
United States Olympic Committee
NGB Compliance and Audit Department



Report for:
USA Surfing

Review of:
Compliance Checklist

Dated:
March 11, 2019



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Greg Cruse
Chief Executive Officer
USA Surfing

Dear Greg,

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

USA Surfing 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. There were no deficiencies found and USA Surfing is fully compliant. There are observations in the report that when implemented, would improve the grievance procedures, athlete safety, and USADA protocol policies.

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 Onye Ikwuakor Andrea Swayne
Chris McCleary Denise Parker Courtney Conlogue
Wendy Guthrie Sara Pflipsen



COMPLIANCE CHECKLIST PRELIMINARY FINDINGS

USA Surfing

OBJECTIVE AND SCOPE

The objective of the review is to verify USA Surfing 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 USA Surfing and the supporting documents provided by USA Surfing. 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 USA Surfing. 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

* Of note, USA Surfing was approved as the National Governing Body for the sport of surfing in the United States on June 20, 2017. USA Surfing was incorporated in March 2017. Therefore, USA Surfing was exempt from some or all of the requirement.

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?

USA Surfing does not specify that the Judicial Committee will be free of conflict of interest in Section 13.10. USA Surfing could add language to make this clearer.

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

USA Surfing accounts for arbitration procedures in Section 13, Section 13.15, however, makes no reference to binding arbitration pursuant to Section 4, Section 4.1(l). It would provide clarity if binding arbitration was referenced in Section 13.

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?

USA Surfing's Bylaws, Section 13.9 provides that a respondent will be afforded "basic due process rights" but does not specify what is included under due process. It is unclear if the respondent to a complaint is provided a notice of the charges and requested remedy.

Do you have a USOC-compliant Athlete Safety Policy?

USA Surfing needs to include an anti-retaliation clause, similar to the section in its "Policy on Sexual Harassment", to the Athlete Safety Policy.

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?

USA Surfing's website includes a link to the Anti-Doping page on teamusa.org, however, the requirement is to inform members of the USOC National Anti-Doping Policy and USADA protocol through bylaws, athlete or member agreements, and license agreements.

USA Surfing's Bylaws, Section 5.3 (a), partially informs members of their Anti-Doping obligations, however does not inform members of the USOC National Anti-Doping policy.

CONCLUSION

USA Surfing is fully compliant with the USOC'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.