

United States  
Olympic & Paralympic  
Committee

1 Olympic Plaza  
Colorado Springs, CO 80909

October 21, 2022

Dear USA National Karate-do Federation Members:

I understand that the United States Olympic & Paralympic Committee's (USOPC) initial report concerning allegations of retaliation shared with members on September 28, 2022, has caused turmoil within the membership and has led some members to question the investigation. This letter seeks to address questions about the USOPC's investigation and includes the verbatim findings<sup>1</sup> and recommendations the USOPC shared with the USA National Karate-do Federation (USA-NKF) Board of Directors, as well as summaries of the basis for those findings.

## **I. Investigation Background**

The USOPC interviewed a number of witnesses, reviewed relevant USA-NKF policies and procedures, and reviewed documentation provided by witnesses. The investigation included evidence to support the findings and recommendations in the confidential report provided to USA-NKF. While the USOPC's confidential report did not require USA-NKF to take specific action against Fariba Madani or Brody Burns, USA-NKF can choose to rely on the USOPC's findings and our explanation for those findings to determine whether any discipline or other remedial action is warranted. As noted above, the findings and recommendations are outlined below.

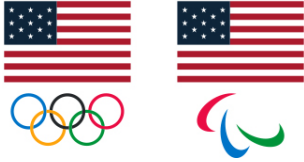
To address some members' call for the release of the USOPC's confidential report, it is important to explain why a National Governing Body (NGB) may not wish to share a confidential report and why the USOPC limits distribution of confidential reports to only those with a need to know. First, the USOPC takes confidentiality seriously, and while we make every effort to anonymize confidential reports, it is human nature to speculate and try to determine who said what, which can lead to rumors, distrust, and retaliation, which is a barrier to the healing the community needs, and the latter is prohibited by USA-NKF's Whistleblower Policy. Second, the USOPC's sharing of confidential reports with the membership discourages witnesses from speaking to us and discourages members from raising concerns with us. Third, in this instance there were specific allegations of retaliation that were substantiated, and there is a well-founded fear of retaliation among certain USA-NKF members. That reason alone is a sufficient basis to limit the distribution of the confidential report.

## **II. Implementation of Reforms**

It is also important that you know that the USOPC's NGB Services team and Compliance team have worked with USA-NKF leadership over the last two years to ensure that USA-NKF complies with the USOPC's NGB certification requirements. We are confident that USA-NKF leadership has made or is in the process of making appropriate reforms to address the issues that have plagued it for some time, and we are confident that they are committed to good governance practices and ensuring that all members are held to the same standards. The fact that the organization had not held members accountable or appropriately managed conflicts of interest in the past is one of the reasons USA-NKF has been subject to two investigations in the last two years. Indeed, the actions that this Board has taken to address the findings from the 2021 and 2022

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<sup>1</sup> Finding No. 2 has been modified to protect the identity of the individual who reported their concerns.



investigations are part of the reason the USOPC's Certification Review Group is recommending that USA-NKF's certification as an NGB be renewed later this year.

### III. Findings, Requirements, and Recommendations

The following section includes the USOPC's findings accompanied by a summary of those findings, as well as requirements and recommendations that resulted from the investigation.

#### A. Findings

**Finding No. 1:** USA-NKF fosters a culture in which members fear retaliation for raising concerns.

The USOPC interviewed multiple witnesses, most of whom described a culture of retaliation at USA-NKF. Those witnesses also reported being reluctant and / or fearful of raising concerns based on their lack of trust that their concerns would be appropriately reviewed and managed. Witnesses described that people "hold grudges," "try to intimidate you," and said "if you complain about the wrong thing, you'll get in trouble."

**Finding No. 2:** The evidence supports an allegation that USA-NKF retaliated against a witness for making statements that were critical of the NGB and for filing a complaint with USA-NKF.

