
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
US Rowing

Review of:
Compliance Checklist

Dated:
August 12, 2019



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

August 12, 2019

Patrick McNerney
Chief Executive Officer
US Rowing

Dear Patrick,

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

USRowing was compliant in the areas as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: governance/managerial; financial capability; due process; SafeSport; and anti-doping. There were initially seven deficiencies identified in the following areas: governance/managerial; due process and athlete representation; and SafeSport. With updates to their policies, USRowing has remedied five deficiencies, with two remaining in athlete representation. There is also an additional observation in the report that, when implemented, would improve the anti-doping 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 Marcia Hooper
Wendy Guthrie Denise Parker John Wik
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COMPLIANCE CHECKLIST REPORT

US Rowing

OBJECTIVE AND SCOPE

The objective of the review is to verify USRowing 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 USRowing and the supporting documents provided by USRowing. 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 USRowing. 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 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?	Deficient
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?	Deficient
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?

USRowing submitted a document entitled "USRowing Code of Conduct", however, this document is primarily regarding disclosure of conflicts of interest. USRowing must ensure all employees, members, board of directors and officers are subject to a code of conduct, which applies to all members, not just national team members or athletes training at a USRowing or USOPC training site or center.

USRowing Action Plan: *USRowing will update and re-draft the code to correct the current deficiencies with the inclusion of language specific to personal conduct and SafeSport.*

Completion Date: April 15, 2019

USOPC Status Update: USRowing updated its Code of Conduct to include all required entities. Auditor verified US Rowing is compliant with this requirement on July 2, 2019.

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

USRowing was deemed deficient for the following:

Article IV (15) involves only the CEO in receiving and processing the complaint. There is no provision in the bylaws to ensure "equitable resolution" if a complaint is filed against the CEO.

Article IV, 18, provides for the President of the Association to appoint the hearing panel, without the specification for the appointed hearing panel to be free of conflicts. Hearing panels should be disinterested or free of conflicts to ensure equitable resolution of grievances.

USRowing Action Plan: *The USRowing CEO Policy Manual (2016) has not been updated. USRowing will be consolidating the CEO Policy Manual along with the Code of Conduct, SafeSport Compliance Policy, and SafeSport Complaint Investigation and Hearing Process into a single USRowing Policy and Procedures Document.*

USRowing will re-write the language of Article IV (15) to reflect current policy allowing for a separate track to bring a complaint against the CEO. The re-write will also update the language of Article IV (18) to provide for the CEO to appoint a hearing panel, or the Chairman of the Board of Directors if the CEO is conflicted or the subject of a complaint, composed of disinterested individuals free of conflicts. Both changes will be reflected in the USRowing Policy and Procedures Document.

Completion Date: September 15, 2019

The Board Policy Manual has been renamed the USRowing Board of Directors Guidelines. This document will be submitted for formal approval of the Board of Directors at the March Board of Directors meeting. This will be a standalone document which will not be folded into the new USRowing Policy Guidelines.

Completion Date: March 15, 2019

USOPC Status Update: USRowing updated its CEO Policy Manual. Auditor verified US Rowing is compliant with this requirement on July 2, 2019.

Do you require 20% athlete representation on all grievance panels?

USRowing was deemed deficient for the following:

Article IV (18) requires 20% athlete representation on the Grievance Panel, however, Article IV (19) states, "Whenever possible, an athlete member of the Grievance Panel will be included on the Hearing Panel."

All Hearing Panels should require 20% athlete representation.

USRowing Action Plan: *References to Article IV (18) and (19) will be brought into compliance with the current policy with the re-write and consolidation of the USRowing Policy and Procedures document as noted in item 2 above.*

USOPC Status Update: USRowing updated its "CEO Policy Manual" to ensure Section 19, "Hearing Panel", requires an athlete member as one of the three panel individuals. Auditor confirmed USRowing is compliant with this deficiency on July 16, 2019.

Do you have at least 20% athlete representation on your budget committee?

USRowing's Bylaws do not clearly state how athlete representatives are selected to the board committees, which must be approved by athletes, or a representative group of athletes, who meet standards set forth in Section 8.8.3 of the USOPC Bylaws.

USRowing Action Plan: *USRowing will be modifying Section 33 of the By-Laws to include language which meets USOPC standard for approval of athlete representatives to Committees. Specifically, Section 33 will be modified to include the following or similar language: "Athlete Representative to all USRowing Committees and task forces shall be selected by USRowing with the approval of the athletes, or a representative group of athletes, who meet the standards set forth in these By-Laws."*

USOPC Status Update: While USRowing meets the 20% athlete representation requirement on its Finance Committee, USRowing will update its Bylaws for the 2019 Compliance Checklist to explain how athlete representatives are the approved for Board Committees and Standing Committees by athletes or a representative group of athletes.

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?

USRowing's Bylaws do not clearly state how athlete representatives are selected for standing committees, which must be approved by athletes, or a representative group of athletes, who meet standards set forth in Section 8.8.3 of the USOPC Bylaws. USRowing's Standing Committees, including High Performance and Para High Performance, do not have a clearly defined process for selection of committee members including athlete representatives.

USRowing Action Plan: *USRowing will update the By-Laws to reflect the 20% athlete representation requirement on the Standing Committees of the Board of Directors.*

Date: September 15, 2019

The High Performance Committee Charter, approved by the Board of Directors in December 2018,

contains the specific requirement for 20% athlete representation for the selection of National Teams (Section 11.1 and V.B.(ii)). USRowing is in the process of creating similar charters for the Junior and Para HPCs.

Date: September 15, 2019

USOPC Status Update: While USRowing meets the 20% athlete representation requirement on its Selection Committee, USRowing will update its Bylaws for the 2019 Compliance Checklist to address how these athlete representatives are appointed/approved for positions by athletes or a representative group of athletes.

Do you have a USOPC-compliant Athlete Safety Policy?

USRowing's SafeSport policy does not clearly identify to whom the policy applies. There is a vague reference in the training and education section regarding mandatory reporting of abuse, misconduct and violations of its Participate Safety Handbook, but it is not explicitly stated.

USRowing Action Plan: USRowing will update the SafeSport Policy document to clarify Covered Individuals.

Date: April 15, 2019

USOPC Status Update: USRowing updated its "USRowing Internal Policies and Participant Safety Handbook" to clearly identify who the policy applies to on page 10 which points to Section 1. Auditor verified USRowing remedied this deficiency on July 3, 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 USRowing SafeSport grievance procedures do not include a provision for disinterested individuals to hear and make recommendations on SafeSport reports received and investigated.

USRowing Action Plan: See action plan for prompt and equitable resolution of grievances.

USOPC Status Update: USRowing updated its "USRowing SafeSport Complaint Investigation and Hearing Process" policy document (May 2019) to ensure a "disinterested investigator will be appointed...". Auditor verified USRowing remedied this deficiency on July 3, 2019.

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 inform Athletes, Athlete Support Personnel and other Persons in your sport of the USOPC National Anti-Doping Policy and of the USADA Protocol?

USRowing includes Anti-Doping information on its website, however, it does not notify all members of their responsibilities and acknowledgement of all anti-doping related policies and protocol through the Bylaws or membership agreements.

USOPC Status Update: USRowing will address the notification of its members of their responsibility to be aware of all USADA anti-doping related policies and protocols through a review of its membership application materials for the 2019 Compliance Checklist.

CONCLUSION

USRowing must improve its athlete representation 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.