
United States Olympic Committee
Audit Division



Report for:
USA Baseball

Review of:
Compliance Checklist

Dated:
January 16, 2019



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Paul Seiler
Executive Director
USA Baseball

Dear Paul,

Enclosed is the United States Olympic Committee's (USOC) report on the 2018 Compliance Checklist for USA Baseball (USAB). We want to express our appreciation for the time you spent completing the Checklist and providing documents during the review.

USAB was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: financial capabilities, due process and athlete representation, and anti-doping. The review identified one deficiency in governance/managerial and one deficiency in SafeSport. USAB remedied these deficiencies and is now fully compliant. There is an additional observation that when implemented will improve the athlete safety policy.

The report will be presented to the USOC Athlete and Engagement Committee at its next quarterly meeting 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, NGB Compliance and Audit

Rich Wright
Staff Auditor

cc: Rick Adams Chris McCleary Mike Gaski
Wendy Guthrie Denise Parker John Gall
Onye Ikwuakor Sara Pflipsen



COMPLIANCE CHECKLIST REPORT

USA Baseball

OBJECTIVE AND SCOPE

The objective of the review is to verify USAB is in compliance with key elements of the Ted Stevens Olympic and Amateur Sports Act, the USOC Bylaws and certain USOC policies, in order to demonstrate ongoing commitment to the values and requirements of membership in the USOC. The scope includes the 2018 Compliance Checklist certified by USAB and the supporting documents provided by USAB. 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 questioned in this report. 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 USAB. 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 USOC 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?	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
SafeSport		
19	Do you have USOC SafeSport language in your bylaws that provides jurisdictions to the U.S. Center for Safe Sport?	Compliant
20	Do you have a USOC-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 USOC 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 strategic plan that is capable of supporting athletes in achieving sustained competitive excellence, and in growing the sport?

USAB did not provide a current Strategic Plan. They stated in the survey that their 2018 Strategic Plan would be submitted to the USOC no later than August 1, 2018, however, USAB has not submitted its 2018 Strategic Plan as of the time of this review.

USAB Action Plan: *USA Baseball will submit its updated and current Strategic Plan within 90 days of October 2, 2019.*

USOC Status Update: USAB submitted its updated Strategic Plan for review. USAB is compliant with this requirement as of January 11, 2019.

Do you have a USOC-compliant Athlete Safety Policy?

USAB's policy does not have any language addressing a retaliation clause for reporting in their policy and does not provide for jurisdiction to the U.S. Center for SafeSport.

USAB Action Plan: *USA Baseball will add appropriate language to its Athlete Safety Policy addressing a retaliation clause for reporting within 30 days of October 2, 2019.*

USOC Status Update: Auditor verified USAB updated its SafeSport policy to include a retaliation clause. USAB is compliant with this requirement as of October 23, 2018.

ADDITIONAL OBSERVATION

During the review we identified an additional area for improvement. The additional observation does not impact the compliant status but could impact it in the future.

Do you have a USOC-compliant Athlete Safety Policy?

Additionally, auditor completed a review of USAB's SafeSport program based on requirements as of the compliance review date of June 22, 2018. Auditor also identified that as of June 22, 2018, USAB's SafeSport Policy is not yet in compliance with the SafeSport Policy requirements which must be in place by the end of 2018. If not in compliance by the next compliance review, USAB will be considered deficient for these items.

USAB needs to add language that states, "background checks and SafeSport training will be completed before contact with athletes begins and in any event within 60 days of the new role." USAB's policy does not specifically name the group of individuals required to take a background check or complete education and training. While the policy language used can be universally applied, the policy should state the named entities and should be updated at least annually.

USAB needs to update its policy to state that USAB will track compliance with the SafeSport training requirements.

USAB should clearly publish if the background check requirement does not apply to certain or all people under 18 years of age.

Additionally, it is not yet required in USOC Athlete Safety Policy, however NGBs must comply with the Protecting Youth Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. NGB should update policies to ensure they comply with the legislation.

USOC Status Update: *As of January 14, 2019, USAB had not updated its SafeSport policy to meet the 2018 requirements. USAB's SafeSport policy will be reviewed again during the 2019 Compliance Checklist and if the 2018 updates are still missing at that time, it will be considered a deficiency.*

CONCLUSION

With USAB's remedies to the initial deficiencies identified during the USOC Compliance Review, it is now fully compliant with the USOC's 2018 Compliance Checklist. This Compliance Checklist does not conclude on the effectiveness of any policies questioned in this report. Additional audit procedures are completed on select NGBs each year to verify various policies and processes are being followed.