This witness, whose name is being withheld in this letter, alleged that they were prevented from working ring assignments on six different occasions at the 2022 Team Trials without a timely explanation, and that once an explanation was given following the removals, the explanation was not reasonable. They also said it seemed that they were being retaliated against for filing a grievance against a "favored" coach, as well as for statements they made alleging USA-NKF's favoritism towards Texas athletes, including WIKF athletes.

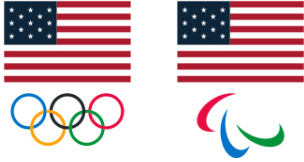
The Ted Stevens Olympic and Amateur Sports Act (the "Ted Stevens Act") defines retaliation as:

"any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with –

- A. the Center;
- B. a coach, trainer, manager, administrator, or official associated with the corporation;
- C. the Attorney General;
- D. a Federal or State law enforcement authority;
- E. the Equal Employment Opportunity Commission; or
- F. Congress."<sup>2</sup>

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<sup>2</sup> 36 U.S.C., §220501(b)(11).



While the definition in the Ted Stevens Act is limited to retaliation for specific conduct, “any adverse or discriminatory action or the threat of an adverse or discriminatory action” and the accompanying examples apply to retaliation for reporting any type of formal complaint or grievance. Further, the USOPC Speak-Up Policy<sup>3</sup> and the USA-NKF Whistleblower Policy<sup>4</sup> state that “the [USOPC/USA-NKF] have a zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, or legal violations....”

Based on the definitions above, the USOPC found credible evidence that USA-NKF retaliated against this witness by prohibiting them from officiating matches involving WIKF athletes at the 2022 Team Trials. Specifically, the USOPC found that although the witness’s complaint against a WIKF coach had been resolved in December 2021, nearly a month before Team Trials, the witness was prevented from working WIKF matches based on an *ongoing* complaint.

When the witness filed a second formal complaint with USA-NKF’s Ethics Committee concerning their removal at the 2022 Team Trials, the USA-NKF Ethics Committee said their removal was based on social media comments the complainant made regarding Texas athletes following the Tokyo 2020 Olympic Games, which contradicted the reason provided at Team Trials. This reasoning was also unusual because the comments critical of USA-NKF were known to USA-NKF before the 2021 US Nationals, where the witness was allowed to officiate matches involving WIKF athletes, but the witness’s complaint against a WIKF coach occurred in the period between the 2021 US Nationals and the 2022 Team Trials, further suggesting the initial complaint was in fact the reason for the witness’ removal at the 2022 Team Trials.

**Finding No. 3:** There was further evidence of retaliation and intimidation by Phil Hampel and Fariba Madani against members of the referee corps.

One witness described a very specific instance of threatened retaliation by Mr. Hampel and provided documentary evidence to support their allegation. Other witnesses provided specific examples of intimidation by Ms. Madani (unrelated to the incident referenced in Finding No. 2) that the USOPC corroborated.

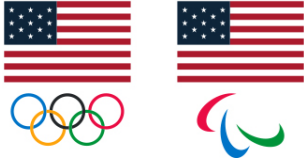
**Finding No. 4:** USA-NKF’s referee committees are not operating in accordance with their defined mandates.

The USOPC found that USA-NKF’s three referee committees – Operations, Education & Training, and Certification – were not operating in accordance with their mandates for approximately two years. During that time, the committees either were not functioning at all, or they were not functioning consistent with the manner prescribed in the USA-NKF Bylaws. The USOPC understands that USA-NKF has recently taken steps to review and re-engage these committees.

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<sup>3</sup> USOPC Speak Up Policy, Section 1, June 2021.

<sup>4</sup> USA-NKF Whistleblower Policy\_v.4.0, Section 3, March 2022.



**Finding No. 5:** There was evidence that some committee members were not aware of their roles and/or responsibilities.

Several witnesses indicated they were not aware that they had been named to one or more of the established referee committees. Moreover, most of the witnesses who were named to one of the referee committees indicated they were not made aware of their corresponding roles and responsibilities, even after seeking clarification from Mr. Hampel.

