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# United States Olympic & Paralympic Committee

## Audit & Organizational Advancement

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Report for:  
**US Biathlon**

Review of:  
**Compliance Checklist**

Dated:  
**August 9, 2019**



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

August 9, 2019

Max Cobb  
Chief Executive Officer  
US Biathlon

Dear Max,

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

USBA 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 and athlete representation; SafeSport; and anti-doping. There were initially four deficiencies identified in the following areas: governance/managerial; financial capability; and anti-doping. With updates to its policies USBA remedied the deficiencies and 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                      Bill Alford  
Wendy Guthrie                      Denise Parker                      Bob Hall  
Onye Ikwuakor                      Sara Studebaker-Hall



# COMPLIANCE CHECKLIST REPORT

## US Biathlon

### OBJECTIVE AND SCOPE

The objective of the review is to verify USBA 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 USBA and the supporting documents provided by USBA. 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 USBA. 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 have a code of conduct for your employees, members, board of directors and officers?***

The code of conduct is only applicable to USBA members. The other required groups are not identified as falling subject to the code of conduct.

***USBA Action Plan:*** *US Biathlon will amend the code of conduct to be specifically applicable to all employees, board member and officers. As a note, all of the persons listed above are in fact US Biathlon members, nevertheless we will make the code of conduct more explicit.*

**USOPC Status Update:** USBA submitted its updated Code of Conduct to include the required named entities. Auditor verified USBA is compliant on August 8, 2019.

***Do you provide frequent (monthly or quarterly) financial statements to your board or designated committee?***

USBA provided one financial report to its Board in 2017 and it only mentioned fundraising. USBA should increase the frequency of financial reporting to its Board with quarterly or monthly reports and ensure reports include comprehensive financial information.

***USBA Action Plan:*** *Traditionally we have provided financial statements with each board meeting, at least three times per year. Our minutes have not always acknowledged the financial reports. We will refocus on this and ensure that the reports are made and that the minutes acknowledge them.*

**USOPC Status Update:** USBA submitted minutes and emails documenting financial reporting to its Board. Auditor verified USBA is compliant on August 9, 2019.

***Do you have a board-approved annual budget?***

USBA did not submit a board approved budget for review.

***USBA Action Plan:*** *The budget was presented and discussed at the June 2018 and October 2018 meetings of the board of directors. In June the budget was provisionally approved as we did not yet have the PPA from the USOPC. The plan was to revisit the budget after we received the PPA. As it turned out our estimate was accurate and no adjustment to the budget was needed. At the October meeting the budget was again reviewed and updated based on new information regarding revenue and expenses. Unfortunately, the minutes of the meetings do not reflect the discussion we had in detail. We will remedy that by refocusing on the formal approval process and noting such in the minutes.*

**USOPC Status Update:** USBA submitted minutes documenting a Board approved budget. Auditor verified USBA is compliant on August 9, 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, USBA did not provide the quarterly RTP list in quarter four of 2018.

**USBA Action Plan:** *US Biathlon does fulfill the requirements of USADA. We were unaware that we had to confirm our list quarterly even when there were “no changes”. We will refocus on that requirement and ensure that we confirm our list each quarter.*

**USOPC Status Update:** USBA submitted its third quarter RTP information to USADA and this deficiency is remedied. Auditor verified this with USADA.

## **CONCLUSION**

USBA updated its polices and is now fully compliant with the USOPC's 2018 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.