

A photograph of two female Olympic medalists celebrating. They are wearing blue and white tracksuits and holding bouquets of flowers. The woman on the right is wearing a medal with a ribbon that says "Atlanta 1996". The image is overlaid with a semi-transparent blue filter.

BORDERS COMMISSION

An Independent Panel Chartered by the USOPC

One Year Progress Report
August 2020



Beijing 2008
3283





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GLOSSARY AND LEGEND

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ONE YEAR PROGRESS REPORT

GLOSSARY

AAC	Athletes' Advisory Council
CCO	Chief Compliance Officer
CECO	Chief Ethics and Compliance Officer
CEO	Chief Executive Officer
IOC	International Olympic Committee
NGB	National Governing Body
TSA	Ted Stevens Olympic and Amateur Sports Act
USADA	United States Anti-Doping Agency
USOPA	United States Olympian and Paralympian Association
USOPC	United States Olympic and Paralympic Committee

LEGEND



Accepted recommendation; full implementation underway or forthcoming

Accepted recommendation; partially implemented or evaluation underway

Rejected the recommendation; not implemented



EXECUTIVE SUMMARY

**BORDERS COMMISSION ONE YEAR PROGRESS REPORT
EXECUTIVE SUMMARY
AUGUST 2020**

The “Borders Commission” was created by the USOPC as an independent commission in September 2018 to consider and recommend appropriate and specific changes in the USOPC's role and engagement with athletes and its responsibilities and oversight over, and engagement with, NGBs. It was chaired by Lisa Borders, former CEO of Time's Up and former President of the WNBA and included eight other members comprised of persons currently and formerly independent of the Olympic movement, current or former elite athletes, Olympians and Paralympians and NGB representatives. The Commission also retained an independent counsel.

The Commission undertook significant diligence between September 2018 and July 2019, reviewing thousands of pages of documents (including the reports by the international law firm of Ropes & Gray and from the Congressional hearings convened by the House Energy and Commerce Committee as well as the Senate Commerce Committee) and conducted interviews with more than sixty persons. The [Commission's Final Report](#) published in July 2019, contained a plethora of conceptual, specific and sometimes detailed recommendations and a timeline for implementing its major recommendations.

The USOPC contacted the Commission Chair and requested that she independently review the status of and the USOPC's progress in implementing the Commission's recommendations. She agreed and requested assistance from the Commission's independent counsel, Davis Butler, and one of the Commission members, Michael Lenard OLY.

It is neither the intent nor the purpose of this One Year Progress Report to address in detail each of the specific and sometimes detailed elements of each recommendation in the 2019 Final Report - but rather to provide a road map. Thus, this One Year Progress Report has focused on the enumerated Implementation Steps stated in the 2019 Final Report.

The conclusions of this Progress Report are based on the review of over two dozen documents (including new or revised bylaws, mission statement and priorities, policies, procedures and reports) and nearly ten hours of interviews with relevant USOPC senior staff on these documents and operational initiatives.

The attached chart sets forth each Implementation Step, the progress that has been made thereon and selected specific commentary. The conclusions about progress are based on three categories:

- The USOPC accepted the Commission’s recommended Implementation Step and has implemented it or if it has not, then significant steps have been taken and implementation is being or will be implemented, and we have concluded that at this time implementation is or will be materially consistent with the recommendation.(GREEN)
- The USOPC accepted the Commission’s recommended Implementation Step and has implemented it or if has not, then significant steps have not yet been taken to implement it and it is being or will be implemented, and we have concluded that at this time implementation is or will be inconsistent with a material aspect of, but not fatally inconsistent with, the recommendation. (YELLOW)

- The USOPC has rejected or ignored the recommended Implementation Step or if it has been, is being or will be implemented, then we have concluded that at this time implementation is or will be fatally inconsistent with the recommendation. (RED)

It is important to note three things.

First, the USOPC has prepared many new or revised documents (e.g., new or revised bylaws, mission statement and priorities, policies and procedures) in furtherance of the necessary changes required to reflect the Commission's recommendations. This is a significant and necessary step in creating the structural, operational and cultural change that is needed to implement the Commission's recommendations, however, the ultimate success of changing the culture cannot be fully gauged at this time.