**Finding No. 6:** Several individuals serve on multiple referee committees, which creates the potential for conflicts of interest and/or manipulation of the referee function.<sup>5</sup>

In reviewing the referee committee rosters, the USOPC identified several individuals designated as members of more than one committee. Hampel advised the USOPC that the committees were separated to more clearly define the roles and responsibilities of the committees and to ensure impartiality.<sup>6</sup> However, including the same individuals on multiple committees undermines the ability for the committees to operate independently from one another and impacts the organization’s goal of ensuring the committees’ relative impartiality.

**Finding No. 7:** The referee committees do not meet the athlete representation requirements.

The investigation revealed that USA-NKF’s referee committees do not currently meet the Athlete Representation requirements pursuant to Section 8.5 of the USOPC and USA-NKF’s Bylaws which requires that NGB committees include 33 1/3% athlete representation. While USA-NKF sought and received an exception to this rule for one of the referee committees, there were no athlete representatives serving on the two other committees as of the beginning of September.

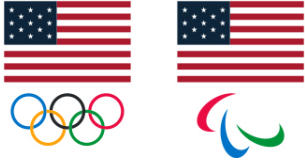
**Finding No. 8:** There was evidence that USA-NKF lacks an effective process to manage conflicts of interest amongst referees at events.

Most witnesses said they were not aware of USA-NKF’s Conflicts of Interest Policy, including the contents of the policy or disclosure requirements. Referees are considered “affiliated individuals” under USA-NKF’s Conflicts of Interest Policy, as that definition includes committee members, employees, and volunteer staff, and therefore, the Conflicts of Interest Policy applies to referees just as it does to USA-NKF employees or Board members.

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<sup>5</sup> It is the USOPC’s understanding that USA-NKF has recently taken steps to re-seat the referee committees in a manner that does not allow for participation on multiple committees. However, there was a considerable period, nearly two years, during which several committee members served on multiple committees, which created the potential for conflicts.

<sup>6</sup> Hampel also stated that the USA-NKF made the decision to modify the committee structure based on the USOPC’s advice for them to use USA Taekwondo as a model, which has a similar referee committee structure.



**Finding No. 9:** Appropriate use of the Administrative Protest Procedures to review Conflicts of Interest at events is not well understood.

According to witnesses, there is confusion about the purpose of the Administrative Protest Procedure and when it should be used. Some witnesses believe that the Administrative Protest Procedure should be used to review and appeal conflicts of interest after matches while others believe that the Administrative Protest Procedure can only be used to appeal a decision concerning field of play matters and that conflicts of interest can only be reviewed before competition.

**Finding No. 10:** There is a perception that Mr. Burns' position as the USA-NKF Tournament Director presents a conflict of interest due to his coaching roles with the USA-NKF National Team and WIKF club athletes.

Although Mr. Burns disclosed these roles in his conflicts of interest disclosure, those roles have led to a perception that Mr. Burns favors National Team athletes and WIKF athletes. There is also a perception that Mr. Burns' multiple roles allows him to "stack the pool of fighters" in favor of certain athletes. This example underscores perceptions that Mr. Burns and Ms. Madani have the necessary power and motivation to create match assignments (Mr. Burns assigning athletes and Ms. Madani assigning referees) that favor those with whom they are closely associated.

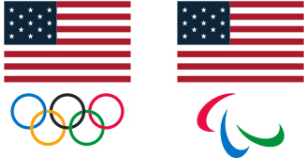
**Finding No. 11:** There is a perception within USA-NKF of favoritism towards John DiPasquale's, Mr. Hampel's, Mr. Burns' and Ms. Madani's athletes and coaches, as well as referees willing to 'toe the company line.'

