

# United States Olympic & Paralympic Committee Policy



**Policy Name:** NGB Certification Policy

**Date of Issuance:** 9/23/2021

**Policy Owner:** Chief Ethics and Compliance Officer

**Applies to:** Certification Review Group, NGB Oversight and Compliance Committee, Board of Directors, and NGBs

## **Purpose:**

To support a culture of strong governance, ethics, and compliance among National Governing Bodies (NGBs) and throughout the U.S. Olympic and Paralympic Movement by creating a USOPC-level certification process for NGBs.

## **Policy Statement:**

The USOPC believes in having a culture of strong governance, ethics, and compliance among NGBs and throughout the U.S. Olympic and Paralympic Movement. To support this culture and to fulfill the requirements set forth in the Ted Stevens Olympic and Amateur Sports Act (the Act), the USOPC certifies its member organizations as NGBs.

The NGB certification process is supported by USOPC staff serving on a cross-functional Certification Review Group (CRG), led by the USOPC's Chief Ethics & Compliance Officer. The purpose of the CRG is to review each NGB or NGB candidate holistically and then, in its reasonable judgment, make a recommendation on the organization's certification. This holistic view and recommendation require the CRG to consider both objective/quantitative and subjective/qualitative information. Building on NGB Audit processes, the CRG's certification review process is intended to look at both *what* the NGB or NGB candidate is doing, as well as *how* the NGB or NGB candidate is operating in practice, consistent with USOPC oversight responsibilities under the Act and the USOPC Bylaws.

NGB certification recommendations will be reviewed and ratified by the USOPC NGB Oversight and Compliance Committee (NGBOC) and Board of Directors. Ultimately, the Board of Directors makes the final decision about each NGB's certification.

## **1. NGB Certification and Renewal**

All NGBs previously recognized as members by the USOPC were considered certified beginning on January 1, 2021. Each NGB's certification will be reviewed and renewed, as appropriate, once every four years on a rolling basis beginning in 2021. Generally, the certification renewal process will take the full calendar year.

Amateur sports organizations applying to become NGBs for the first time will be considered for certification by the CRG as necessary. The CRG may consider certification for NGB candidates only when an amateur sports organization submits a complete application during a designated call for applications for an NGB for a particular sport and following the application process outlined in the Certification Review Procedure. Following the initial certification, these NGBs will be included in the CRG's rolling schedule for certification renewal reviews.

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## 2. Certification Review Group

### a. Membership

The CRG will be chaired by the USOPC's Chief Ethics & Compliance Officer. The CRG will include representation from USOPC departments that regularly interact with NGBs, including at least the following departments:

- i. NGB Audit
- ii. NGB Compliance
- iii. NGB Services
- iv. Athlete Services
- v. Dispute Resolution Unit
- vi. Diversity, Equity & Inclusion
- vii. Paralympic Sport
- viii. Sport Performance
- ix. Athlete Safety

The Office of the Athlete Ombuds will be invited to provide information and input to the CRG review process but will not provide a rating or participate in the formal CRG recommendations contemplated in this policy.

CRG members should challenge each other on their respective NGB certification recommendations and seek to inform each other's impressions with relevant information and perspective. All members of the CRG should understand a CRG member's certification rating. The CRG as a whole owns the overall certification recommendation that the NGBOC and Board of Directors will review and approve.

In the course of their day-to-day work, all CRG members should look for ongoing opportunities to collaborate and work together on their approach to issues with an NGB to foster an effective and efficient overall working relationship. Collaboration in support of NGB performance and compliance should not be considered only during the CRG's formal certification process. CRG members will note NGB best practices seen during the certification process and work with NGB Services to share them regularly with all NGBs.

### b. Meetings

The Chief Ethics and Compliance Officer will maintain an ongoing, regular meeting cadence for the CRG. The CRG must meet no less frequently than monthly. Meeting minutes must be maintained, but there is no expectation that the minutes be made public.

Each year, in addition to reviewing the NGBs that are up for initial certification or certification renewal, the CRG will also review and discuss the NGBs that are scheduled for review in subsequent years for early identification of themes or areas of concern that, if not addressed, could result in significant or severe deficiencies. Potential issues identified by CRG must be discussed with the NGB to address them as soon as possible rather than waiting for the NGB's certification renewal.

The Chief Ethics and Compliance Officer will also lead proactive continuous improvement meetings with the CRG and the NGBs so that the certification process can be as robust as possible. These meetings should occur periodically, but no less frequently than annually. The Chief Ethics and Compliance Officer will gather feedback from the NGBOC to help inform these continuous improvement meetings.