Second, in adopting most of those new or revised documents, the USOPC was inclusive in a manner that it had not been for over twenty years. The input of, and importantly agreement among, athletes (via the USOPC Athletes Advisory Council and US Olympic and Paralympic Alumni) and the sports (via the National Governing Bodies Council) was actively sought, and their representatives served and will continue to serve on important working groups and committees of the USOPC. This process may have made the process take longer, but any delays were necessary and noteworthy to implement the new paradigm of active collaboration. Also, if the sport and especially the athlete representatives agree on a matter that does not match the specifics or details of one of the Commission's recommendations, then such agreement generally should be given greater weight than the recommendations.

Third, neither we nor the Movement constituencies can ignore the effect of the COVID-19 pandemic on the work and timetable to implement the Commission's recommendations. In particular it is understandable that the launch of certain new and important USOPC programs planned to occur in 2020 after the Tokyo Olympic Games have been postponed until after the Games are held in 2021.

This approach of soliciting independent, expert perspectives after a crisis, followed a year later by the objective evaluation of proposed recommendations has yielded an impactful and inspiring progress report. And while there is still significant work to be done, the new paradigm of collaboration and transparency appropriately undergird a new path toward an "athlete-centric" environment along with a higher functioning organization.

The work must continue on every level to fully affect the structural, operational and cultural change which is envisioned. That said, we are heartened to witness the fruit of everyone's labor, coming to life as protection of, service to and advancement of athletes. The USOPC can refresh and wholly realize the international language of sport and its ability to unite and excite us by its efforts to stand as an example for sport and sport administration in the world. In short, we commend the work to date. Additionally, it encourages the USOPC - like our athletes - to persevere not only until this finish line is crossed but also to continue the journey of constant and consistent improvement.



It is with great humility that we thank the USOPC for the privilege of undertaking this strategic task and to share our point of view in elevating the athletes who so truly deserve our respect and admiration.













ONE YEAR PROGRESS REPORT


BORDERS COMMISSION
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ONE YEAR PROGRESS REPORT
August 2020





COMMISSION RECOMMENDATIONS	STATUS	COMMENTS
<p><u>REC. 1 – PRIORITIZE ATHLETES</u></p> <p>The USOPC must make improvements, both structural and operational, to ensure that the USOPC becomes and remains an <u>athlete-centric</u> organization committed to the protection, service, and advancement of athletes.</p>		<ul style="list-style-type: none"> • The USOPC has adopted recommendation and has taken recommended steps to become an athlete-centric organization • The USOPC is implementing protection, service, and advancement recommendations • Athletes now have new opportunities to be heard at the Board level and throughout the USOPC and NGBs • Athletes have a responsibility and are strongly encouraged to use the voice now given to them at all levels of the structure and operation of the USOPC and NGBs
<p><u>Step 1.1</u> – The USOPC must explicitly define and broaden the number and types of the athletes it will protect, serve and advance.</p>		<ul style="list-style-type: none"> • USOPC has broadened the pool of athletes • Draft plan places athletes in three tiers with corresponding benefits clearly articulated and the project will be completed in 2022 in alignment with the Tokyo and Beijing Games and the high-performance planning cycle • Certain important benefits have been made, e.g. ACE; additional benefits will be made available to recently retired athletes




