
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
USA Shooting

Review of:
2019 Compliance Checklist

Dated:
December 3, 2019



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

December 3, 2019

Bob Gambardella
Interim Chief Executive Officer
USA Shooting

Dear Bob,

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

USAS was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: financial capability and anti-doping. Initially, three deficiencies were identified in the following areas: governance/managerial; due process and athlete representation; and athlete safety. With updates to their policies, USAS remedied two deficiencies in athlete safety and due process and athlete representation, with one remaining deficiency in governance/managerial. There are also additional observations in the report that when implemented, would improve the grievance procedures, and anti-doping policies.

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,

Bridget Toelle, CPA, CIA
Vice President
Audit & Organizational Advancement

Rich Wright
Staff Auditor

cc: Rick Adams Chris McCleary Chad Whittenburg
Wendy Guthrie Denise Parker Keith Sanderson
Onye Ikwuakor



2019 COMPLIANCE CHECKLIST REPORT

USA Shooting

OBJECTIVE AND SCOPE

The objective of the review is to verify USAS 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 2019 Compliance Checklist certified by USAS and the supporting documents provided by USAS. 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 USAS. 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?	Deficient
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?	Compliant
25	Do you have a USOPC-compliant Athlete Safety Policy?	Compliant
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 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
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

DEFICIENCIES

Are you compliant with the insurance requirements as set forth in Exhibit 2 of the most recent PPA?

According to the USOPC's third party administrator for insurance verification, USAS's certificate of insurance was rejected and listed as non-compliant.

USAS Action Plan: *On 8/19/19, USAS provided the current insurance certificate and policy information to Tracy Hoie at usoc@certfocus.com. USAS reached out to Tracy the week of 8/12/19 to determine what information CertFocus had on file for the USAS insurance broker. CertFocus did not have current information and as a result was provided an expired policy. USAS updated the broker information on file with CertFocus and also provided them with the direct contact information for the current USAS Controller.*

USOPC Status Update: USAS will work with the insurance brokers to increase their liability limits to be compliant with the USOPC requirements to address this deficiency by December 10, 2019.

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

Article XX, Section J of the Bylaws does not clearly specify that all members of a hearing panel will be disinterested individuals. It also provides that "other disinterested individuals identified by the Judicial Committee may also be appointed to serve on the Hearing Panel" however does not provide for all hearing panel members to be free of conflicts to serve on the panel.

While Article XII, Sec I (4) requires the Judicial Committee to "...identify individuals who would be fair and impartial...", it is not explicitly stated that Judicial Committee members, who may be appointed to a hearing panel, should be disinterested.

USAS Action Plan: *USAS will review its bylaws and reword them to explicitly reflect that hearing panel members and Judicial Committee members should be disinterested and free of conflicts.'*

USOPC Status Update: USAS submitted a Bylaw change to Article XX, Section J to require all hearing panel members to be disinterested. Auditor verified the updated bylaws and USAS is compliant as of November 27, 2019.

Do you have a USOPC-compliant Athlete Safety Policy?

USAS was deemed deficient for the following:

USAS does not identify a contact person on its website for Athlete Safety.

USAS Red Light finding Review Panel as described on page 12 of the SafeSport Policy does not require 20% athlete representation.

USAS's 2004 Background Check policy is not consistent with the requirements for background checks as described for covered individuals in the USAS SafeSport Policy. The outdated policy should be updated to align with current requirements.

USAS does not clearly explain how it conducts periodic tracking for compliance regarding background

checks/education and training.

USAS Action Plan:

- *USAS will identify a contact person on its website for Athlete Safety.*
- *USAS will require 20% athlete representation.*
- *USAS will update its outdated Background Check policy to align with current requirements.*
- *USAS will clearly explain its system of periodic compliance tracking.*

USOPC Status Update: USAS updated its online SafeSport contact information, Athlete Safety Policy and Background Check Policy. Audit verified USAS was compliant on December 2, 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 provide procedures for the prompt and equitable resolution of grievances of your members?

USAS accounts for binding arbitration in Article V of its Bylaws, however, makes no reference to binding arbitration in its Complaint Procedures (Article XX). It would provide clarity if the grievance procedures allowed for binding arbitration.

USAS Action Plan: *USAS will update its Complaint Procedures (Article XX) to allow for binding arbitration.*

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?

USAS somewhat informs members of their obligation to adhere to anti-doping rules of the IOC, WADA, USADA, the USOPC, and the ISSF in Article XIX, Section A of the USAS Bylaws, and Section III of the Athlete Code of Conduct, however it is not inclusive of all the anti-doping policies. The USOPC recommends including compliance with USADA Protocol, the USOPC National Anti-Doping Policy, stating that all members agree to comply with the anti-doping rules, and all athlete members agree to submit to drug testing.

USAS Action Plan: *USAS will update its bylaws to show inclusion of all anti-doping policies.*

CONCLUSION

USAS must improve its governance/managerial policies 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.