
United States Olympic Committee

NGB Compliance and Audit Department



Report for:
USA Cycling

Review of:
2019 Compliance Checklist

Dated:
June 19, 2019



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

June 19, 2019

Rob DeMartini
Chief Executive Officer
USA Cycling

Dear Rob,

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

USAC 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 athlete safety. There was one deficiency found in the area of anti-doping. There are also additional observations in the report that when implemented, would improve grievance procedures and anti-doping policies.

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

Rich Wright
Staff Auditor

cc: Rick Adams Chris McCleary Bob Stapleton
Wendy Guthrie Denise Parker Alison Tetrick
Onye Ikwuakor Shane Garman



2019 COMPLIANCE CHECKLIST REPORT

USA Cycling

OBJECTIVE AND SCOPE

The objective of the review is to verify USAC 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 2019 Compliance Checklist certified by USAC and the supporting documents provided by USAC. 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 USAC. 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 USOC 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 USOC 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 USOC-compliant Athlete Safety Policy?	Compliant
Anti-Doping		
26	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
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?	Deficient
29	Do you have an identified staff member to act as a liaison with USADA?	Compliant

DEFICIENCY

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?

This deficiency was identified during the 2018 Compliance Checklist: According to USADA, USAC submitted their long list of athletes for the 2016 Rio Games on April 19, 2016 (or approximately 4 months out from competition), which did not meet the minimum requirement of at least 6 months prior to competition in accordance with the USOC National Anti-doping Policy, Section 4.7.

Since USAC will not be able to remedy this deficiency until 6 months prior to the next Olympic Games, this deficiency does not require a submitted Action Plan.

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 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?

USAC's Administrative Grievances Policy, Part 5, 26, Objections to Red Light Determinations, licenses or certifications are denied when the outside background check agency issues a "red light" determination. Objections to the "red light" determination can be made through the outside agency. The individual does not have the opportunity for a hearing related to the right to participate.

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 USOC is concerned that USAC's hearing process may be inconsistent with that requirement.

The USOC recognizes that USAC has adopted the position that a hearing is offered through the outside agency making the "red light" determinations. This interpretation of a hearing could be challenged. If such a challenge was raised, the USOC would support that challenge being heard by a Section 10 hearing panel, for its consideration and final resolution.

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?

USAC's Bylaws do not include the "USOC National Anti-Doping Policy" in its membership requirements. Section 2, Part 4 includes some of the language recommended by USADA, however it is not inclusive of all the anti-doping policies, as required by the USOC Anti-Doping Policy, Section 14.2.

USAC Action Plan: USA Cycling will update its membership requirements where appropriate, including its bylaws to reference the USOC National Anti-Doping Policy by December 1, 2019, which is the date we begin selling memberships for our next annual membership cycle.

CONCLUSION

USAC must improve its anti-doping policies to be 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.