficiencies identified in due process and athlete representation; SafeSport; and anti-doping. With updates to their policies, USABS remedied three deficiencies in SafeSport and anti-doping. There are four outstanding deficiencies in due process and athlete representation and anti-doping. There are also additional observations in the report that, when implemented, would improve the grievance policies.

The report will be presented to the USOPC Athlete and NGB 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
Audit & Organizational Advancement

Rich Wright
Staff Auditor

cc: Rick Adams Chris McCleary Bob Bergbauer
Wendy Guthrie Denise Parker Veronica Day
Onye Ikwuakor



COMPLIANCE CHECKLIST REPORT

USA Bobsled and Skeleton

OBJECTIVE AND SCOPE

The objective of the review is to verify USABS is in compliance with key elements of the Ted Stevens Olympic and Amateur Sports Act, the USOPC Bylaws and certain USOPC policies, in order to demonstrate ongoing commitment to the values and requirements of membership in the USOPC. The scope includes the 2018 Compliance Checklist certified by USABS and the supporting documents provided by USABS. Compliance Checklist procedures are designed to verify that certain NGB policies are in place. This Compliance Checklist does not conclude on the effectiveness of any policies reviewed. Additional 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 USABS. For any deficiencies, see the explanations and action plans after the chart.

	Question	Status
Governance / Managerial		
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
Financial Capability		
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 USOPC funds as required by the funding agreements in the previous 12 months?	Compliant
Due Process and Athlete Representation		
13	Do you provide procedures for the prompt and equitable resolution of grievances of your members?	Compliant
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?	Deficient

15	Do you require at least 20% athlete representation on grievance panels?	Compliant
16	Do you have at least 20% athlete representation on your board of directors?	Deficient
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?	Deficient
SafeSport		
19	Do you have USOPC SafeSport language in your bylaws that provides jurisdictions to the U.S. Center for Safe Sport?	Compliant
20	Do you have a USOPC-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
Anti-Doping		
24	Do you inform Athletes, Athlete Support Personnel and other Persons in your sport of the USOPC 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?	Compliant
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?	Compliant
27	Do you have an identified staff member to act as a liaison with USADA?	Compliant

DEFICIENCIES

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?

Section 5.4, of USABS' Bylaws states "The membership of any member may be terminated at any time or without cause by the Board. A member shall have the right to a hearing prior to termination." Section 5.4 does not offer a hearing if a member is suspended. The practice of suspending or terminating members prior to an opportunity for a hearing violates the Ted Stevens Act §220522 (a)(8). USABS must offer a hearing prior to termination or suspension, as it does not appear that a hearing is offered in all cases.

USABS Action Plan: USABS will amend the bylaws to reflect this change as soon as possible.

USOPC Status Update: USABS made amendments to its Bylaws to address this deficiency, however, it was unable to finalize the Bylaws within the 90-day remedy period.

USABS intends to post and implement these changes immediately upon approval, which is expected to conclude by the end of August 2019.

Do you have at least 20% athlete representation on your board of directors?

USABS was deemed deficient for the following:

Board athlete representatives (reps) should be directly elected by all athletes that are qualified to run in the election. The USABS Bylaws, Section 6, Section 6.6(a) does not follow USOPC Bylaws, Section 8.8 regarding direct election by athletes; USABS utilizes its Athlete Advisory Council (AAC) to elect athletes to the Board.

USABS Action Plan: USABS will amend the bylaws to reflect all athlete reps on the board being directly elected as soon as possible. Waiting for guidance on whether or not this needs to be an immediate implementation that impacts the current terms of athlete reps or if the new language can take effect upon the end of their current terms.

USOPC Status Update: USABS made amendments to its Bylaws to address this deficiency, however, it was unable to finalize the Bylaws within the 90-day remedy period.

USABS intends to post and implement these changes immediately upon approval, which is expected to conclude by the end of August 2019.

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?

In practice, USABS' Selection Committees contains 20% athlete representation, however, there is not a process for appointment and athlete approval or direct election by athletes.

