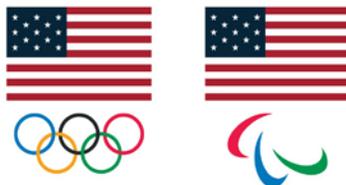

United States Olympic & Paralympic Committee

Audit & Organizational Advancement



Report for:
United States Association of Blind Athletes

Review of:
2019 Compliance Checklist

Dated:
February 21, 2020



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

February 21, 2020

Mark Lucas
Executive Director
U.S. Association of Blind Athletes

Dear Mark,

Enclosed is the United States Olympic and Paralympic Committee's (USOPC) report on the 2019 Compliance Checklist for the United States Association of Blind Athletes (USABA). USABA is considered a High Performance Management Organization (HPMO) which manages the Goalball program for the USOPC. We want to express our appreciation for the time you and your staff spent completing the Checklist and providing documents during the review.

USABA 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 two deficiencies identified in due process, however, with updates to its policies, USABA remedied these deficiencies and is now fully compliant with the 2019 Compliance Checklist.

As of September 13, 2019, the USOPC Board approved the revised 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 Michael Bina
Wendy Guthrie Denise Parker Matthew Simpson
Onye Ikwuakor



2019 COMPLIANCE CHECKLIST REPORT

United States Association of Blind Athletes

OBJECTIVE AND SCOPE

The objective of the review is to verify USABA 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 the USOPC. The scope includes the 2019 Compliance Checklist certified by USABA and the supporting documents provided by USABA. Compliance Checklist procedures are designed to verify that certain HPMP policies are in place. This Compliance Checklist does not conclude on the effectiveness of any policies reviewed. Additional audit procedures are completed on select HPMPs 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 USABA. 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 your current bylaws posted on your website?	Compliant
3	Are you compliant with the insurance requirements as set forth in Exhibit 2 of the most recent PPA?	Compliant
4	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
5	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		
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	Have you spent USOPC funds as required by the funding agreements in the previous 12 months?	Compliant
Due Process and Athlete Representation		
12	Do you provide procedures for the prompt and equitable resolution of grievances of your members?	Compliant
13	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

14	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		
15	Do you have a USOPC-compliant Athlete Safety Policy?	*Transitioned to U.S. Center for SafeSport
Anti-Doping		
16	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
17	Unless otherwise agreed by USADA, at least quarterly do you provide USADA with an updated list of athletes, proposed by your HPMO, 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
18	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
19	Do you have an identified staff member to act as a liaison with USADA?	Compliant

*The U.S. Center for SafeSport is in the process of taking jurisdiction over the auditing of Athlete Safety requirements for High Performance Management Organizations. 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

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

Members of hearing panels are not required to be free of conflicts of interest. The CEO is the initial point of contact when a grievance is filed, and it is not clear if the CEO is required to hand the complaint over to another individual or committee. In cases where the CEO is named in the complaint this could appear to be biased.

Additionally, the CEO appoints hearing panel members. This could also appear to be biased, depending on the nature of the grievance. According to Exhibit 1 of the Performance Partnership Agreement (Exhibit 1), USABA “must provide procedures for prompt and equitable resolution of grievances” before declaring an individual ineligible to participate. Having a disinterested hearing panel ensures an equitable resolution of a grievance.

USABA Action Plan: *The USABA staff, board of director’s Nominating and Governance Committee and legal counsel have revised the USABA Grievance and Complaint Procedures addressing these issues and inconsistencies that existed in the previous Procedures. These revisions include; explicit language identifying a conflict of interest-free hearing panel; multiple reporting contacts beyond only the Executive Director and a clear procedure on the hearing panel selection made by the Judicial Committee. The revised procedures document and accompanying bylaw grievance sections will be up for board approval by the end of 2019.*

USOPC Status Update: USABA updated its Grievance, Complaint and Appeal Procedures to satisfy this deficiency and is considered compliant as of February 19, 2020.

13. 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?

USABA was deemed deficient for the following:

The grievance procedures do not appear to provide notice of the charges and requested remedy to the respondent.

There is no indication that parties are provided with all the facts/charges presented to the decision maker.

There is no clear process identified to ensure an individual is afforded an opportunity for a hearing before suspension on a provisional or permanent basis.

According to Exhibit 1, USABA “must provide procedures for fair notice and an opportunity for a hearing” before declaring an individual ineligible to participate.

USABA Action Plan: *Also included in the Grievance and Complaint Procedures revisions referenced above; ‘notice’ has been clearly defined including the mode and timeline of the notice for the report, hearing panel and the hearing itself. The revisions include a more detailed outline of hearing procedures and determinations by the hearing panel.*

USOPC Status Update: USABA’s Grievance, Complaint and Appeal Procedures were updated to address elements of this deficiency. Updates were also made to USABA’s bylaws to ensure it is fully compliant as of February 19, 2020.

CONCLUSION

USABA updated its policies and 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 HPMOs each year to verify various policies and processes are being followed.