
United States Olympic and Paralympic Committee Audit & Organizational Advancement Department



Report for:
American Canoe Association

Review of:
Compliance Checklist

Dated:
July 29, 2019



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

July 29, 2019

Beth Spilman
Executive Director
American Canoe Association

Dear Beth,

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

ACA was compliant in the areas as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: financial capability and SafeSport. The review initially identified four deficiencies in the following areas: governance/managerial; athlete representation; and anti-doping. After updates, ACA remedied two deficiencies. There are currently two deficiencies in the area of athlete representation. There are also additional observations in the report that when implemented, would improve the strategic plan, grievance procedures and policies, anti-doping, SafeSport policy language, and compliance for SafeSport 2018 requirements.

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 Robin Pope
Wendy Guthrie Denise Parker Stanton Collins
Onye Ikwuakor



COMPLIANCE CHECKLIST REPORT

American Canoe Association

OBJECTIVE AND SCOPE

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

	Question	Answer
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?

The ACA Code of Conduct directly applies only to National Team athletes. The ACA Code of Conduct must apply to employees, all members, board of directors and officers.

ACA Action Plan: *The ACA is creating a member code of conduct that will cover all members including Board Members. We are going to have two codes of conduct, one for the athletes and one for members. The code of conduct for members will be finalized by the end of April 2019.*

USOPC Status Update: ACA updated its Code of Conduct to ensure the required named entities were identified. Audit verified ACA was compliant with this requirement as of July 19, 2019.

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

In practice, ACA meets the requirements for 20% athlete representation on its budget committee, however, the ACA bylaws allow appointment of athlete representatives (reps) as committee members with Board approval. According to USOPC bylaw 8.8.5, appointments to committees and task forces "shall be selected by the NGB with the approval of the athletes or a representative group of athletes, who meet the standards set forth in Section 8.8.3" of the USOPC bylaws.

ACA may utilize the athlete reps on the Board as this representative group and should update its bylaws accordingly.

ACA Action Plan: *ACA has at least 20% athlete representation on all bylaw standing committees. The ACA's Finance Committee, a standing committee, represents all aspects of the ACA finances. ACA will update its corresponding bylaws/policies identifying how athlete reps appointed to committees are approved by the Board Athlete Directors.*

USOPC Status Update: As noted above, the ACA does have at least 20% athlete representation process on the Finance Committee, which has the responsibility for the budgeting process. Though the ACA Bylaws explicitly state "Appointments to all Board and non-board committees shall be made in conformance with the Sports Act and the USOC Bylaws", the ACA had agreed to initiate the process required to change the Association's bylaws in order to clarify that the selection of Athlete Representatives is not subject to Board approval, but is based on a direct election by Elite Athletes or an Athlete Advisory Council. The bylaws amendment process requires a notice period and must occur in conjunction with the Annual Membership Meeting which is scheduled for October 2019.

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?

ACA was deemed deficient for the same reason as above regarding athlete rep appointment and board approval.

Article VIII, Section 3 (B), p. 12 of the Bylaws describes the responsibilities of the Nominating Committee. These responsibilities do not include selecting athletes to the Games, and it is unclear if selection committee responsibilities are being fulfilled.

ACA Action Plan: *The athlete selection for all games requiring selection criteria is recommended by*

staff, coaches, athletes, and the specific discipline committee (e.g. Slalom Committee), and ultimately final approval granted by the competition council (made up of at least 20% athletes and all other discipline committees, made of at least 20% athletes)). ACA will update its corresponding bylaws/policies identifying how athlete reps appointed to committees are approved by the Board Athlete Directors.

USOPC Status Update: ACA does not have a stand-alone selection committee. Instead, they have a Competition Council that prepares, approves and implements the selection criteria and process of athletes, coaches, administrators, and sport staff. The ACA does have 20% athlete representation process on the Competition Council. Though the ACA Bylaws explicitly state "Appointments to all Board and non-board committees shall be made in conformance with the Sports Act and the USOC Bylaws", the ACA had agreed to initiate the process required to change the Association's bylaws in order to clarify that the selection of Athlete Representatives to the Competition Council is not subject to Board approval, but rather is based on direct election by Elite Athletes or an Athlete Advisory Council. The bylaw amendment process requires a notice period and must occur in conjunction with the Annual Membership Meeting which is scheduled for October 2019.