<p>Step 1.2 – The USOPC should reconstitute the Board as described primarily, but among other things, to provide more direct athlete representation.</p>		<ul style="list-style-type: none"> • Recommended USOPC Board structure has been adopted and implemented • AAC, USOPA, and NGBs directly elect USOPC Board representatives
<p>Step 1.3 – The USOPC should develop and deliver the described best-in-class training for all Board members.</p>		<ul style="list-style-type: none"> • Expanding onboarding and training has been accepted; it will be implemented for USOPC Board members by 2020 year-end
<p>Step 1.4 – The USOPC must enable the AAC to be the “Athletes’ Voice” by changing its Bylaws as necessary and providing the necessary support described above.</p>		<ul style="list-style-type: none"> • AAC may amend its Bylaws without USOPC Board approval, provided no conflicts with USOPC Bylaws, The Ted Stevens Act ("TSA"), or increase funding requirements • Discretionary budget is now provided by the USOPC to AAC for an executive director and support staff
<p>Step 1.5 - The USOPC must provide a better healthcare and insurance solution, including mental health services for the larger pool of Athletes.</p>		<ul style="list-style-type: none"> • The USOPC agreed with recommendation and has expanded services with a focus on mental health through Mental Health Officers and ComPsych Services especially with respect to the COVID pandemic – but which has delayed full and normalized implementation • Expectation is that the USOPC will deliver as recommended
<p>Step 1.6 - The USOPC must improve educational and career training opportunities throughout the Athletes’ life cycle. A Microsite must be developed, deployed and routinely refreshed to serve as a secure, one-stop shop communication platform for Athletes.</p>		<ul style="list-style-type: none"> • The USOPC agreed with recommendation and is supporting ACE; additional benefits will be made available to recently retired athletes • Further implementation expected in 2021 • Athlete Microsite necessity has been acknowledged and best technology partner is being sourced; in the meantime, teamusa.org has been upgraded to improve information sharing and communication with athletes



<p><u>Step 1.7</u> - The USOPC must establish and/or increase direct financial support to Athletes using a layered approach of funding.</p>		<ul style="list-style-type: none"> • Programs for support during pandemic were implemented • The USOPC-indicated budget constraints do not permit recommended levels of direct funding to athletes; however, USOPC strategic priorities highlight athlete earnings programs, e.g. Athlete Marketplace
<p><u>Step 1.8</u> - The USOPC must take the necessary steps described above to reduce the number of compliance and right to compete complaints.</p>		<ul style="list-style-type: none"> • The USOPC is working with NGBs through an 'athlete inclusive' working group to develop clear, transparent selection standards • Commission continues to encourage the USOPC to adopt operational processes to help speed complaint resolution
<p><u>Step 1.9</u> - The role of the Ombudsman must be limited to dealing only with issues involving Athletes as defined by this Final Report, and the Ombudsman must have the power and authority to send disputes to and through the dispute resolution process.</p>		<ul style="list-style-type: none"> • Ombuds staff has been increased as suggested and role of Ombuds has been properly limited to tiered athlete issues • The USOPC has made progress but actually moving disputes through the process faster must be delivered via its operational processes and actions, and expectation is that the USOPC will deliver as recommended
<p><u>Step 1.10</u> - Communication between an Athlete and the Ombudsman must be treated as privileged and confidential.</p>		<ul style="list-style-type: none"> • The USOPC addressed this issue in its Bylaws and the recently proposed changes to the TSA include this key privilege
<p><u>Step 1.11</u> - A pro bono lawyer program for Athletes use must be formally established.</p>		<ul style="list-style-type: none"> • New program has been established as requested





<p><u>Step 1.12</u> - Changes to the USOPC Bylaws and TSA and the USOPC’s operational policies and procedures must be implemented to affect the recommendations necessary to improve the dispute resolution process.</p>		<ul style="list-style-type: none"> • The USOPC has set the stage in its Bylaws but actually improving the process must be delivered via its operational processes and actions, and expectation is that the USOPC will deliver as recommended
<p><u>Step 1.13</u> - The USOPC, with the assistance of the AAC, should develop a list of current Athlete rights and such list should be placed on the recommended “secure, one-stop-shop” Microsite.</p>		<ul style="list-style-type: none"> • The USOPC agreed with Commission recommendations • Implementation has been delayed by the AAC due to the delay of the Tokyo Games and the hiring of the new AAC Executive Director • Athlete Microsite necessity has been acknowledged and best vendor is being sought; in the meantime, teamusa.org site has been upgraded to improve information sharing and communication with athletes.
<p><u>Rec. 2 – SUPPORT AND OVERSEE NGBs</u></p> <p>The USOPC should develop and provide additional support for NGBs, including shared services and dedicated pipeline funding, while rejecting the past "money for medals" focus.</p> <p>The USOPC must (i) certify NGBs, (ii) ensure ongoing compliance with comprehensive USOPC certification requirements, (iii) oversee corrective steps by NGBs to correct non-compliance issues, (iv) provide penalties for non-compliance, and (v) serve as the NGB for a given sport where its previous NGB has been decertified.</p>		<ul style="list-style-type: none"> • See below





