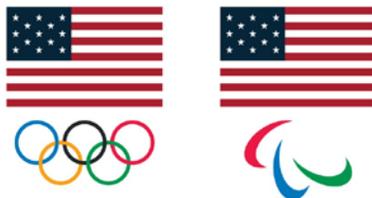

United States Olympic & Paralympic Committee

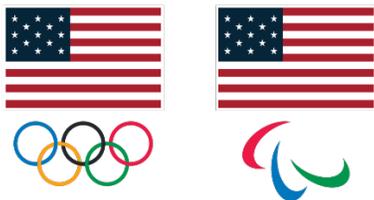
Audit & Organizational Advancement



Report for:
U.S. Paralympics Swimming

Review of:
2019 Compliance Checklist

Dated:
February 28, 2020



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

February 28, 2020

Queenie Nichols
Director
U.S. Paralympics Swimming

Dear Queenie,

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

U.S. Paralympics Swimming 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; and anti-doping. There were initially three deficiencies found in due process and athlete representation, however, with policy updates U.S. Paralympics Swimming remedied these deficiencies and is now fully compliant with the 2019 USOPC Compliance Checklist.

As of September 13, 2019, the USOPC Board approved the revised NGB and HPMO Athlete Safety Policy. In an effort to align the Compliance Checklist process with the NGB and HPMO Athlete Safety Policy, eliminate redundancies, and ensure clarity as it relates to what entity is solely responsible for auditing SafeSport requirements, the auditing of athlete safety requirements now falls under the jurisdiction of the U.S. Center for SafeSport.

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,

Audit & Organizational Advancement Team

cc:	Rick Adams	Chris McCleary	Julie Dussliere	Susanne Lyons
	Wendy Guthrie	Denise Parker	Sarah Hirshland	Brad Snyder
	Onye Ikwuakor			Tom Miazga



2019 COMPLIANCE CHECKLIST REPORT

U.S. Paralympics Swimming

OBJECTIVE AND SCOPE

The objective of the review is to verify U.S. Paralympics Swimming 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 the USOPC. The scope includes the 2019 Compliance Checklist certified by U.S. Paralympics Swimming and the supporting documents provided by U.S. Paralympics Swimming. Compliance Checklist procedures are designed to verify that certain U.S. Paralympic Sports policies are in place. This Compliance Checklist does not conclude on the effectiveness of any policies reviewed. Additional audit procedures are completed on select U.S. Paralympic Sports 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 U.S. Paralympics Swimming. 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?	Compliant
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?	*Transitioned to U.S. Center for SafeSport
25	Do you have a USOPC-compliant Athlete Safety Policy?	*Transitioned to U.S. Center for SafeSport
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 U.S. Paralympic Sport, 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?	Compliant
29	Do you have an identified staff member to act as a liaison with USADA?	Compliant

*The U.S. Center for SafeSport has taken jurisdiction over the auditing of Athlete Safety requirements. To that end, as of 9/13/2019, the USOPC will no longer review Athlete Safety requirements which fall under the Center's jurisdiction.

DEFICIENCIES

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?

U.S. Paralympics Swimming was deemed deficient for the following:

U.S. Paralympics Complaint Procedures do not explain how notice of the charges and requested remedy is provided to the respondent.

U.S. Paralympics Complaint Procedures, Section 12, provides an opportunity for a hearing for complaints involving selection to participate in a competition, however, it is unclear if a hearing is provided for other types of complaints before declaring an individual ineligible to participate.

U.S. Paralympics Swimming Action Plan: *U.S. Paralympics is updating its complaint procedures and will have these published within the 90-day remedy period.*

USOPC Status Update: U.S. Paralympics Swimming updated its complaint procedures to address this deficiency. Audit verified compliance as of February 24, 2020.

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?

While U.S. Paralympics Swimming Selection Committee has 20% athlete representation included in the committee structure, it is unclear how an athlete rep is selected for the committee. There is not a policy or procedural document which explains how an athlete representative (rep) should be appointed with athlete approval, or direct election to this position. It is also unclear if the Athlete Advisory Council (AAC) rep sits on all selection committees, as the document provided for review explains doesn't specify for the AAC rep to act as the athlete representative for all selection committees. U.S. Paralympics Swimming should ensure there is documentation in place to explain how a qualified athlete rep is chosen to sit on selection committees, including having the approval ability or direct election by other qualified athletes.

U.S. Paralympics Swimming Action Plan: *U.S. Paralympics will complete a one pager document outlining the process of how athletes are selected to be on the committees. In preferred instances, the AAC rep or alternate would be used. But in some cases, there are conflicts when athletes are still competing, so we will outline what the process would be to move to select available athletes.*

USOPC Status Update: U.S. Paralympics Swimming has documented its athlete involvement in its selection procedures process to address this deficiency. Audit verified compliance as of February 24, 2020.

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?

U.S. Paralympics Swimming is currently using its AAC rep, who is directly elected by qualified athletes, on its U.S. Paralympics Swimming Athlete Advisory Committee. However, there is not a policy or procedural document which explains how an athlete rep should be appointed with athlete approval, or direct election to the Athlete Advisory Committee. U.S. Paralympics Swimming should ensure there is documentation in place

to explain how a qualified athlete rep is chosen to sit on the Athlete Advisory Committee, including having the approval ability or direct election by other qualified athletes, as it may not always be the case that the AAC rep or AAC alternate will be seated on the committee.

U.S. Paralympics Swimming Action Plan: *U.S. Paralympics will complete a one pager document as outlined above to also address the athlete representation on the high performance planning committees.*

USOPC Status Update: U.S. Paralympics Swimming has documented its process for athlete representation on its Paralympic Sport Advisory Group. Audit verified compliance on February 24, 2020.

CONCLUSION

U.S. Paralympics Swimming updated its policies and is now 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 U.S. Paralympic Sports each year to verify various policies and processes are being followed.