
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
USA Curling

Review of:
Compliance Checklist

Dated:
August 5, 2019



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

August 5, 2019

Rick Patzke
Chief Executive Officer
USA Curling

Dear Rick,

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

USCA was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: financial capability; due process and athlete representation; SafeSport; and anti-doping. There were initially five deficiencies found in the following areas: governance/managerial; due process and athlete representation; and SafeSport. After updates to their bylaws and policies, four deficiencies were cured with one deficiency remaining for the code of conduct policy.

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 Courtney Schmidt
Wendy Guthrie Denise Parker Dean Gemmell
Onye Ikwuakor



COMPLIANCE CHECKLIST REPORT

USA Curling

OBJECTIVE AND SCOPE

The objective of the review is to verify USCA 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 USCA and the supporting documents provided by USCA. 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 USCA. 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?	Deficient
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 have a code of conduct for your employees, members, board of directors and officers?

The Code of Conduct as submitted by USCA only pertains to board members. The other required groups are not identified as falling subject to the code of conduct.

USCA Action Plan: *The USCA Employee Handbook contains a Code of Conduct, and all employees receive the handbook and sign off that they have received it and accepted it upon offer of employment. We are currently revising the Board of Directors and Officers Code of Ethics and Fiduciary Responsibility document, and Conflict of Interest statement, and this group will continue to be required to sign these documents annually. The USCA staff will also continue to accept and sign the Conflict of Interest statement. We will review our Code of Conduct practices and policies, and make changes to both the document and any relevant By-laws or membership requirement materials to bring this into compliance.*

USOPC Status Update: USA Curling is revising Article 18 of its Bylaws to include the named entities, including members, for its updated Code of Conduct for the 2019 Compliance Checklist.

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

Article 15, Section 15.6 of the bylaws does not clearly specify that all members of a hearing panel will be disinterested individuals. Section 15.6 provides for appointment of a hearing panel, which may include judicial committee members. It also provides that "other disinterested individuals identified by the Judicial Committee may also be appointed to serve on the Hearing Panel" however does not provide for all hearing panel members to be free of conflicts to serve on the panel. This does not provide an equitable resolution of a grievance if the panel is not conflict free.

USCA Action Plan: *We will review and revise this by-laws language to be in compliance and look forward to receiving the sample language that USOPC Staff Compliance Auditor Rich Wright has offered to send to assist with this process. Our next Board of Directors meeting is May 10-11, in Colorado Springs, so our intent is to have the language drafted and presented to the Board along with any other recommended by-laws changes no later than 30 days before the meeting, as we require.*

USOPC Status Update: USA Curling updated its Bylaws to address the elements of this deficiency. Auditor verified USA Curling was compliant with this requirement on July 1, 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?

The USCA Bylaws, Article 15, Section 15.7 provides for the complainant to file with specificity, however is absent a provision that gives notice of the charges and the requested remedy to the respondent.

USCA Action Plan: *We will review and revise this by-laws language to be in compliance and look forward to receiving the sample language that USOPC Staff Compliance Auditor Rich Wright has offered to send to assist with this process. Our next Board of Directors meeting is May 10-11, in Colorado Springs, so our intent is to have the language drafted and presented to the Board along with any other recommended by-laws changes no later than 30 days before the meeting, as we require.*

USOPC Status Update: USA Curling updated its Bylaws to address the elements of this deficiency.

Auditor verified USA Curling was compliant with this requirement on July 1, 2019.

Do you require at least 20% athlete representation on grievance panels?

USCA requires 20% athlete representation on its grievance panels described in the Bylaws under Article 15, however, the SafeSport grievance procedures as outlined in its SafeSport handbook do not include a requirement for 20% athlete representation on the hearing panels.

USCA Action Plan: We will review and revise the SafeSport Policy Handbook language to be in compliance. We have been anticipating making other updates to the Policy and Handbook as we await new mandates and other guidance from the USOPC and U.S. Center for SafeSport. Our intent will be to have the Policy and Handbook updated in time for review and approval at our next Board of Directors meeting, May 10-11, in Colorado Springs.

USOPC Status Update: USA Curling updated its SafeSport Handbook to address the elements of this deficiency. Auditor verified USA Curling was compliant with this requirement on July 1, 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?

The USCA CEO appoints panel members with no mention of disinterested individuals or how potential conflicts of interest are mitigated.

USCA Action Plan: We will review and revise the SafeSport Policy Handbook language to be in compliance. We have been anticipating making other updates to the Policy and Handbook as we await new mandates and other guidance from the USOPC and U.S. Center for SafeSport. Our intent will be to have the Policy and Handbook updated in time for review and approval at our next Board of Directors meeting, May 10-11, in Colorado Springs.

USOPC Status Update: USA Curling updated its SafeSport Handbook to address the elements of this deficiency. Auditor verified USA Curling was compliant with this requirement on July 1, 2019.

CONCLUSION

USCA must improve its code of conduct 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.