

---

**United States Olympic Committee**  
**NGB Compliance and Audit Department**



---

Report for:  
**US Tennis**

Review of:  
**Compliance Checklist**

Dated:  
**March 20, 2019**



March 20, 2019

Gordon Smith  
Chief Executive Officer  
US Tennis

Dear Gordon,

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

USTA was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following areas: governance/managerial; due process and athlete representation; financial capability; SafeSport; and anti-doping. There were no deficiencies identified. There are also additional observations in the report that when implemented, would improve the grievance procedures, Athlete Safety, anti-doping, and compliance for SafeSport 2018 requirements.

The report will be presented to the USOC 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, NGB Compliance and Audit

Rich Wright  
Staff Auditor

cc: Rick Adams                      Chris McCleary                      Patrick Galbraith  
Wendy Guthrie                      Denise Parker                      Brian Vahaly  
Onye Ikwuakor                      Sara Pflipsen                      Andrea Hirsch  
Patty Reber



# COMPLIANCE CHECKLIST REPORT

## US Tennis

### OBJECTIVE AND SCOPE

The objective of the review is to verify USTA 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 USTA and the supporting documents provided by USTA. 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 USTA. 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 USOC 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 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
<b>Anti-Doping</b>		
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

## **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?***

USTA accounts for arbitration procedures in Bylaw 43(i)(iii), however, makes no reference to binding arbitration pursuant to Bylaw 63. It would provide clarity if the grievance procedures reference binding arbitration to ensure all parties are aware that the arbitration is binding.

***Do you have a USOC-compliant Athlete Safety Policy?***

Auditor completed a review of USTA's SafeSport program as of December 19, 2018. Auditor identified USTA had not yet brought its SafeSport program into full compliance with the requirements which were required by December 31, 2018. As USTA's program was submitted in August 2018 and reviewed in December 2018, these findings were not identified as deficient but may be considered deficient based on the requirements at the time of the next review. Note, the USOC NGB Athlete Safety Policy is currently under review and requirement may change in 2019. The following was identified during the review of USTA's SafeSport program:

- USTA needs to ensure its prohibited conduct definitions either match or point to the Center's definitions.
- USTA's policy needs to specify that background checks and SafeSport training will be completed before contact with athletes begins and in any event within 60 days of the new role (the Center is requiring 45 days).
- USTA's policy should include NGB tracking and periodic checks for compliance of its background check and education/training requirements.
- USTA's policy should state if the background check requirements do not apply to certain or all people under 18 years of age.

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

***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?***

USTA submitted a list of individuals required to complete background checks, however, these named entities were not listed in its online SafeSport and background check policy.

***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?***

USTA informs the above-named entities, however, the language needs updating to align with USADA requirements.

## **CONCLUSION**

USTA is fully compliant with the USOC'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.