

# United States Olympic & Paralympic Committee Procedure



**Procedure Name:** NGB Certification Procedure

**Governing USOPC Policy:** NGB Certification Policy

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

**Owner:** Chief Ethics and Compliance Officer

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

## **Purpose:**

To outline the procedures for carrying out the NGB Certification Policy (the Policy) for amateur sport organizations applying for initial NGB certification and existing NGBs whose certification is being renewed.

## **Overall Objective:**

The Certification Review Group (CRG) is tasked with reviewing NGBs and the amateur sports organizations that apply to become NGBs holistically and making a recommendation on the organizations' NGB certification. This requires the CRG to consider both objective/quantitative and subjective/qualitative information about NGBs and NGB candidates. In conjunction with audits conducted by the USOPC's NGB Audit team, the CRG's certification process, governed by these procedures, is intended to look at both *what* the NGB candidate is doing, as well as *how* the NGB candidate operates in practice.

By conducting this process, the CRG does the necessary due diligence to ensure that organizations certified as an NGB comply with the requirements of an NGB, including those included in the Ted Stevens Olympic and Amateur Sports Act (the Act), the USOPC Bylaws, and the NGB Compliance Standards, as well as operate effectively as an NGB, both at the time of the certification review and sustainably moving forward.

## **Statement of Procedures:**

### **I. Initiation of Certification Reviews**

#### ***Existing NGBs***

##### **1. CRG Certification Renewal Schedule**

Approximately one-fourth of currently certified NGBs are scheduled for certification renewal each year. The recurring four-year certification renewal schedule is set by the Chief Ethics and Compliance Officer to align with the NGB Audit team's audit schedule. Generally, NGBs will undergo certification renewal in the year following their quadrennial audit.

See the Appendix for the 2021-2024 certification renewal schedule.

#### ***New NGBs***

##### **1. Call for Applicants**

When the USOPC identifies a need for a new NGB, such as when a new sport is added to a Delegation Event program, a public "call for applicants" will be issued and posted on TeamUSA.org.

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The call for applicants will announce that the USOPC is seeking applicants for an organization to serve as the NGB for a particular sport. Interested applicants will have until close of business 30 days from the date of posting to submit an application.<sup>1</sup>

## 2. The Application Process

Interested applicants will contact the USOPC for additional information about applying for NGB consideration. The public notice will include the USOPC contact person(s) for this portion of the process.

Prospective applicants will be asked to submit an initial interest form to establish that the organization meets the baseline requirements of the Act to become an NGB and collect contact information relevant to the application. The following information is collected:

- i. Contact information for the person responsible for the application, the organization's CEO/Executive Director, and the organization's legal counsel, as applicable
- ii. The organization's most recent Certificate of Good Standing from its state of incorporation
- iii. The organization's 501(c)(3) status letter from the IRS

If the applicant submits an interest form and is confirmed to be a 501(c)(3) non-profit in good standing, NGB Audit will grant the organization's designated contact access to the online application portal. The application portal will close to all applicants on the date listed in the public call for applicants.

## 3. Initial CRG Review

Following the close of the application period, Compliance will aggregate the submitted applications and all attached documentation and distribute them to the CRG. Each CRG member will review the completed applications. The CRG will come together and discuss the content of each applicant's application. During this discussion, the CRG will note areas where each applicant appears to be a strong candidate for NGB certification as well as areas where each applicant may struggle to transition to a successful NGB.

Based on these discussions, the CRG will vote to move forward with or reject an organization's application for NGB certification. The CRG may also choose to decline all applicants during this initial review stage if, in the CRG's judgement, none of the applicants are capable of operating as an NGB.

An applicant advanced by the CRG becomes the NGB candidate and moves on to public hearings and the Certification Audit. Applicants declined by the CRG following the initial review will receive a letter outlining the reasons the CRG declined their application. Those reasons may include, but are not limited to:

- i. Lack of sufficient resourcing to operate an NGB successfully
- ii. Failure by applicant to demonstrate why it should be the NGB (e.g., organization does not have broad athlete support, organization does not have experience in relevant sport disciplines)
- iii. Severe deficiencies in the organization's policies or execution in high risk areas, such as athlete safety or conflicts of interest

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<sup>1</sup> If the date 30 days following the public notice calling for applicants is a non-business day, then the application period shall be extended to the next business day following that date.

