
United States Olympic Committee
NGB Compliance and Audit Department



Report for:
USA Diving

Review of:
Compliance Checklist

Dated:
May 10, 2019



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Jack Perkins
Acting Chief Executive Officer
USA Diving

Dear Jack,

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

USAD was compliant as it specifically related to the compliance checklist report for the questions outlined below in the following areas: financial capabilities, athlete representation, and anti-doping. The review initially identified five deficiencies related to governance/managerial, due process, and SafeSport. Prior to issuance of the final report, all deficiencies were remedied. There is one additional observation in the report which, when implemented, will improve the grievance procedures of USAD.

The report will be presented to the USOC 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, NGB Compliance and Audit

Rich Wright
Staff Auditor

cc: Rick Adams Chris McCleary Michele Mitchell
Wendy Guthrie Denise Parker Jennifer Lowery
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COMPLIANCE CHECKLIST REPORT

USA Diving

OBJECTIVE AND SCOPE

The objective of the review is to verify USAD is in compliance with key elements of the Ted Stevens Olympic and Amateur 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 USAD and the supporting documents provided by USAD. 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 questioned in this report. 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 USAD. 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 USOC 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 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
Anti-Doping		
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?	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 have a code of conduct for your employees, members, board of directors and officers?

USAD's Bylaws, Sec 3.3 and 3.5 identify members, board of directors, and officers, as being subject to Subpart D - Code of Conduct, but employees are not included in the named categories as being subject to the Code of Conduct.

USAD Action Plan: USA Diving will work with the governance committee to add "employees, board of directors and officers" to Article 30, Section 30.1 of the USAD Code of Conduct in Subpart D of its Bylaws.

USOC Status Update: Per the initial action plan above, USAD did not update its bylaws regarding the code of conduct for employees. Instead, they utilize an employee handbook which outlines the code of conduct. The other groups named in this requirement - members, board of directors, and officers adhere to Article 30, Section 30.1 of the USAD Code of Conduct in Subpart D of its Bylaws. USAD is compliant with this requirement as of April 29, 2019.

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?

USAD does not allow for a hearing before declaring a member ineligible to participate if suspended under Article 22, Section 22.10 "Immediate Suspension" in the USAD Bylaws.

USAD Action Plan: USA Diving will work with governance committee and Board of Review chair to add information allowing for a hearing as it relates to Article 22, Section 22.10

USOC Status Update: USAD removed Section 22.10 from the Bylaws as of the review date of April 29, 2019. The approved changes address the deficiency regarding suspensions of members prior to a hearing and USAD is now compliant with this requirement.

Do you have a USOC-compliant Athlete Safety Policy?

USAD was deemed deficient for the following:

USAD does not provide jurisdiction to the U.S. Center for SafeSport (USCSS) in its online Athlete Safety Policy.

USAD does not have a retaliation clause included in its online Athlete Safety Policy.

USAD's "Background Checks" section of its Background Screening Policy, does not identify or include all required individuals. Meet directors and hosts, and volunteers who have direct contact in a supervisory role with minor athletes, or consistent and regular contact with covered persons as a part of team operations, are not required to complete background checks.

Additionally, USAD stated that meet directors and hosts do not fall into a membership category. USAD needs to ensure its online Athlete Safety Policy appropriately identifies the correct individuals within its governance and disciplinary jurisdiction.

USAD Action Plan: USA Diving will update its Athlete Safety Policy to provide jurisdiction to the U.S. Center for SafeSport and to add a retaliation clause. USA Diving will also update the policy to include meet directors, hosts and other volunteers who have direct contact with minor athletes or consistent and regular

contact with covered persons as part of team operations.

USOC Status Update The policy has been updated to provide jurisdiction to the USCSS; include a retaliation/whistleblower provision; identify all groups required to complete background checks and education and training. These updates to the Athlete Safety Policy address the previously identified deficiency. As of April 29, 2019, USAD is compliant with this requirement.

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?

As noted above, USAD's background check requirements should include all required individuals.

USAD Action Plan: USA Diving will update the language of its background screening policy to include all covered individuals.

USOC Status Update: Per response above, USAD has updated its Background Screening Policy. As of April 29, 2019, USAD is compliant with this requirement.

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?

As noted above, USAD's education and training requirements should include all required individuals. Currently, USAD only requires SafeSport training for Coaches.

USAD Action Plan: USA Diving will update its SafeSport training language to list all individuals who are required to take the training.

USOC Status Update: Per response above, USAD has appropriately updated its Education and Training requirements. As of April 29, 2019, USAD is compliant with this requirement.

ADDITIONAL OBSERVATION

During the review we identified an additional area for improvement. The additional observation does not impact the compliant status but could impact it in the future.

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?

Auditor reviewed USAD's Background Check Policy. Individuals are afforded a chance to dispute the accuracy of the reported information, however, if the information is accurate, they are not afforded any further opportunity to be heard and are automatically disqualified.

According to the Ted Stevens Act, NGBs must provide an opportunity for a hearing to an amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate. The USOC is concerned that USAD's automatic disqualification rule may be inconsistent with that requirement.

The USOC recognizes that USAD has adopted the position that successful completion of a background

check is a membership requirement and no hearing is required when an applicant is automatically disqualified from membership based on a background check finding. However, because an individual must be a member with USAD to participate, this interpretation could be challenged. If such a challenge was raised, the USOC would support that challenge being heard by a Section 10 hearing panel, for its consideration and final resolution.

CONCLUSION

With USAD's remedies to the initial deficiencies identified during the USOC Compliance Review, USAD is now fully compliant with the USOC's 2018 Compliance Checklist. The Compliance Checklist does not conclude on the effectiveness of any policies reviewed in this report. Additional audit procedures are completed on select NGBs each year to verify various policies and processes are being followed.