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## 3. Certification Review Criteria

The CRG's certification recommendation for each NGB or NGB candidate will be based on the following criteria:

- a. The results of the NGB's most recent audit against the NGB Compliance Standards. For NGB candidates undergoing an initial certification review, the USOPC's NGB Audit team will conduct an audit as part of the application process for NGB certification.
- b. Developments with the NGB or NGB candidate since the time of its most recent audit to remedy identified issues, and/or developments which one or more CRG members reasonably believe are significant in evaluating whether an NGB or NGB candidate is capable of meeting the obligations of an NGB as contemplated in the NGB Compliance Standards.
- c. The deeper knowledge and reasonable judgement that each CRG member brings regarding how an NGB or NGB candidate performs on matters related to their department against procedures or other specific metrics not included in the NGB Compliance Standards or evaluated in an audit.
- d. Such other, more subjective criteria, not subject to audit but nonetheless important to the roles NGBs play as part of the U.S. Olympic and Paralympic Movement, as may be defined in the reasonable judgment of the CRG. These criteria will include, in all cases, whether an NGB or NGB candidate is actively promoting a culture of integrity and a culture of inclusion.

The CRG may, in its reasonable judgment, allow limited exceptions for NGBs or NGB candidates from meeting one or more of the NGB Compliance Standards required for certification in accordance with Section 8.4.2 of the Bylaws. All granted exceptions must be included in the CRG's final NGB certification report and submitted for as set forth in the Certification Procedures. The CRG may not grant exceptions to requirements related to athlete representation; all athlete representation exceptions are reserved for the NGB Athlete Representation Review Working Group as outlined in the USOPC Bylaws.

## 4. Certification Ratings

Each member department of the CRG will assign the NGB a rating for matters related to their functional roles. NGB candidates will not receive ratings because many of the CRG departments will have had limited interactions with the NGB candidates outside of the certification application process. Instead, the CRG will vote to certify or not certify based on the NGB candidate's application, public hearing performance, and the results of the Certification Audit.

The rating system is tiered and includes the following ratings:

- a. Green

A green rating indicates that the NGB or NGB candidate is performing satisfactorily overall as measured against that department's review criteria.

- b. Yellow

A yellow rating indicates that the NGB or NGB candidate has a significant deficiency on at least one, but less than a majority, of a department's review criteria that, if not resolved, could lead to decertification under Section 8 of the USOPC Bylaws.

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## c. Red

A red rating indicates that the NGB or NGB candidate has such a severe deficiency on one or more of a department's review criteria that it may merit the initiation of the NGB decertification process under Section 8 of the USOPC Bylaws, or, in the case of an NGB candidate, merits declining its application for certification.

## 5. Certification Recommendations and Statuses

The CRG will work as a group to develop an overall recommendation for each NGB or NGB candidate. The overall recommendation of the CRG will be based upon the aggregated ratings of the CRG member departments described in Section 4.

NGB candidates, who are not given ratings, will either be given a Certified in Good Standing recommendation or be declined.

One of the USOPC's core principles is to pursue organizational excellence and to hold itself and all member organizations accountable to that goal. NGB certification is an important piece of implementing that principle, but a Renewal in Good Standing rating should not be considered the ultimate goal for an NGB. This rating means the NGB candidate is performing at a "satisfactory" level, but it is not intended to indicate that the NGB candidate does not need to continue striving to be better. At all times NGBs are expected to uphold the USOPC's core principle of pursuing organizational excellence, even if they are considered to have satisfactory performance. NGB Services will be responsible for supporting NGBs in their ongoing pursuit of organizational excellence.

### a. Renewal in Good Standing

If each participating department rates the NGB as green, the CRG recommendation will be Renewal in Good Standing.

### b. Renewal with Conditions

If at least one department, but less than a majority of departments, rates an NGB as yellow, the CRG's recommendation will be Renewal with Conditions.

An NGB that receives a conditional recommendation will be required to resolve the issue(s) which led to the yellow rating within a period specified by the CRG, not to exceed 180 days after the Board's final approval of the certification recommendation. The CRG will track the NGB's remediation efforts and determine, in its reasonable judgment, whether the deficiencies identified have been satisfactorily resolved within the specified period.

- i. If the CRG determines that the NGB's remediation of the specified issues is satisfactory and timely, then the CRG will recommend that the NGB's certification status be updated Renewal in Good Standing and will provide the NGBOC with an updated recommendation report.
- ii. In the event the CRG determines that an NGB's remediation of the specified issues is unsatisfactory or is not timely, then the NGB decertification process set out in Section 8 of the USOPC Bylaws may be initiated, pending Compliance review.

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## c. Compliance Review and Decertification Proceedings

At any time during the certification process, if any department rates an NGB as red, or if a majority of departments rate an NGB as yellow, the CRG will halt the certification review process.