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The CRG will consider all applications and communicate its decision to applicants within a reasonable time following the end of the application period. The CRG's response time may depend on the number of applicants to be reviewed and the CRG's review of NGB certification renewals.

## 4. Public Hearings and the Certification Audit

Following communication of the decisions, the CRG will determine a time and place for a public hearing for the NGB candidate. This first public hearing will be scheduled for at least 30 days following the CRG's communication to the NGB candidate that it advanced in the application process. During the first public hearing, the NGB candidate will have the opportunity to provide an overview of its organization, its future plans, and will take questions from attendees, including members of the CRG. No later than 30 days prior to the public hearing, the CRG will send a written notice, including a copy of the NGB candidate's application, to known amateur sports organizations for the sport. The CRG may engage in public domain internet searches to aid in identifying additional amateur sports organizations.

Following the first public hearing, the NGB Audit team will conduct its Certification Audit. A second public hearing will be scheduled following the conclusion of the audit. During the second public hearing, the NGB candidate will present management action plans for issues identified by the NGB Audit team and take questions from the attendees, again including members of the CRG.

The Application Audit will take between three and five months for the NGB Audit team to complete and issue its final audit report. Once the audit report is issued, the CRG will schedule the second public hearing to be held at least 30 days later. No later than 30 days prior to the public hearing, the CRG will again send a written notice, including a copy of the NGB candidate's application, to the previously identified amateur sports organizations for the sport.

Following the second public hearing, the CRG will begin its review process, assigning ratings and drafting a certification recommendation report.

## II. Review Criteria, Ratings, and Recommendations

### 1. CRG Review Criteria and Examples

The CRG review of an NGB or NGB candidate will consist of the following review criteria:

- a. The NGB or NGB candidate's most recent audit results.
  - i. The NGB Audit team factors in the NGB certification renewal schedule in setting up its audit schedule. Ideally, NGBs will be audited in the year before their certification renewal review, though this is not required.
- b. Information to bring the NGB or NGB candidate's most recent audit current.
  - i. The CRG will note any developments with the NGB or NGB candidate since the conclusion of its most recent audit and the significance of those developments in evaluating whether the NGB or NGB candidate is capable of meeting, or continuing to meet, the obligations of an NGB as contemplated in the Act and NGB Compliance Standards.
- c. The deeper knowledge that each CRG member brings, in their reasonable judgment, regarding how an NGB candidate is performing in their area against procedures or specific metrics not already

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covered in the Certification Audit. Examples of feedback or metrics specific to each department are outlined below.

- i. NGB Audit – NGB or NGB candidate’s cooperation with and responsiveness to NGB Audit.
  - ii. NGB Compliance – NGB cooperation with and responsiveness to any NGB Compliance matters and interactions; patterns of similar or repeated compliance issues arising; patterns of similar or repeated concerns expressed by NGB members and others; compliance concerns raised during the public hearings that were not sufficiently addressed.
  - iii. NGB Services – Evaluation of the NGB or NGB candidate’s focus on its mission and support of athletes; view of the organization’s overall governance effectiveness; presence of the operational and administrative capabilities necessary to effectively run the organization; patterns of similar or repeated concerns expressed by NGB members and others.
  - iv. Athlete Services – NGB or NGB candidate’s commitment to medical and athlete wellness issues; views on an NGB candidate’s relationships and interactions with athletes; NGB management and implementation of its Athlete Career and Education Program (ACE); input from the NGB’s AAC and the NGB’s athlete representative to the USOPC AAC.
  - v. Dispute Resolution Unit (DRU) – NGB conduct of and adherence to USOPC complaint proceedings, as outlined in DRU procedures; NGB conduct during DRU-managed disputes; types, content and number of complaints raised by an NGB’s members; patterns of similar or repeated concerns expressed by NGB’s members and others.
  - vi. Diversity, Equity & Inclusion – NGB or NGB candidate’s demonstrated commitment to DE&I goals and principles through a DE&I action plan; improvement in areas measured by its internal DE&I metrics.
  - vii. Paralympics – Implementation of Paralympic classification policies and procedures, Paralympic selection capacity, and Paralympic sports management; NGB or NGB candidate’s integration of Paralympic sport considerations into the organization’s governance and operations in a meaningful way.
  - viii. Sport Performance – NGB or NGB candidate’s leadership in its sport at developmental and grassroots levels; NGB effectiveness in seeking and deploying USOPC athlete support funding.
  - ix. Athlete Safety – Views on an NGB from its interactions with the U.S. Center for SafeSport; sufficiency of athlete safety programs that demonstrate a strong, existing commitment to athlete safety; concerns raised by athletes or others.
- d. Other more subjective and qualitative criteria, not subject to audit but nonetheless important to an NGB’s performance as part of the U.S. Olympic and Paralympic Movement, as may be defined in the reasonable judgment of the CRG.

