

UNITED STATES
OLYMPIC & PARALYMPIC
COMMITTEE



NGB Compliance Audit

U.S. Biathlon

June 4, 2024

Executive Summary

Background, Scope, and Objectives

The United States Olympic & Paralympic Committee's (USOPC) NGB Audit department (Audit) completed an audit of U.S. Biathlon. The purpose of the audit was to determine if U.S. Biathlon complies with the requirements of the NGB Compliance Standards (Standards), effective January 1, 2023, and to conduct testing in areas that present an increased risk to athletes, other members, and/or U.S. Biathlon. The audit focused on the policies and procedures noted in the Standards in the following sections: Governance and Compliance, Financial Standards and Reporting Practices, Athlete Protections and Rights, Sport Performance, and Operational Performance. This is the first time the USOPC has performed an audit against the Standards.

Audit Summary

Overall, Audit concluded that U.S. Biathlon has met 40 of 45 applicable Standards. However, there are two areas of increased concern. First, there are gaps with U.S. Biathlon's conflict of interest disclosure and resolution process, including the review process not being documented. Lastly, there are concerns regarding U.S. Biathlon's background check process. Additional details are in the findings below.

NGB Audit Findings

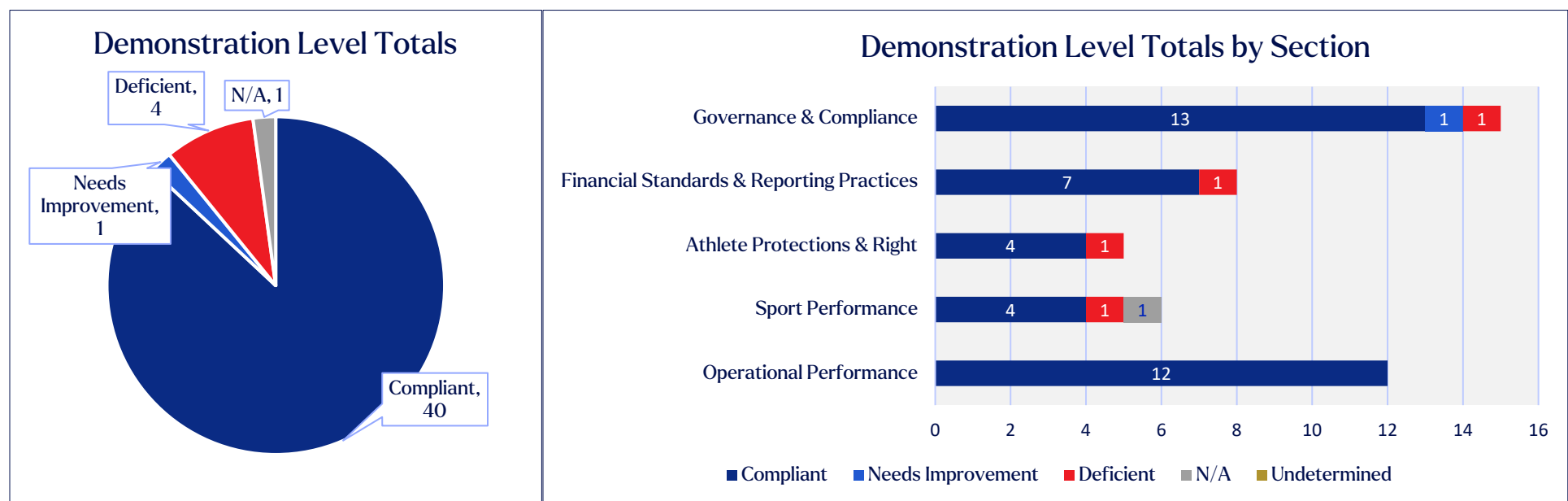
All Standards are evaluated against the 2023 Implementation Guide for Compliance Standards (Implementation Guide). References to the USOPC Bylaws are based on the version approved in March 2021.