The Compliance team will initiate a review of the issue(s) that led to the adverse rating(s) and determine, in its discretion, if decertification proceedings are immediately necessary. Compliance may elect to work with the NGB to resolve the issue(s) rather than immediately initiating the decertification process.

### i. Recommendations and Certification Statuses

The CRG will not issue a recommendation report if an NGB's certification review is paused in accordance with this policy, but the CRG will maintain the certification status of the NGB publicly in the event that a certification review is not resumed and completed by the end of the scheduled renewal year.

If a compliance review is initiated but is not concluded by the end of the NGB's renewal year, the NGB's public certification status will be **Pending Additional Review** and it will remain so until the conclusion of the compliance review period, at which point the certification review will resume.

If decertification proceedings are initiated but have not concluded by the end of the NGB's renewal year, the NGB's public certification status will be **Pending Hearing Panel** and it will remain so until the conclusion of the decertification proceedings.

If the final outcome of a decertification proceeding is not to immediately decertify but to instead impose probationary conditions that must be remediated within an established timeframe, then the NGB's public certification status will be updated to **Probationary Renewal**. Upon successful remediation, the hearing panel that oversaw the decertification proceeding will recommend to the CRG that the NGB's certification status be updated to Renewal in Good Standing and the CRG will prepare its certification recommendation report. If the probationary conditions are not successfully remediated within the required timeframe, then the NGB will be decertified in accordance with the hearing panel's ruling.

## 6. CRG Certification Review and Recommendation Process

The CRG's review of each NGB or NGB candidate will be based on CRG discussions and information gathered in advance of, or during, the NGB or NGB candidate's certification. The CRG's work will include ongoing fact gathering, conferring, and discussion between CRG members and NGBs prior to and during the certification cycle, so that all parties can seek to address issues affecting certification as early as possible.

To provide for thoughtful consideration and review of each NGB or NGB candidate's certification and for meaningful NGB engagement and informed participation in the process, the CRG will engage in at least the following steps and timing during the certification process.

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## **a. Initial Findings and Discussion**

The formal CRG review process will begin with CRG discussions and initial ratings from each CRG department. This will be followed by a conversation between Compliance and the NGB or NGB candidate. This conversation will cover the CRG's initial assessment of the organization's current certification status, the reasons for the initial assessment, and actions the organization could take, if any, to improve its certification status.

Unless the NGB Compliance decertification process has been initiated, the CRG will afford reasonable opportunities for input and cooperative effort to address any perceived significant deficiencies (i.e., issues leading to yellow ratings).

## **b. Draft Certification Recommendations**

Following the discussion stage, Compliance, on behalf of the CRG, will prepare a draft NGB certification recommendation report. Following CRG approval of the draft report, Compliance will share it with the NGB or NGB candidate for review.

## **c. Final NGB Certification Recommendation Reports**

After the NGB or NGB candidate has an opportunity to review the draft recommendation report and offer feedback and corrections, the CRG will finalize its certification report, share it with the NGB or NGB candidate, and present it to the USOPC CEO for review and approval.

## **7. Final Recommendations and Ratification**

### **a. NGB Oversight & Compliance Committee**

Following approval by the CEO, final certification reports will be presented to the NGBOC for review, approval, and recommendation to the full Board of Directors.

### **b. Board of Directors**

Following NGBOC review, revisions, and approval, the NGBOC chair will present final certification recommendation reports to the Board for ratification or modification. The Board will vote and make the ultimate decision on an NGB or NGB candidate's certification.

## **8. Publication**

After the Board makes a final certification decision and prior to publication of certification status, the final Board-approved NGB certification report will be shared with the NGB.

For each NGB, the USOPC will publish online the NGB's certification term, certification status at the time of the Board's initial approval, its current certification status, and other relevant information, as determined by the Chief Ethics and Compliance Officer.

## **9. USOPC-Managed Sports**

In instances where the USOPC itself is managing a sport instead of an NGB, whether on an interim basis or as part of the USOPC's in-house Paralympic sport management, the management of those sports is

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not subject to the same certification process outlined in this policy. Instead, internally managed sports will be subject to internal audits.

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## ***Revision History***

- June 22, 2020 (initial publication)
- March 11, 2021 (revised to include additional detail regarding rating categories and updated language concerning internally managed sports)
- September 23, 2021 (revised to rename the Certification Verification Group as the Certification Review Group, expand the Policy's scope to include information about the certification of new NGBs in addition to certification renewals, expanded and clarified the policy as it relates to NGBs rated red during the CRG review process, and relocated policy elements previously located in the Certification Renewal Procedure to the Policy)