
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
US Ski & Snowboard

Review of:
Compliance Checklist

Dated:
August 13, 2019



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

August 13, 2019

Tiger Shaw
Chief Executive Officer
US Ski & Snowboard

Dear Tiger,

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

USSA was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: governance/managerial; financial capability; due process and athlete representation; SafeSport; and anti-doping. Initially six deficiencies were identified in due process and athlete representation and SafeSport, however, with updates to their policies, USSA is now fully compliant with the 2018 Compliance Checklist. There are also additional observations in the report that when implemented, would improve the grievance procedures, SafeSport policy language, and compliance for SafeSport 2018 requirements.

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 Dexter Paine
Wendy Guthrie Denise Parker Heather McPhie
Onye Ikwuakor



COMPLIANCE CHECKLIST REPORT

US Ski and Snowboard

OBJECTIVE AND SCOPE

The objective of the review is to verify USSA 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 USSA and the supporting documents provided by USSA. 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 USSA. 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?	Compliant

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

Article IX of the USSA Bylaws does not provide for either Sport Committee Judicial Committees or the NGB Judicial Committee compositions to be made up of disinterested individuals. It is important for the hearing panel and/or decision makers to be disinterested or free of conflicts to ensure equitable resolutions of grievances.

USSA Action Plan: *We will revise the U.S. Ski & Snowboard Bylaws Article IX to reflect that the Judicial Committees will consist of disinterested and impartial individuals to ensure equitable resolution of grievances. The amendments will be circulated to the board on April 17, 2019 one month prior to the board meeting. The amendments will be ratified on May 18, 2019 at the U.S. Ski & Snowboard Board of Directors' meeting. Implementation is based on the current bylaws which state that any amendment of the bylaws becomes effective forty-five (45) days from the date of adoption by the Board, or July 2, 2019.*

USOPC Status Update: USSA updated its bylaws, Article VI (C)(6), page 16, to require Sport Committees to form Judicial Committees composed of "at least three disinterested and impartial members." The USOPC believes USSA cured the deficiency as defined above. It is also noted that USSA needs to ensure its NGB Judicial Committee (as appointed by the Board) is comprised of disinterested individuals or contains a recusal process for conflicts of interests, since it appears this committee also hears grievances.

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

Article VI (C)(6) does not clearly explain that Sport Committee Judicial Committees are required to include 20% athlete representation.

USSA also does not require 20% athlete representation on hearing panels for SafeSport grievances.

USSA Action Plan: *While U.S. Ski & Snowboard has always met the 20% athlete standard on any grievance panel, we understand the need for written clarity. We will revise the appropriate sections, including a bylaw amendment to clarify the 20% athlete representation, and follow the timelines indicated above.*

USOPC Status Update: US Ski & Snowboard updated its bylaws, Article VI (C)(6) and (D)(1), page 16, to require all Judicial Committees include at least 20% athlete representation. Audit verified USSA was compliant with this requirement on August 5, 2019.

Do you have at least 20% athlete representation on your budget committee?

USSA's bylaws do not provide for athlete representatives on its committees and task forces to be directly elected by or approved by athletes upon appointment by the Board.

USSA Action Plan: *U.S. Ski & Snowboard's Athletes' Council has this matter under advisement and will discuss potential candidates at its next meeting, March 8, 2019. A number of individuals are in consideration for this position and it is our goal to have that person in place for the start of the new fiscal year, May 1, 2019.*

USOPC Status Update: US Ski & Snowboard updated its bylaws, Article VI (H), page 17, to establish

the Finance Committee as a permanent standing committee which then requires at least 20% athlete representation from Article IV (E), page 4. Additionally, Article IV (E)(3) and (5), page 5, requires athlete representatives to be elected by eligible athletes. Audit verified USSA was compliant with this requirement on August 5, 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?

The Snowboard Selection Committee only has one athlete representative for six members, which is below the 20% minimum requirement.

Additionally, USSA was deemed deficient for the same reason as above for the budget committee.

USSA Action Plan: *U.S. Ski & Snowboard has submitted the revised selection committees for all of its sports. Each Sport's Selection Criteria Working Group is comprised of four members; (1) the Chief of Sport, (2) the CEO, (3) the sport director and (4) the sport's athlete board representative. Currently the following is Snowboarding's working group: Luke Bodensteiner, Chief of Sport; Tiger Shaw, CEO; Snowboard sport director, Jeremy Forster; and Snowboard Athlete board representative, Tricia Byrnes.*

See previous response for the Finance Committee.

