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February 26, 2021

MEMORANDUM

TO: Holly Shick
USOPC
Chief Ethics and Compliance Officer

FROM: Nate Boudreaux
USA Water Ski & Wake Sports
Executive Director

SUBJECT: Exemption of USA-WSWS officials to background check policy

Under Section 8.4.2 of the USOPC Bylaws, USA Water Ski & Wake Sports (USA-WSWS) is requesting an exemption to the certification standards laid out in the RSO Background Check Policy identified during the 2020 USOPC Consultative Review.

During the review, the USOPC determined the USA-WSWS background check policy failed to implement specific elements required by the Responsible Sport Organization background check policy regarding USA-WSWS officials. It was determined by the USOPC compliance team that USA-WSWS should background check all "officials."

The purpose of this memo is to give the USOPC a better understanding of what the term "official" means in water ski and wake sports. A water ski "official" may serve several different roles – boat driver, judge, assistant judge, scorer, safety coordinator, technical controller, etc. (see Appendix A for a full list of roles).

When considering the USA-WSWS background check policy, we examined the role of our officials in relation to our Safe Sport criteria. Our officials do not have one-on-one contact with minor athletes (except in observable and interruptible situations such as on the "field of play" during competitions), nor do our officials travel with our teams. Thus, our officials do not interact with athletes in situations involving SafeSport risks.

USA-WSWS contends that officials, who are all <u>unpaid volunteers</u> serving in event-specific roles in a <u>family-oriented sport</u>, do NOT interact with athletes directly and should NOT be subject to the background check policy.

All officials' roles are performed on a volunteer basis by members who have achieved certification ratings to perform specific tasks; however, these tasks do not inherently give individuals a position of authority over or qualify regular contact with athletes.

USA-WSWS understands the importance of background screening members of the organization who have regular contact with minors and/or have designated authority over athletes and is committed to screening those individuals. However, we strongly believe "officials" do not participate in the circumstances of risk and should not be included in the required background screen category in the sport of water skiing and wake boarding.

As an organization, USA-WSWS is committed to athlete safety and in 2022 will begin requiring Safe Sport training for all members 18 years and older as a preventive safety measure.

Additionally, we have invested in a new membership database system that will have direct API connections with the U.S. Center for Safe Sport and NCSI to assist with better tracking and compliance.

The current background screen policy as written would require nearly 2,000 USA-WSWS volunteer officials (17.6 percent of entire membership) to be background screened. Considering these officials are volunteers, the financial impact of such a requirement ($30/per screen) would be detrimental to our sport.

We are asking the USOPC to reconsider the requirement that all USA-WSWS officials be subject to the background screen policy.

Sincerely,

Nate Boudreaux
Executive Director

CC:
Nicole Deal, USOPC, Chief Security & Athlete Safety Officer
Andrew Adkinson, USA-WSWS AAC Representative
Jessica Modrak, USA-WSWS Business Operations Manager

Appendix A

Overview of USA-WSWS "Officials" Designations

Judge – sits on a panel with others either in the boat, judging tower or judging trailer watching video and evaluating each performance. Panel handles competitor protests due to unfair conditions or a malfunction of tournament equipment. Requires a certification. No interaction with athletes, including minor athletes except in observable and interruptible situations such as on the "field of play" during competition.

- Regular judge
    - Chief judge
- Assistant judge
- Senior judge
- Pan Am judge

Note: No individual judge has "authority, control, or influence" over any competitor, including minor athletes. Event judges are part of a panel of officials (typically 3-5) where decisions are made by a majority of the panel. Additionally, all competitors (including minor athletes) have the right to protest decisions (Rule 7.04) made by the panel of judges to the Chief Judge of an event, who then confers with the Appointed Judges (a separate panel of officials from the event judging panel). A system of checks and balances exists to ensure that no one official has "authority, control, or influence" in their capacity as an event official over any athlete, including minor athletes.

Scorer—receives the judges' individual tabulations after each boat pass, calculates scores/information from judges at the event and inputs into the scoring program. Requires a certification. No interaction with athletes, including minor athletes.

- Regular scorer
- Assistant scorer
- Senior scorer

Technical Controller – responsible for setting up equipment (cameras for tricks, buoys, and surveying the course for slalom). Responsible for the certified condition of the competition courses throughout the tournament. Requires a certification. No interaction with athletes, including minor athletes.

- Regular technical controller
- Senior technical controller
- Ambassador technical controller

Driver – operates competition boats during sanctioned events. Must complete an MVR review every two years. Requires a certification. Very little (if any) interaction with athletes, including minor athletes. Drivers are in the boat while athletes are in the water. If any interaction exists, there are always other adults around.

- Regular driver
    - Chief driver
- Assistant driver
- Senior driver
- Trained driver

Safety Official – ensures the event conditions are safe. Oversee safety swimmers, skier equipment and safety boats. Documents all incident and injury reports. Must attend a safety clinic and receive a certification. No interaction with athletes, including minor athletes.

- State safety official
- Regional safety official
- National safety official