
United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
USA Pentathlon

Review of:
Compliance Checklist

Dated:
July 2, 2019



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

July 2, 2019

Rob Stull
Chief Executive Officer
USA Pentathlon

Dear Rob,

Enclosed is the United States Olympic and Paralympic Committee's (USOPC) report on the 2018 Compliance Checklist for USA Pentathlon (USAPM). We want to express our appreciation for the time you and your staff spent completing the Checklist and providing documents during the review.

USAPM was compliant as it specifically relates to the compliance checklist report for the questions outlined below in the following area: anti-doping. There were initially seven deficiencies found in the following areas: governance/managerial; financial capability; due process and athlete representation; and SafeSport. USAPM has since updated its policies and procedures 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 Tom Shepard
Wendy Guthrie Denise Parker Will Brady
Onye Ikwuakor



COMPLIANCE CHECKLIST REPORT

USA Pentathlon

OBJECTIVE AND SCOPE

The objective of the review is to verify USAPM 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 USAPM and the supporting documents provided by USAPM. 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 USAPM. 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 USOPC 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 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
Anti-Doping		
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?

USAPM submitted a Code of Ethics document which only focuses on Conflict of Interest. Additionally, the other documents listed on the "Documents" webpage only focus on Conflict of Interest.

USAPM needs to develop/publish a Code of Conduct which applies to its employees, members, board of directors and officers.

USAPM Action Plan: *USAPM will compare its Code of Conduct to the template NGB Services will provide and cure any deficiencies. To be completed prior to the 90-day deadline of May 1, 2019.*

USOPC Status Update: USAPM published an updated document, "Code of Ethics and Conduct". This new document addresses the elements of this review item and cures the deficiency. USAPM is compliant with this requirement as of April 22, 2019.

Do you have your three most recent IRS Form 990s on your website?

USAPM does not have its 2017 IRS Form 990 available on its website.

USAPM Action Plan: *The 2017 990 is being finalized now by outside auditors. To be completed prior to the 90-day deadline of May 1, 2019*

USOPC Status Update: USAPM has its 2017 IRS Form 990 uploaded to its website. Audit verified USAPM is compliant as of May 13, 2019.

Have you completed and posted on your website your three most recent annual audited financial statements?

USAPM does not have its most recent (2017) audited financials completed and posted to its website.

USAPM Action Plan: *The 2017 audited financials are being finalized now by outside auditors. To be completed prior to the 90-day deadline of May 1, 2019.*

USOPC Status Update: USAPM has its 2017 Audited Financial Statement uploaded to its website. Audit verified USAPM is compliant as of May 13, 2019.

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?

USAPM was deemed deficient because USAPM's grievance procedures do not explain how fair notice is provided such as providing a notice of the charges and requested remedy to the respondent and providing all parties with all facts/charges presented to the hearing panel.

USAPM Action Plan: *USAPM bylaws section regarding notice of charges/requested remedy to be revised to be more detailed as directed. Language to be approved by BOD at next meeting.*

USOPC Status Update: USAPM made updates to Article 14 of its Bylaws. These updates address this issue. USAPM is compliant as of April 22nd. As of June 17, 2019, the updated bylaws have been posted

to USAPM's website.

Do you have a USOC-compliant Athlete Safety Policy?

USAPM was deemed deficient for the following:

- USA Pentathlon 's policy does not require individuals to report directly to the Center.
- USA Pentathlon 's policy does not state that the policy applies to athletes designated to the USADA registered testing pool.

USAPM Action Plan: *USAPM Athlete Safety Policy to be revised. To be completed prior to the 90-day deadline of May 1, 2019.*

USOPC Status Update: USAPM updated its SafeSport policy on May 9, 2019. The items for this deficiency were remedied with this latest update. Auditor verified these updates and USAPM is compliant as of May 13, 2019.

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?

USAPM requires some individuals complete background checks. However, Board/Committee members and regional directors are not required to complete background checks.

USAPM Action Plan: *USAPM Athlete Safety Policy to be revised. To be completed prior to the 90-day deadline of May 1, 2019.*

USOPC Status Update: USAPM updated its SafeSport policy. The items for this deficiency were remedied with this latest update. Auditor verified these updates and USAPM is compliant as of July 1, 2019.

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?

USAPM's policy requires USAPM staff and "professional members" to complete education and training, but only USAPM staff are required to complete training every two years. This section should be updated to ensure all required individuals complete education and training every two years.

Additionally, USAPM explained "professional members" refers to USAPM coaches and staff. USAPM needs to update its policy language so that all individuals identified for background checks are required to complete SafeSport training and education, such as (but not limited to) contractors, trainers, volunteers, club volunteers and staff, medical personnel, Board/Committee members, and Regional Directors.

USAPM Action Plan: *USAPM Athlete Safety Policy to be revised. To be completed prior to the 90-day deadline of May 1, 2019.*

USOPC Status Update: USAPM updated its SafeSport policy. The items for this deficiency were remedied with this latest update. Auditor verified these updates and USAPM is compliant as of July 1, 2019.

CONCLUSION

With the updates to policies and procedures, USAPM 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