<p><u>Step 2.1</u> -The USOPC must provide opportunities for NGBs to receive programmatic funding and support based upon the USOPC’s approval of an NGB’s strategic plan and high-performance plan and its performance. The USOPC must work with appropriate NGBs to identify and provide appropriate pipeline development support for NGBs lacking a robust club or school-based pipeline of developing athletes.</p>		<ul style="list-style-type: none"> • Historical funding based upon and tied to only the winning of medals has been expanded to include a broader and more holistic look at NGB performance • Pipeline support programs for NGBs are being implemented with key NGBs lacking club or school-based pipelines
<p><u>Step 2.2</u> -The USOPC must develop and deliver shared services to be provided at cost to support NGBs that choose to use such services.</p>		<ul style="list-style-type: none"> • Implementation of a shared-services program is in its early stage
<p><u>Step 2.3</u> - The USOPC must provide, based on a financial need, a set basic stipend to NGBs to help them meet their governance and organizational costs.</p>		<ul style="list-style-type: none"> • Although not a stipend per se, the NGB Services team works with NGBs to regularly assess governance and operational needs, providing yearly grants to targeted NGBs
<p><u>Step 2.4</u> - The USOPC should clearly articulate that the winning of medals remains an important goal of the USOPC; however, the winning of medals must be only one of many factors when determining NGB funding levels.</p>		<ul style="list-style-type: none"> • The funding model based upon a larger set of criteria is being implemented • Winning of medals remains important, but this factor is one of many important factors • Communication of criteria to NGBs seems effective

<p><u>Step 2.5</u> - The USOPC must develop and adopt a comprehensive list of certification requirements applicable to all NGBs. The certification requirements must cover, at a minimum, (i) Athlete protection; (ii) proper governance structures, procedures and operations; (iii) acceptance of and compliance with child safety protection rules and guidelines, including SafeSport requirements; (iv) compliance with financial standards and reporting practices; (v) satisfaction of operational and cultural assessment goals; (vi) satisfaction of high-performance goals; and (vii) effective and efficient dispute resolution procedures.</p>		<ul style="list-style-type: none"> • Significant and commendable efforts have been made by the USOPC, as evidenced by revised Bylaws and new certification guidelines • The new model of collaborative efforts with athletes and NGBs in the development of the criteria is significant • Expectation is that the USOPC will implement as recommended
<p><u>Step 2.6</u> - The USOPC must be open, transparent and thorough in its certification process and conclusions.</p>		<ul style="list-style-type: none"> • The new model of collaborative efforts with athletes and NGBs in the development of the criteria is significant • Future communication regarding standards should be clear and must be effective
<p><u>Step 2.7</u> - The USOPC must put into place a recurring and thorough audit process designed to identify compliance and noncompliance with comprehensive USOPC certification requirements.</p>		<ul style="list-style-type: none"> • Audit process has been designed but not yet implemented • Expectation is that the USOPC will implement as recommended
<p><u>Step 2.8</u> - The USOPC must take corrective steps when circumstances require such action, including the formulation of a corrective action plan and the imposition of penalties on NGBs for noncompliance. The USOPC must be prepared to decertify a noncompliant NGB.</p>		<ul style="list-style-type: none"> • The USOPC is continuing to develop staffs and processes needed to take corrective actions when issues arise • The USOPC has already taken corrective steps with several NGBs

