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# United States Olympic & Paralympic Committee

## Audit & Organizational Advancement

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Report for:  
**USA Fencing**

Review of:  
**Compliance Checklist**

Dated:  
**August 6, 2019**



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

August 6, 2019

Kris Ekeren  
Chief Executive Officer  
USA Fencing

Dear Kris,

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

USFA 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 initially three deficiencies identified in due process and athlete representation, however, with updates to their policy, USFA is now fully compliant with the 2018 Compliance Checklist

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                      Donald Anthony, Jr.  
Wendy Guthrie                      Denise Parker                      Adam Watson  
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# COMPLIANCE CHECKLIST PRELIMINARY FINDINGS

## USA Fencing

### OBJECTIVE AND SCOPE

The objective of the review is to verify USFA 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 USFA and the supporting documents provided by USFA. 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 USFA. For any deficiencies, see the explanations and action plans after the chart.

	Question	Status
<b>Governance / Managerial</b>		
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
<b>Financial Capability</b>		
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
<b>Due Process and Athlete Representation</b>		
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
<b>SafeSport</b>		
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
<b>Anti-Doping</b>		
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?***

USFA was deemed deficient for the following:

USFA's grievance procedures in chapter 13 of the Athlete Handbook only supports grievances related to competitions, team-related issues (improper removal from a team, improper preclusion to compete, etc.). There is no language to support other types of complaints being filed. For example, club members do not appear to be able to file a grievance under these procedures.

USFA does not include submission to binding arbitration to the American Arbitration Association (AAA). USFA accounts for binding arbitration in its Bylaws but not in the grievance procedures. It would provide clarity if binding arbitration was referenced in the grievance procedures.

USFA's grievance procedures do not allow for complaints against the NGB regarding compliance pursuant to the Act or USOPC Bylaws. NGBs must have an internal process to manage grievances filed against the NGB.

Additionally, USFA needs to add language to its procedures for how a grievance can be filed as this is not clear.

***USFA Action Plan:*** USA Fencing will amend the grievance procedures in Chapter 13 within 60 days to include additional language for filing complaints against USA Fencing. Also, we will add the binding arbitration language to Chapter 13.

*As a practical matter, USA Fencing has been utilizing the procedures in Chapter 13 for all complaints. In addition, our membership agreement includes language for binding arbitration to the AAA.*

**USOPC Status Update:** USFA updated Chapter 13 of its Disciplinary Procedures policy. Auditor verified these updates remedied this deficiency on August 6, 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?***

USFA was deemed deficient for the following:

Section 13.2.1 of the grievance procedures only supports athletes. Trainers, managers, administrators and officials are excluded, including providing a hearing prior to suspending a member on a provisional or permanent basis which would impact an individual's ability to participate.

USFA has a hearing process for the National Team prior to declaring an individual ineligible to participate. This hearing process should be afforded to others outside the National Team.

***USFA Action Plan:*** USA Fencing will amend the grievance procedures in Chapter 13 within 60 days to include specific language for all members including administrators and officials.

*As a practical matter, all members of USA Fencing have been afforded the same hearing rights as described in 13.2.1.*

**USOPC Status Update:** USFA updated Chapter 13 of its Disciplinary Procedures policy. Auditor verified these updates remedied this deficiency on August 6, 2019.

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

USFA does require 20% athlete representation on its grievance panels, however, the qualifying events for athletes are not clear or consistently applied in the grievance procedures. "Panel" as defined on page 112 is comprised of "USOPC Athletes" which is defined on page 113 and meets USOPC qualifications. "Discipline Panel" as defined on page 116, however, do not meet these same qualifications.

Additionally, the hearing panel created for background check results may not include 20% athlete representation. If the Board conducts the hearing, according to Sec VII on page 26, the Board meets the 20%. However, the Board may not conduct all hearings as they have the option to provide the hearing through a committee of the Board.

USFA should clearly define who makes up a hearing panel and ensure consistent language is utilized throughout its grievance procedures as it pertains to meeting 20% athlete representation.

***USFA Action Plan:*** *USA Fencing will amend the grievance procedures in Chapter 13 within 60 days to clearly define 20% athlete representation on all panels.*

*As a practical matter, USA Fencing has exceeded the 20% athlete requirement for all grievance panels.*

**USOPC Status Update:** USFA updated Chapter 13 of its Disciplinary Procedures policy and Article VII, Section 16 of its Bylaws. Auditor verified these updates remedied this deficiency on August 6, 2019.

## CONCLUSION

With the updates to their policies, USFA 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.