USOPC Status Update: US Ski & Snowboard submitted its reconstituted Selection Committees or Working Groups and auditor verified all six Selection Criteria Working Groups meet 20% athlete representation on August 9, 2019. Additionally, US Ski & Snowboard's bylaws were updated to address athlete representatives being elected above.

Do you have a USOPC-compliant Athlete Safety Policy?

USSA was deemed deficient for the following:

- USSA's Athlete Safety Policy (Policy) does not include its own definitions of prohibited misconduct or directly reference the U.S. Center for SafeSport (USCSS) Code definitions for SafeSport violations.
- The Policy does not clearly identify how to report non-sexual misconduct violations.
- The Policy does not include a retaliation clause.
- USSA does not provide jurisdiction to the USCSS in its Policy.
- It is not clearly identifiable in the Policy to whom it applies.

USSA Action Plan: *U.S. Ski & Snowboard is in the process of reviewing the SafeSport issues listed above and, in light of the revisions that are coming from SafeSport, we will send a written consent to all U.S. Ski & Snowboard board members to ratify and adopt the changes to the Code and to its Policies and the revisions to our Code of Conduct (and draft the appropriate bylaw amendments for compliance). We are under the impression that the revisions will be available to the NGBs on March 15, 2019 and that SafeSport will implement the changes on April 15, 2019 and we are working toward those timelines. Any required bylaw amendments will follow the timelines previously outlined.*

USOPC Status Update: USSA updated its online Athlete Safety Policy information to address this

deficiency. Audit verified USSA was compliant with this requirement on August 5, 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?

USSA was deemed deficient for equitable resolution of grievances above, regarding disinterested individuals for hearings.

USSA Action Plan: We will revise the U.S. Ski & Snowboard's grievance process to reflect that the Judicial Committees will consist of disinterested and impartial individuals to ensure equitable resolution of grievances. Bylaw amendments will follow the timelines outlined above.

USOPC Status Update: USSA updated its bylaws, Article VI (C)(6), page 16, to require Sport Committees to form Judicial Committees composed of "at least three disinterested and impartial members". Additionally, this update includes a 20% athlete representation requirement for all Judicial Committees. USSA's Athlete Safety policy states hearing panel members will be disinterested. Audit verified USSA was compliant with this requirement on July 18, 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 have a USOPC-compliant Athlete Safety Policy?

Auditor completed a review of USSA's SafeSport program as of November 28, 2018. Auditor identified USSA had not yet brought its Athlete Safety Policy into full compliance with the requirements which was required by December 2018. As USSA's policy was submitted mid-2018 and reviewed in November 2018 these were not identified as deficient but may be considered deficient based on the requirements at the time of the next review. Note, the USOPC NGB ASP is currently under review and requirements may change in 2019.

The following was identified during the review of USSA's Athlete Safety Policy:

- USSA should specify that background checks and SafeSport training will be completed before contact with athletes begins and in any event within 60 days of the new role.
- The policy should indicate USSA is performing tracking and periodic checks for compliance of its background check and education/training requirements for required individuals.
- USSA's Athlete Safety Policy should clearly indicate if background check requirements are applicable to all individuals, or if those under 18 years of age are exempt from the requirement.

Additionally, it is not yet required in the USOPC's NGB Athlete Safety Policy, however NGBs must comply with the Protecting Youth Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. USSA should update policies to ensure it complies with the legislation.

USSA Action Plan: We will take the above into consideration as we move forward with the revisions required to ameliorate the deficiencies in the Athlete Safety Policy.

USOPC Status Update: USSA updated its online Athlete Safety information to address some of the elements of this observation, however, USSA did not explain how they will address tracking and periodic checks for compliance regarding Background Checks and Education & Training. Additionally, USSA did not update SafeSport training requirements to state that training must be complete before contact with athletes begins.

Do you have a USOPC-compliant Athlete Safety Policy?

While no filing fee is required in the Athlete Safety Policy, USSA should clearly denote that a filing fee is not required for SafeSport reports.

USSA should explicitly state in its Athlete Safety Policy that it will accept anonymously submitted reports of misconduct.

USSA provides for jurisdiction to the Center in its Bylaws, however, this should be provided in its Athlete Safety Policy.

USSA Action Plan: *We will take the above into consideration as we move forward with the revisions required to ameliorate the deficiencies in the Athlete Safety Policy.*

USOPC Status Update: USSA updated its website to direct individuals to the online reporting form, however, the filing fee information is still present online. It still appears that the grievance procedures related to SafeSport reports/complaints require a filing fee.

CONCLUSION

With the updates to their policies, USSA is 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.