USABS Action Plan: USABS will amend the bylaws to outline the appointment and athlete approval process as soon as possible.

USOPC Status Update: USABS made amendments to its Bylaws to address this deficiency, however, it

was unable to finalize the Bylaws within the 90-day remedy period.

USABS intends to post and implement these changes immediately upon approval, which is expected to conclude by the end of August 2019.

Do you have a USOPC-compliant Athlete Safety Policy?

USABS' SafeSport training requirements apply to individuals in the "SafeSport Participant Pool" and staff, known collectively as the "SafeSport Training Pool" but USABS does not identify who is a member of the participant pool. It is difficult to determine if USABS is compliant with this requirement without identifying the categories of individuals in the "SafeSport Participant Pool."

USABS Action Plan: USABS will publish the members of the "SafeSport Training Pool" on our website as soon as possible.

USOPC Status Update: USABS updated its Athlete Safety Policy, Education and Training section, to clearly define who is included in the "Safe Sport Training Pool". Auditor verified USABS was compliant on July 24, 2019.

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?

USABS was deemed deficient above.

USABS Action Plan: USABS will amend the Athlete Safety Policy to explicitly state that Covered Individuals are required to complete training specific to SafeSport.

USOPC Status Update: USABS updated its Athlete Safety Policy, Education and Training section, to clearly define who is included in the "Safe Sport Training Pool". Auditor verified USABS was compliant on July 24, 2019.

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

USABS notifies athletes via its Athlete Handbook and online membership forms, however, Athlete Support Personnel and "other Persons" are not informed via bylaws or another document.

USABS Action Plan: USABS will implement a policy that ensures Athlete Support Personnel and other Persons in our sport are informed of the USOPC National Anti-Doping Policy and of the USADA Protocol.

USOPC Status Update: USABS did not submit an update for informing Athlete Support Personnel and other Persons in our sport of the USOPC National Anti-Doping Policy and of the USADA Protocol. USABS needs to update its Bylaws, membership agreements and other resources to capture Athlete Support Personnel and other Persons regarding the USOPC National Anti-Doping Policy and the USADA Protocol.

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, USABS did not submit its quarterly RTP listing in the fourth quarter of 2018.

USABS Action Plan: *USABS will provide counter-evidence to USADA's assertion that the Q4 RTP was not submitted.*

USOPC Status Update: USABS submitted its RTP for the second and third quarters of 2019 as verified by USADA. Auditor verified USABS is compliant with this deficiency as of August 9, 2019.

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?

USABS accounts for binding arbitration procedures in Section 4, Section 4.1(l). However, arbitration procedures should be addressed in Section 14.13 to ensure that it is understood that the arbitration is a secondary relief, post an exhaustion of remedies through the internal grievance process. Also, Section 14.13 should note that the decision from arbitration is binding.

USOPC Status Update: USABS made amendments to its Bylaws to address this observation, however, it was unable to finalize the Bylaws within the 90-day remedy period.

USABS intends to post and implement these changes immediately upon approval, which is expected to conclude by the end of August 2019.

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

USABS should add language to Section 14.7 of its Bylaws to ensure all hearing panel members are free from conflict of interest. Currently, there is no provision for Judicial Committee members to be "disinterested" members if appointed to a hearing panel. This would ensure all the hearing panel members are disinterested.

USOPC Status Update: USABS made amendments to its Bylaws to address this observation, however, it was unable to finalize the Bylaws within the 90-day remedy period.

USABS intends to post and implement these changes immediately upon approval, which is expected to conclude by the end of August 2019.

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?

USABS' observation in due process above related to conflicts of interest applies to this question as well since SafeSport hearing panels follow due process procedures.

USOPC Status Update: USABS made amendments to its Bylaws to address this observation, however, it was unable to finalize the Bylaws within the 90-day remedy period.

USABS intends to post and implement these changes immediately upon approval, which is expected to conclude by the end of August 2019.

CONCLUSION

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