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

Mark Storey
Compliance Director

April 2, 2021

BY EMAIL
Nate Boudreaux, Executive Director
USA Water Ski and Wake Sports
2701 Lake Myrtle Park Road
Auburndale, FL 33823

Re: Background Check Exception Request

Mr. Boudreaux:

I write in response to your February 26, 2021 memo "Exemption of USA-WSWS officials to background check policy." In this memo, you requested an exception for multiple classes of USA Water Ski and Wake Sports (USA-WSWS) "officials," including judges, scorers, technical controllers, drivers, and safety officials, from background check requirements included in the United States Olympic and Paralympic Committee's (USOPC) Responsible Sport Organization Background Check Policy (the Policy). The USOPC's NGB Audit team noted USA-WSWS's failure to include all individuals required by the Policy in its own background check policy as a finding in the November 2020 Consultative Review of USA-WSWS.

Following the USOPC's receipt of the memo, it is my understanding that you spoke with Nicole Deal, the USOPC's Chief Security and Athlete Safety Officer, and established that of the categories included in the memo, only USA-WSWS judges would be subject to the requirements of the Policy. Based on this conversation with Ms. Deal, the USOPC's Certification Verification Group (CVG), which is tasked with considering exceptions to NGB certification standards, considered USA-WSWS's exception request for judges only.

The CVG considered and denied USA-WSWS' exception request based on the CVG's view that judges serve in a position of authority.

USA-WSWS' memo states that "no individual judge has 'authority, control, or influence' over any competitor" as a reason why judges should not be considered a relevant "official" under the Policy. The CVG disagreed with this reasoning and determined that judges do serve in a position of authority over athletes, as that authority is inherent in judges' roles. Additionally, individuals' authority over athletes is a distinction that is specifically addressed in the Policy

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as a factor for requiring background checks of an individual.[1] While the Policy indicates that its provisions "may not apply to volunteers and others who only have incidental and observable contact with athletes at events,"[2] the CVG determined that judges are not among these categories of volunteers due to their position of authority. This separates judges from the other categories of volunteers named in the memo, such as scorers or technical controllers, which were determined to be out of the Policy's scope.

Based on the denial of the exception request, USA-WSWS must take corrective action to resolve the consultative review finding related to USA-WSWS's adherence to the Policy. The finding will be reflected in the CVG's certification renewal report for USA-WSWS along with corrective action plans that USA-WSWS provides to the USOPC.

The USOPC is happy to discuss the specifics of this letter with you and we will make ourselves available to do so if you have any questions or concerns. We thank you for your cooperation and engagement with the certification review process.

Sincerely,

Mark Storey
Compliance Director

cc: Holly Shick, Chief Ethics and Compliance Officer
Nicole Deal, Chief Security and Athlete Safety Officer
Meara Gonzalez, NGB Audit Director

[1] USOPC Responsible Sport Organization Background Check Policy, Section (I)(A)
[2] USOPC Responsible Sport Organization Background Check Policy, Footnote 2