Select policies and procedures were reviewed to determine compliance with the Standards. The evaluation of and conclusion for each standard was based on the criteria met and the results of any testing. The definitions of the demonstration levels are below, with additional guidance for each standard detailed in the Implementation Guide. Findings and demonstration levels for each standard are detailed on the subsequent pages.

Compliance Demonstration Level Definitions

Compliant	The NGB, through its written policies and procedures and its execution of those policies and procedures, mostly demonstrates that it is meeting the elements of the standard.
Needs Improvement	The NGB, through its written policies and procedures and its execution of those policies and procedures, demonstrates that it meets many elements of the standard, but changes or improvements are necessary to fully meet the standard.
Deficient	The NGB, through inadequate written policies and procedures and/or poor execution of those policies and procedures, demonstrates that it is not meeting several elements of the standard.
Not Applicable / Undetermined	Not applicable indicates the standard does not apply to the NGB and will not be evaluated. Undetermined indicates a reason a determination cannot be made at this time; however, the standard will be evaluated at a later date. Additional details are provided as necessary.

Overall Demonstration Levels Summary



Governance and Compliance

NGB Compliance Standards Section A				
Title	Standard	Compliant	Needs Improvement	Deficient
Athlete Representation	A.1 a & b		X	
Independent and Affiliate Representation	A.1 c	X		
International Federation Affiliation	A.1 d	X		
Membership Requirements	A.1 e	X		
Athlete Advisory Council	A.2 a	X		
Board Governance	A.3 a	X		
Board Development	A.3 b	X		
Board Meeting Minutes	A.3 c	X		
Board Roster	A.3 d	X		
IRS Status	A.4 a	X		
Code of Conduct	A.5 a	X		
Conflicts of Interest Policy	A.6 a			X
Gifts and Entertainment Policy	A.6 b	X		
NGB Annual Reports	A.7 a - c	X		
Ombuds' Policy	A.8 a	X		
Total		13	1	1

Needs Improvement		
1	Athlete Representation	Management Action Plan
Policy	<p>A.1 a & b:</p> <p>a. NGBs must have at least 33.3% athlete representation on its board of directors as required by the Act §220522(13) and further defined by the USOPC Bylaws, Section 8.5.3.</p> <p>b. NGBs must have at least 33.3% athlete representation on all committees as required and defined by the USOPC Bylaws, Section 8.5.</p> <p>FINDING: While U.S. Biathlon meets athlete representation requirements in practice, U.S. Biathlon's bylaws do not include all required language for USOPC athlete representation requirements.</p>	<p>U.S. Biathlon will update the bylaws to include all athlete representative requirements.</p> <p>Due Date: October 31, 2024</p>
Deficient		

2	Conflicts of Interest Policy	Management Action Plan
	<p>A.6 a: NGB must enforce a conflicts of interest policy that meets the minimum policy standards set forth by the USOPC. The conflict of interest policy must be made available on the NGB's website.</p> <p>FINDING: U.S. Biathlon had several issues identified during the testing of conflict of interest disclosure forms.</p> <p>First, multiple disclosures were not completed consistent with timelines established by U.S. Biathlon or at all.</p> <p>Second, multiple individuals noted potential conflicts on their disclosure forms but did not include additional details on what those conflicts were.</p> <p>Third, there was no evidence of review for any disclosure forms.</p> <p>Fourth, there is no process to provide direction to manage conflicts when required.</p> <p>Lastly, U.S. Biathlon does not note in its board meeting minutes whether board members are asked about conflicts or note any conflict disclosures.</p>	<p>U.S. Biathlon will implement a written timeline for conflict of interest collection and a standing meeting with the Ethics Committee to review disclosed conflicts, in alignment with the Conflict of Interest policy, and the review(s) will be documented in the meeting minutes. Additionally, U.S. Biathlon will implement a process to provide written direction to manage conflicts. U.S. Biathlon will work with the Board Chair and Vice Chair to ensure Board members are asked to disclose potential conflicts at all future Board meetings.</p> <p>Due Date: June 30, 2024</p>

