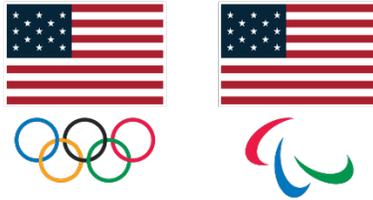

United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
USA Water Ski & Wake Sports

Review of:
2019 Compliance Checklist

Dated:
January 31, 2020



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

January 31, 2020

Nate Boudreaux
Executive Director
USA Water Ski & Wake Sports

Dear Nate,

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

USA-WSWS 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 four deficiencies identified in the following areas: financial capability, due process and athlete representation. However, with updates to its policies, USA-WSWS remedied these deficiencies and is now fully compliant with the 2019 USOPC Compliance Checklist. There is also an additional observation in the report that, when implemented, will improve the grievance policy.

As of September 13, 2019, the USOPC Board approved the revised the 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 Timothy J Cullen
Wendy Guthrie Denise Parker Andrew Adkison
Onye Ikwuakor



2019 COMPLIANCE CHECKLIST REPORT

USA Water Ski & Wake Sports

OBJECTIVE AND SCOPE

The objective of the review is to verify USA-WSWS 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 USA-WSWS and the supporting documents provided by USA-WSWS. 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 USA - WSWS. 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 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 |

*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

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

USA-WSWS only presented one financial report to its Board during the annual meeting. There was no other documentation of financial updates submitted for review.

USA-WSWS Action Plan: *We provide monthly financials to the Executive Committee and will begin to provide quarterly financials to the entire board.*

USOPC Status Update: USA-WSWS provided a copy of an email sent to the Board with relevant Financial Reporting documents. Based on documentation submitted USA-WSWS is compliant as of January 31, 2020.

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

USA-WSWS was deemed deficient because the Complaint Procedures reviewed, provide that parties to a grievance may object to hearing panel appointees because of conflicts or bias, however appointees to hearing panels are not initially required to be free from conflict of interest. An equitable resolution would include a disinterested panel to ensure a fair hearing.

USA-WSWS Action Plan: *USA-WSWS will update its Grievance Procedures to require hearing panels be free from conflict of interest.*

USOPC Status Update: USA-WSWS updated its Policies and Procedures for Proceedings Under USA Water Ski & Wake Sports Bylaws Article IX (Complaint and Appeal Procedures) Effective January 26, 2020 to include appointing a hearing panel of five disinterested persons. USA-WSWS is compliant as of January 31, 2020.

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?

USA-WSWS was deemed deficient for the following:

USA-WSWS's Complaint Procedures do not clearly identify if parties are afforded an opportunity for a hearing, either in-person or telephonic, with a real-time response, before the hearing panel, regarding the facts, arguments, and presentation of evidence prior to rendering a decision.

USA-WSWS's Complaint Procedures do not clearly identify if an opportunity for a hearing exists before suspending a member on a provisional or permanent basis.

USA-WSWS Action Plan: *USA-WSWS will update its Grievance Procedures to provide for fair notice and opportunity for a hearing before declaring an individual ineligible to participate.*

USOPC Status Update: USA-WSWS updated its Policies and Procedures for Proceedings Under USA Water Ski & Wake Sports Bylaws Article IX (Complaint and Appeal Procedures) Effective January 26, 2020 to include providing the opportunity for a hearing prior to suspension of a member. USA-WSWS is compliant as of January 31, 2020.

19. Do you require 20% athlete representation on all grievance panels?

USA-WSWS's Complaint Procedures do not specifically require 20% athlete representation on all grievance panels. Additionally, the procedures do not identify the number of hearing panel members or provide for athlete representatives in the make-up of the panel.

USA-WSWS Action Plan: USA-WSWS will update its Grievance Procedures to require at least 20% athlete representation on its hearing panels.

USOPC Status Update: USA-WSWS updated its Policies and Procedures for Proceedings Under USA Water Ski & Wake Sports Bylaws Article IX (Complaint and Appeal Procedures) Effective January 26, 2020 to state that the judicial committee will appoint a hearing panel of 5 which includes 20% athlete representation by a qualified athlete. USA-WSWS is compliant as of January 31, 2020.

ADDITIONAL OBSERVATION

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

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?

In reviewing USA-WSWS's Screening and Background Check Program, individuals are automatically disqualified and prohibited from serving as a volunteer if a person has been found guilty of certain types of offenses. Individuals are also not afforded an opportunity to dispute the accuracy of information with the reporting entity.

According to the Ted Stevens Act, NGBs must provide an opportunity for a hearing to an amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate. The USOPC is concerned that USA-WSWS' automatic disqualification rule may be inconsistent with that requirement.

The USOPC recognizes that USA-WSWS has adopted the position that successful completion of a background check is a membership requirement and no hearing is required when an applicant is automatically disqualified from membership based on a background check finding. However, because an individual must be a member with USA-WSWS to participate, this interpretation could be challenged. If such a challenge was raised, the USOPC would support that challenge being heard by a Section 10 hearing panel, for its consideration and final resolution.

CONCLUSION

With updates to its policies, USA-WSWS 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 NGBs each year to verify various policies and processes are being followed.