<p><u>Step 2.9</u> - Going forward, the USOPC's direct oversight responsibilities and operational duties described herein should extend to NGBs and their Paralympic equivalents, HPMOs, and if they are formed, and PSOs as these entities should be considered and remain the only "members" of the USOPC. The USOPC may continue to recognize "Affiliates" of the USOPC. The USOPC should impose Athlete protection requirements on Affiliates, but the audit process described herein should be applicable only to USOPC members - NGBs, HPMOs and PSOs. The USOPC should develop applicable Athlete protection requirements for Affiliates.</p>		<ul style="list-style-type: none"> • Important and necessary changes have been made to properly identify and characterize members and affiliates of the USOPC • Clarifying members as those over whom the USOPC will have oversight is helpful and will allow properly focused efforts of the USOPC
<p><u>Rec. 3 – INCREASE ORGANIZATIONAL ACCOUNTABILITY</u></p> <p>The USOPC must set a new standard of professionalism in sports organizations, ensuring accountability, compliance and sustained enterprise performance to support Athletes and the Olympic and Paralympic Movements in the United States.</p>		<ul style="list-style-type: none"> • The USOPC has implemented many recommended steps creating a new standard of professionalism in the areas of accountability, compliance and sustained enterprise performance • Diligent efforts seen in the past year must be continued and effectiveness must be tested regularly
<p><u>Step 3.1</u> - The USOPC must appoint a Chief Compliance Officer to oversee all compliance efforts of the USOPC and the NGBs.</p>		<ul style="list-style-type: none"> • The USOPC created and filled a new position of Chief Ethics and Compliance Officer (CECO) to oversee ethics and NGB certification compliance • The CECO should review the entire USOPC compliance “package” because it is fragmented, occasionally confusing and not user-friendly; expectation is that USOPC and CECO will deliver necessary improvements

<p>Step 3.2 - The USOPC must create a Compliance Committee to provide support, direction and guidance to the CCO and be involved in the certification, audit, penalty imposition and decertification process.</p>		<ul style="list-style-type: none"> • Rather than creating a Compliance Committee, the USOPC has created a new committee for the new NGB certification and compliance regimen and has retained its existing Ethics Committee; although this is ostensibly acceptable, we have identified gaps • Taking the two Committees as a whole, the gap appears to be USOPC compliance; although ethics is a component thereof and many other components of compliance are addressed in the existing underlying documents, it should be clearly identified and addressed •The CECO's reporting lines as stated raise concern; apparently, they do flow to the two Committees on substantive matters - but they also refer to the CEO for Human Resources and non-compliance oriented purposes • Expectation is that USOPC and CECO will deliver necessary improvements
<p>Step 3.3 - The USOPC must develop and implement a best-in-class whistleblower policy and reporting system that is easily accessible and effective and that encourages reporting of all types of abuse and failures in protecting, servicing and advancing Athletes.</p>		<ul style="list-style-type: none"> • The USOPC initiated a new whistleblower policy but its specific purview and provisions (e.g., as it relates to NGBs) need clarification and improvement • The implementation of the retribution protection steps are critically important but they need to be better documented • Expectation is that USOPC and CECO will deliver necessary improvements

<p><u>Step 3.4</u> – The CCO and Compliance Committee must provide the described reports to the Board.</p>		<ul style="list-style-type: none"> • Reports are delivered to the Board after each meeting of the two Committees (Ethics; NGB Certification) • The fact that, and the details of, the CECO reporting to the Board at meetings have not been instituted • Although the two Committee Chairs are USOPC board members, under the circumstances, it is critical for the CECO to directly make their report to the Board
<p><u>Rec. 4: TRANSFORM ORGANIZATIONAL BEHAVIOR</u></p> <p>The USOPC must redesign its culture and staff to prioritize the protection of, service to and advancement of Athletes to ensure a best-in-class organization poised to leverage the competitive advantage of diversity and inclusion.</p>		<ul style="list-style-type: none"> • Significant and commendable efforts have been made by the USOPC to transform its culture into an "athlete-centric culture" providing protection of, service to and advancement of athletes as evidenced by revised Mission statement and other policy documents are commendable • Expectation is that the USPOC will implement as recommended, understanding that changing an entire culture will require continuous and consistent efforts over a long time
<p><u>Step 4.1</u> – The USOPC must intentionally cultivate an improved staff culture of serving the primary constituent group, Athletes, to better protect, serve and advance Athletes and to drive optimal competitive performance.</p>		<ul style="list-style-type: none"> • Significant and commendable efforts have been made by the USOPC to transform its culture into an "athlete-centric culture" providing protection of, service to and advancement of athletes as evidenced by revised Mission statement and other policy documents are commendable • Expectation is that the USPOC will implement as recommended, understanding that changing an entire culture will require continuous and consistent efforts over a long time
<p><u>Step 4.2</u> – The USOPC must engage a third party to conduct an annual assessment of its culture to monitor its evolution toward being more athlete-centric and measure how the organization’s culture is aligning with its stated mission.</p>		<ul style="list-style-type: none"> • A cultural review has been completed permitting the bookmarking for future assessment and corrective actions