The USOPC's investigation revealed a perception of favoritism towards athletes, coaches, and referees who are closely affiliated with Mr. DiPasquale, Mr. Hampel, Mr. Burns and Ms. Madani. For example, witnesses said referees who are closely affiliated with these individuals were disproportionately assigned to officiate matches in the elite level rings at events, including the final match, which is typically rotated amongst the most elite level referees and assigned based on performance. Witnesses also said that Ms. Madani assigns referees closely affiliated with USA-NKF leadership to WKF licensing events instead of the referees who should be next in line to attend those events based on the understood selection process. For example, witnesses shared instances of referees who attended consecutive WKF licensing events despite failing their licensure test on the first attempt, which should have required that those referees be moved to the bottom of the selection list and be required to wait for other referees to test before being selected to test again.

## B. Requirements

**Requirement No. 1:** Members of USA-NKF fear retaliation and are reluctant to bring forward concerns due to a lack of trust that their concerns will be appropriately reviewed and managed. Therefore, USA-NKF must require Anti-Retaliation training for its Board, referee committee members, and staff by January 1, 2023. Further, USA-NKF should also consider training more broadly for its membership.

**Requirement No. 2:** Based on the findings that the referee committees are not operating in accordance with their mandate, and that the referee corps is not clear on the makeup or function of these committees, by January 1, 2023, USA-NKF must evaluate its referee committee structure and current practices to determine



whether changes are warranted, and if so, provide an operating framework to the committees consistent with those changes.

Witnesses proposed a number of recommendations to improve the committees, some of which are articulated below. Therefore, as part of this evaluation, USA-NKF may wish to consider the following:

- Whether any modifications to the referee committees' mandates are required to ensure the needs of the organization are met, provide clarity regarding the roles and responsibilities of each committee, and ensure that each committee can function independent of one another if that is still USA-NKF's intent.
- Whether it is appropriate to establish a designated selection committee (i.e., the Referee Certification Committee) to determine which of the eligible referees will be invited to fill the limited available spots to test at WKF annual testing events. The selection committee should establish selection criteria eligible referees must meet to be considered. The selection procedures should be published on USA-NKF's website.
- Whether it is appropriate to re-seat the referee committees to avoid conflicts of interest and the perception of favoritism due to a lack of transparency for match assignments and eligibility for WKF licensure invites. Given the current structure, the USOPC recommends that no individual sit on more than one committee to preserve the independence and integrity of the respective committee functions and to avoid the appearance of impropriety.<sup>7</sup>

**Requirement No. 3:** The USOPC Bylaws and the Implementation Guide for NGB Compliance Standards require that all NGB Committees include at least 33 1/3% athlete representation.<sup>8</sup> Accordingly, the lack of athlete representation on the referee Education and Certification Committees is a compliance violation that USA-NKF must work to remedy as soon as possible and no later than January 1, 2023.

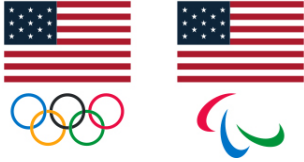
The USOPC understands that it may be challenging to find interested athletes to serve on these committees. As a result, USA-NKF should consider applying for an exception through the Athlete Representation Review Working Group if USA-NKF determines, in consultation with its Athlete Advisory Council, that meeting the athlete representation requirement is proving too challenging due to lack of interest or engagement by the athletes.

**Requirement No. 4:** The referee corps falls within the purview of the Conflicts of Interest Policy as "affiliated individuals." Therefore, USA-NKF must ensure that all relevant referee corps conflicts are appropriately identified, managed, and resolved.

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<sup>7</sup> As noted above, the USOPC recently became aware that USA-NKF is in the process of re-evaluating the current referee committee structure and makeup. In so doing, USA-NKF should look to Standards A.1(a-b) of the Implementation Guide for further guidance.

<sup>8</sup> See USOPC Bylaws, Section 8.5.5, and NGB Compliance Standards A.1.b.