Financial Standards and Reporting Practices

NGB Compliance Standards Section B				
Title	Standard	Compliant	Needs Improvement	Deficient
Financial Stability	B.1 a	X		
Financial Policies & Procedures	B.1 b			X
USOPC Funding	B.1 c	X		
Financial Reporting to Board	B.1 d	X		
Board-Approved Budget	B.2 a	X		
Accounting Practices	B.2 b	X		
NGB Provided Documents	B.3 a	X		

NGB Website Information	B.4 a, b & c	X		
Total		7	0	1

Deficient		
3	Financial Policies and Procedures	Management Action Plan
	<p>B.1 b: NGB must develop and implement financial policies and procedures.</p> <p>FINDING: U.S. Biathlon does not have written financial policies and procedures.</p>	<p>U.S. Biathlon will create and implement board-approved Financial Policies and Procedures.</p> <p>Due Date: October 31, 2024</p>

Athlete Protection and Rights

NGB Compliance Standards Section C				
Title	Standard	Compliant	Needs Improvement	Deficient
Child Protection and US Center for SafeSport	C.1 a and C.2 a	X		
USOPC Athlete Safety Requirements	C.3 a			X
Anti-Doping Policies	C.4 a	X		
Anti-Doping Policy Language	C.4 b	X		
Athlete Agreements	C.5 a	X		
Total		4	0	1

Deficient		
4	USOPC Athlete Safety Requirements	Management Action Plan
Policy	<p>C.3 a: NGB must ensure compliance with policies and standards including but not limited to:</p> <ul style="list-style-type: none"> i. USOPC's NGB Athlete Safety Policy ii. Responsible Sport Organization Background Check Policy <p>FINDING: U.S. Biathlon does not have a background check policy or a policy to notify the USOPC Office of Athlete Safety when required.</p>	<p>U.S. Biathlon will create and implement a background check policy that includes the requirement to notify the USOPC Office Safety when required.</p> <p>Due Date: June 30, 2024</p>

Application	<p>FINDING: U.S. Biathlon had several issues identified during testing of background checks. There were multiple instances where background checks were not completed. Additionally, one background check was not completed before an event and one was expired at the time the event took place.</p>	<p>U.S. Biathlon will create and implement a background check policy that ensures timely checks of all required individuals and a timeline for the completion of background checks before events.</p> <p>Due Date: June 30, 2024</p>
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Sport Performance

NGB Compliance Standards Section D				
Title	Standard	Compliant	Needs Improvement	Deficient
Selection Procedures and Process	D.1 a & b	X		
Delegation List Submission	D.2 a	X		
High-Performance Plan Submission	D.3 a	X		
Event Sanctioning	D.3 b			X
Paralympic Classification	D.3 c	N/A		
International Federation Standing	D.4 a	X		
Total		4	0	1

Deficient		
5	Event Sanctioning	Management Action Plan
	<p>D.3 b: If an NGB or its affiliate(s) sanctions events, it must require specific sanctioning standards set forth by the USOPC of the organization or person requesting a sanction.</p> <p>FINDING: U.S. Biathlon does not have an event sanctioning document.</p>	<p>U.S. Biathlon will draft an event sanctioning document.</p> <p>Due Date: June 30, 2024</p>

Operational Performance

NGB Compliance Standards Section E				
Title	Standard	Compliant	Needs Improvement	Deficient
Managerial and Board Capability	E.1 a	X		

Insurance Coverage	E.2 a	X		
Revenue Diversification	E.3 a	X		
Grievance Procedure	E.4 a & b	X		
Whistleblower and Anti-Retaliation Policy	E.5 a	X		
USOPC Trademark Protection	E.6 a – d	X		
Diversity and Inclusion Reporting	E.7 a	X		
Gender Equity	E.7 b	X		
Equal Opportunity Policies and Training	E.7 c	X		
Para Inclusive Sport Programs	E.7 d	X		
Strategic Planning	E.8 a	X		
USOPC Policy Compliance	E.9 a	X		
Total		12	0	0

Findings in this report are currently in remediation. A closure letter will be issued once all findings have been remediated.