<p><u>Step 4.3</u> – The USOPC must develop and deliver the described best-in-class training for all senior and key staff.</p>		<ul style="list-style-type: none"> • Steps to improve the training for staff have been developed and are being implemented
<p><u>Step 4.4</u> – The USOPC must cultivate and enforce a moral imperative and professional directive for every employee at every level within the USOPC and NGBs to report any form of Athlete abuse to appropriate authorities, including to SafeSport and requisite law enforcement authorities.</p>		<ul style="list-style-type: none"> • USOPC policies (e.g., Athlete Safety Policy) explicitly require such reporting • See also Step 3.1 as to whistleblower policy
<p><u>Step 4.5</u> – The USOPC must take additional steps to better align staff compensation and performance metrics with an athlete-centric mission.</p>		<ul style="list-style-type: none"> • Bonuses are no longer solely tied to the winning of medals • Salaries and bonuses are now also based upon proper delivery against the new athlete-centric mission and values that have been adopted by the USOPC
<p><u>Step 4.6</u> – The USOPC must take deliberate and appropriate steps to improve diversity of staff at the USOPC to better match qualities, experiences and perspectives of Athletes served by the USOPC.</p>		<ul style="list-style-type: none"> • The USOPC is moving deliberately toward development of a more diverse staff at all levels that reflect the makeup of the athletes served by the USOPC • Gender representation is a positive sign; dedicated and deliberate efforts must continue to be made on racial, ethnic and life experience diversity to ensure cultural competence and optimal organizational performance • It is critical that the USOPC be an example to the NGBs where the diversity challenges are significantly more complicated and challenging

Rec. 5 – ENABLE CONGRESSIONAL OVERSIGHT

The USOPC must be more transparent in sharing its achievements as well as its ongoing challenges, building trust and creating support from the Athletes and the American public-at-large for the Olympic and Paralympic Movements in the United States.

The TSA must be amended to give the USOPC explicit power, in addition to the current implicit powers, to better protect Athletes and to make changes needed to implement the full set of recommendations outlined in this Final Report.



- The USOPC has participated in a collaborative effort with athletes and the NGBs in the engagement with Representatives and Senators and their respective staffs
- TSA amendments collectively developed and approved by the USPOC, athletes, and NGBs were presented to key people in Washington D.C.
- An acceptable revision that places more responsibility upon the USOPC to use the certification process to better protect athletes is nearing adoption into law

Step 5.1 – The USOPC should provide an expanded and detailed annual report to the U.S. Senate and U.S. House of Representatives as outlined above.



- The new reporting mechanisms and elements have been agreed upon by the USOPC and the details of what was required by the Commission are included in the new proposed changes to the TSA being considered in Washington D.C.
- The new annual reporting will allow for much better oversight and accountability of the USOPC in fulfilling its charter as determined by federal legislation and relating to the protection of athletes

Step 5.2 – The USOPC should deliver a mark-up of proposed Amendments to the 1978 Ted Stevens Olympic and Amateur Sports Act, amended in 1998, to Congress.



- As stated above, significant, collaborative efforts resulted in well-designed amendments to the TSA that will better protect athletes





