
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
USA Rugby

Review of:
2019 Compliance Checklist

Dated:
November 27, 2019



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

November 27, 2019

Ross Young
Chief Executive Officer
USA Rugby

Dear Ross,

Enclosed is the United States Olympic and Paralympic Committee's (USOPC) report on the 2019 Compliance Checklist for USA Rugby. We want to express our appreciation for the time you and your staff spent completing the Checklist and providing documents during the review.

USA Rugby 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 safety. There were initially six deficiencies identified in the following areas: governance/managerial; financial capability; athlete representation; athlete safety, and anti-doping. With updates to its policies, USA Rugby remedied four deficiencies in governance/managerial, financial capability, and athlete safety. USA Rugby has two remaining deficiencies in athlete representation and anti-doping. There are also additional observations in the report that when implemented, will improve the athlete safety and anti-doping policies.

The report will be presented to the USOPC Athlete and NGB Engagement Committee and be made available on TeamUSA.org. 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 Barbara O'Brien
Wendy Guthrie Denise Parker Todd Clever
Onye Ikwuakor Kurt Weaver





2019 COMPLIANCE CHECKLIST REPORT

USA Rugby

OBJECTIVE AND SCOPE

The objective of the review is to verify USA Rugby 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 2019 Compliance Checklist certified by USA Rugby and the supporting documents provided by USA Rugby. 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 Rugby. 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
4	Are you compliant with the insurance requirements as set forth in Exhibit 2 of the most recent PPA?	Compliant
5	Have you submitted, in a timely fashion, data and information on the participation of women, individuals with disabilities and racial and ethnic minorities in your athletic activities and administration?	Compliant
6	Have you submitted to the USOPC for review and approval a plan to encourage the participation of men, women, individuals with disabilities and racial and ethnic minorities in your amateur athletic activities and administration?	Compliant
Financial Capability		
7	Are you recognized by the IRS as a tax-exempt organization?	Compliant
8	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
9	Do you have your three most recent IRS Form 990s on your website?	Compliant
10	Have you completed and posted on your website your three most recent annual audited financial statements?	Compliant
11	Do you have written financial policies and procedures?	Compliant
12	Do you have an approval and/or review process for cash disbursements?	Compliant
13	Do you provide frequent (monthly or quarterly) financial statements to your board or designated committee?	Compliant
14	Do you have a board-approved annual budget?	Compliant
15	Have you spent USOPC funds as required by the funding agreements in the previous 12 months?	Compliant

16	Do you maintain accurate accounting records in accordance with accounting principles generally accepted in the USA (GAAP)?	Compliant
Due Process and Athlete Representation		
17	Do you provide procedures for the prompt and equitable resolution of grievances of your members?	Compliant
18	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
19	Do you require at least 20% athlete representation on grievance panels?	Compliant
20	Do you have at least 20% athlete representation on your board of directors?	Compliant
21	Do you have at least 20% athlete representation on your budget committee?	Compliant
22	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
23	If you govern or operate a Paralympic Sport, do you have a Paralympic Sport Advisory Group that includes a combination of coaching staff, high performance staff and at least 20% Paralympic athlete representation to craft and approve selection procedures and to serve in an advisory capacity for high performance planning?	Compliant
Athlete Safety		
24	Do you have language in your bylaws that provides jurisdictions to the U.S. Center for Safe Sport?	Compliant
25	Do you have a USOPC-compliant Athlete Safety Policy?	Compliant
Anti-Doping		
26	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
27	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
28	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?	Deficient
29	Do you have an identified staff member to act as a liaison with USADA?	Compliant

DEFICIENCIES

2. Do you have a strategic plan that is capable of supporting athletes in achieving sustained competitive excellence, and in growing the sport?

USA Rugby does not have a current Strategic Plan.

USA Rugby Action Plan: USA Rugby is working with Ernst & Young to develop a Strategic Plan. September 15 anticipated publication.

USOPC Status Update: USA Rugby submitted its newly published Strategic Plan and was found to be compliant with this element on November 20, 2019.

4. Are you compliant with the insurance requirements as set forth in Exhibit 2 of the most recent PPA?

According to the USOPC's third party administrator for insurance verification, USA Rugby's certificate of insurance was rejected and listed as non-compliant.

USA Rugby Action Plan: Information has been submitted to our insurance broker, who will share it with USOPC Risk Management. USA Rugby is compliant on all insurance requirements.