**Requirement No. 5:** By January 1, 2023, USA-NKF, either through delegation to its Ethics Committee or otherwise, must establish, or incorporate into existing procedures, a conflicts of interest disclosure and review process for conflicts that may affect a nationally certified referee’s participation at USA-NKF national level and trials events for international competition. Within the same timeframe, USA-NKF (either through the Referee Operating Committee or otherwise) must establish a communication procedure to notify affected referees of any identified conflicts, the measures put in place to manage those conflict, and the duration that any such measures will remain in place.

**Requirement No. 6:** By January 1, 2023, the referee corps members with a certification of national level or above must receive training on the scope and implications of the organization’s Conflict of Interest Policy, including identifying actual, potential, and perceived conflicts of interest.

Following the training, and on at least an annual basis, all participating referee corps members must complete a written acknowledgement that they understand the Conflicts of Interest Policy and Procedures and will abide by the Ethics Committee’s directives for all future USA-NKF or WKF events.

### C. Recommendations

**Recommendation No. 1:** The Referee Certification Committee, or equivalent, should reinforce the procedures related to providing referee feedback at events to ensure that feedback is provided in a professional and effective manner and is understood by the recipient as constructive feedback, to avoid the perception of retaliation or intimidation for failing to make certain calls or for impacting event outcomes.

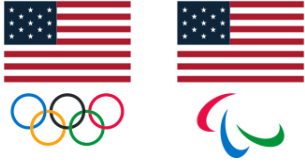
**Recommendation No. 2:** The Referee Certification Committee, or equivalent, should gather feedback from referees, and potentially coaches and athletes, on how to improve referee assessments and the operations of the committee. For example, some referees proposed implementing a ‘grading’ system to provide feedback to participating referees at the conclusion of events in a formal and confidential manner.

**Recommendation No. 3:** USA-NKF should clarify the appropriate use of the Administrative Protest Procedures. If the protest is to be used to vet conflicts of interest, this should be clarified in the Conflicts of Interest Policy and Procedures identified above.

Moreover, the Referee Education and Training Committee, or equivalent, should distribute (and be available to discuss) the Administrative Protest Procedures to all coaches, athletes, and referees prior to each USA-NKF sanctioned event to ensure a mutual understanding of the appeal process and options available to an athlete following competition, the nature and limitations of an appeal, and the appropriate authority to review an appeal once filed.

**Recommendation No. 4:** USA-NKF should publish on its website the list of referees who are eligible to test for a new or upgraded license at the WKF’s annual testing event. USA-NKF should specifically designate the responsibility to maintain the list, which should be regularly updated.

**Recommendation No. 5:** The Referee Certification Committee, or equivalent, should establish criteria, including required qualifications, for participation at USA-NKF and WKF events. The procedures should be applied consistently to all qualifying referees.



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**Recommendation No. 6:** The position of Tournament Director should be re-evaluated. Specifically, the current Tournament Director, Brody Burns, is responsible for assigning athletes at matches, and he is also the Head Kumite Coach for USA-NKF and operates a dojo with athletes in Texas. This arrangement creates a significant conflict of interest and the potential for improper influence of match assignments and outcomes.

#### IV. Conclusion

The USOPC believes that USA-NKF has done and is committed to continuing to do important work to improve the organization and its governance for all USA-NKF members. We hope this letter answers your questions, and we hope you will support USA-NKF in continuing the important work that remains to ensure the organization not only meets the requirements of the Ted Stevens Olympic and Amateur Sports Act and the USOPC's Compliance Standards, but also to ensure that all members enjoy an inclusive environment free from retaliation.

Sincerely,

Holly R. Shick  
Chief Ethics and Compliance Officer

cc: Rahul Bawa, Board Chair, USA-NKF  
Brian Ramrup, USOPC Athletes' Advisory Council Representative, USA-NKF  
Dr. David Patterson, Governance Advisor, USOPC