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?

According to USADA, ACA did not provide an updated list in the fourth quarter of 2018. Therefore, ACA does not comply with this requirement. Even if the list of athletes does not change, USADA requires a verification of the athletes in the RTP.

ACA Action Plan: We were unaware that ACA needed to validate even if there were no athlete addition or removals. We will be compliant by April 2019. Addressed

USOPC Status Update: ACA reported its quarterly RTP lists to USADA in the first and second quarters of 2019. Audit verified ACA was compliant with this requirement as of June 27, 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 have a strategic plan that is capable of supporting athletes in achieving sustained competitive excellence, and in growing the sport?

ACA's Board is working on a Strategic Plan update and is expected to roll this out in March 2019.

USOPC Status Update: ACA submitted a strategic plan; however, it was outdated at the time of the review. ACA staff and Board of Directors have begun the process of developing a strategic plan that is capable of supporting athletes in achieving competitive excellence and growing the sport. Because the current ACA Executive Director is new to the organization, the target completion date for this plan is November 1, 2019.

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

American Canoe Association accounts for binding arbitration procedures in Article X, Section 2(A)(i), the clause states, “upon the demand of the USOC”. However, as an NGB, the Act §220522 (a)(4)(B) requires that the NGB submit to binding arbitration to maintain its eligibility regardless of if the requesting party is the USOC or the member, et al. Also, the NGB’s have agreed to binding arbitration as provided in USOC Bylaws 9.7 and 10.21. Thus, in application, there will not likely be the need for the USOC to demand the NGB to submit to binding arbitration, and the upon the demand clause would not be read as a limit to only if the USOC demands such action.

USOPC Status Update: The ACA bylaws account for binding arbitration procedures in Article X, Section 2; however, the language needs to be updated. They plan to do so this as part of the bylaw amendment process described previously.

Do you have a USOPC-compliant Athlete Safety Policy?

Auditor completed a review of ACA's SafeSport program as of November 7, 2018. Auditor identified ACA had not yet brought its SafeSport program into full compliance with the requirements which were required by December 2018. As ACA’s policy was submitted in mid- 2018 and reviewed in November 2018, these issues were not identified as deficient, but may be considered deficient based on the requirements at the time of the next review. Note, the USOPC NGB Athlete Safety Policy (ASP) is currently under review and requirements may change in 2019. It was identified during the review of ACA’s SafeSport policy that ACA should ensure its prohibited conduct definitions either match or point to the U.S. Center for SafeSport.

USOPC Status Update: ACA is actively revising its SafeSport program to ensure full compliance. As part of this effort, ACA will adopt the definitions of prohibited conduct as defined by the U.S. Center for SafeSport.

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?

ACA, in practice, requires these named entities to complete a criminal background check every two years, however, the online policy, SafeSport Handbook do not align in terms of the named entities. ACA should update its online information to align with its SafeSport Handbook to avoid confusion.

ACA Action Plan: *ACA policy requires all individuals included in the definition above to complete a criminal background check every two years. We recognize that there is a minor inconsistency between the list of applicable parties on our website vs. our Safe Sport handbook, and we will address this inconsistency during the 2019 Compliance Checklist process.*

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?

ACA should address these named entities for the same reason as identified above.

ACA Action Plan: *Yes, ACA policy requires education and training specific to SafeSport for those individuals described above. We recognize that there is a minor inconsistency between the list of*

applicable parties on our website vs. our Safe Sport handbook, and we will address this inconsistency during the 2019 Compliance Checklist process.

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?

Reference to the "USOPC's Anti-Doping policy" is missing from Article XI, Section 3, page 20 (the USADA notification section for ACA). While it is addressed in the Athlete Pledge document, this only focuses on athletes. Athlete support personnel and "other persons" may not be captured via this document. The full reference language is also missing from the website.

ACA Action Plan: *The "USOC's Anti-Doping Policy" is addressed in the Athlete Code of Conduct and in more detail on this page of our website: <https://www.americancanoe.org/page/Competition>. We will update all relevant documents linked to this section of our website with the 2019 USADA language. We will also add this language to our membership agreement during the 2019 Compliance Checklist process.*

CONCLUSION

ACA 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.