USOPC Status Update: USA Rugby updated its insurance certificates and auditor verified compliance on November 25, 2019.

5. Do you have a board-approved annual budget?

USA Rugby did not provide a Board approved 2019 Budget.

USA Rugby Action Plan: Budget was presented to board and discussed. They did not formally approve the budget at that time. If needed, we will have it approved at our September 5th board meeting.

USOPC Status Update: USA Rugby submitted its Board approved budget and was found to be compliant with this element on November 20, 2019.

22. 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?

USA Rugby's Selection Committee does meet the 20% athlete representation requirement in practice, with proof of athlete representation on the committee submitted for the Pan American Games Selection procedures. However, the Selection Committee is not defined as a standing committee in the Bylaws. It is unclear if athlete representatives (reps) serving on non-standing or ad hoc committees are approved by athletes or an athlete representative group as described in USOPC Bylaw Section 8.8.5. USA Rugby should ensure clarity in its Bylaws for how athlete reps on non-standing committees are elected to meet the requirements in USOPC Bylaws. This will clarify the process and ensure athletes are elected or appointed by eligible athletes.

USA Rugby Action Plan: Will work with board and our governing congress to get language added to the bylaws. The updated language will identify the Board of Director International Athletes as the representative group of athletes approving the International Athletes on committees.

USOPC Status Update: USA Rugby will consider and vote on additional Bylaw changes by the Governing

Congress in the first quarter of 2020. This item remains deficient.

25. Do you have a USOPC-compliant Athlete Safety Policy?

USA Rugby was deemed deficient for the following:

- USA Rugby Board members require background checks every four years, as opposed to every two years for all other designees.
- USA Rugby's SafeSport Program Handbook does not provide for tracking and periodic checks for compliance.

Additionally, some sections in USA Rugby's SafeSport Program Handbook reference contact with or authority over minor athletes as opposed to contact with or authority over all athletes.

USA Rugby Action Plan: *USA Rugby has changed all policies and processes to have board members checked every 2 years for background checks and also ensured they are SafeSport certified.*

USA Rugby SafeSport handbook will be revised with all required changes, done with the US Center for SafeSport for approval. To be Completed by October 1st and approved through Audit and Risk committee.

USOPC Status Update: USA Rugby updated its Athlete Safety Policy to address the elements of this deficiency. Auditor verified USA Rugby is compliant on November 25, 2019.

28. 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?

This deficiency was identified during the 2018 Compliance Checklist: According to USADA, USA Rugby met this requirement for the men's team, but did not turn in the list on time for the women's team. USA Rugby needs to ensure future list submissions are completed at least 6 months prior to a competition. USA Rugby will not be able to remedy this deficiency until 6 months prior to the next Olympic Games.

USA Rugby Action Plan: *Will be submitted in January of 2020, will be deficient until then (that's ok).*

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.

25. Do you have a USOPC-compliant Athlete Safety Policy?

USA Rugby's SafeSport Program Handbook does not clearly exclude filing fees for reporting an Athlete Safety grievance.

USA Rugby states training is based on the U.S. Center for SafeSport materials on the website, however this is not explained in the SafeSport Program Handbook.

On page 12 in the Handbook, there is contradictory language regarding who is required to complete SafeSport Training & Education. This section identifies one list of entities and then requires "Designees," which is a different group of entities. This should be cleaned up to avoid confusion or exclude individuals from

completing education and training.

USA Rugby's SafeSport Program Handbook identifies it applies to individuals formally authorized, approved, or appointed to a position of authority over or to have frequent contact with athletes (AAA definition), however, this only applies to "ad hoc" or "interim" individuals meeting this definition. This statement should ensure that the policy applies to all individuals falling under this definition, and not just those in interim or ad hoc positions.

USA Rugby Action Plan: *USA Rugby's new Diversity and Inclusion Committee will address these observation items in 2020 as part of its policy and handbook review in conjunction with new requirements from the U.S. Center for SafeSport.*

26. 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 Rugby submitted its "Participation Agreement and Waiver and Release of Liability" form for review, however it should include the "USOC National Anti-Doping Policy" in addition to the other anti-doping rules listed in the agreement.

USA Rugby Action Plan: *USA Rugby will update its Participation Agreement and Waiver and Release of Liability form to address this observation in 2020.*

CONCLUSION

USA Rugby must improve its 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.