Such criteria should be documented and explained as part of the CRG’s review and recommendation process, and must in each case include whether an NGB is actively promoting a culture of integrity, which includes honesty, safety, openness, respect, transparency, excellence, avoidance of conflicts of interest or self-dealing, and generally the core principles of the USOPC; and a culture of inclusion, which contemplates all the protected elements of diversity and non-discrimination set out in the USOPC Code of Conduct. Areas of subjective measurement should be approached with discipline

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and transparency to the maximum extent possible so NGBs and NGB candidates understand what is being evaluated and how.

## 2. Exceptions

The CRG may, in its reasonable judgment, allow limited exceptions for NGBs from meeting one or more of the NGB Compliance Standards in accordance with Section 8.4.2 of the USOPC Bylaws and the Policy.<sup>2</sup>

An NGB or NGB candidate may request an exception by submitting such a request, in writing, to the USOPC Compliance Director during the certification process. NGB candidates may submit a request until the NGB candidate's submission of the management action plan for its Certification Audit. An NGB seeking certification renewal may submit such requests until the end of the first calendar quarter of the NGB's certification renewal year.

The CRG will evaluate the merits of exception requests and approve or reject them, providing feedback in the event of an exception request rejection. All exceptions granted to an NGB will be noted in its final certification report.

## 3. Certification Ratings

Each member department of the CRG will assign the NGB a rating for matters related to their functional roles. For some certification reviews, not every department represented on the CRG will have meaningful input for the NGB. In such cases, that department will not provide an individual rating.

The rating system, defined by the Policy, is tiered and includes the following ratings:

### a. Green

A green rating indicates that the NGB is performing satisfactorily overall as measured against that department's review criteria. A green rating does not indicate that an NGB is performing perfectly and has no room for improvement; rather, identified issues are considered marginal deficiencies that the NGB must address, but are not serious enough to delay or attach conditions to the certification decision.

### b. Yellow

A yellow rating indicates that the NGB 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. A significant deficiency that leads to a yellow rating is distinct from the day-to-day challenges and opportunities for improvement that all NGBs face and CVG members will encounter in their direct work with an NGB.

A yellow rating should come as little surprise to an NGB, as it indicates a significant issue or challenge that has not already been resolved as part of its ongoing work to achieve excellence in its performance as an NGB. Nothing in the certification process replaces or impedes ongoing efforts by an NGB, with the support of the NGB Services team, to achieve excellence in its performance as an NGB.

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<sup>2</sup> All exception requests related to athlete representation requirements must be submitted to the Athlete Representation Review Working Group (ARRWG). The CRG will collaborate with the ARRWG to ensure its decisions are reflected in the certification process.

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## c. Red

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

## 4. CRG Certification Recommendations

The CRG will work as a group to develop an overall certification recommendation for the NGB or NGB candidate. The overall recommendation of the CRG for NGBs will be based on the aggregated ratings of each participating department.

Because CRG members have limited, and sometimes little, interaction with NGB candidates, the CRG will evaluate NGB candidates based on their public hearings, application, certification audit results, and any other information deemed appropriate. NGB applicants will either be Certified in Good Standing or declined based on the CRG's vote. Existing NGBs seeking certification renewal will receive one of the following recommendations:

### a. Renewal in Good Standing

The CRG will issue a Renewal in Good Standing recommendation if no CRG member has rated the NGB as yellow or red.

### b. Renewal with Conditions

The CRG will issue a Renewal with Conditions recommendation if, at the time the CRG issues its final recommendation report, there are outstanding issues that led at least one CRG member, but less than a majority of CRG members, to rate the NGB as yellow.

NGBs receiving a Renewal with Conditions recommendation will be required to satisfactorily resolve the outstanding issues leading to the yellow rating(s) within 180 days of the Board of Directors' ratification of their certification reports. The CRG will track remediation efforts and determine, in its reasonable judgment, whether the deficiencies identified have been satisfactorily resolved within the specified period. The CRG department(s) that gave the yellow rating(s) will be primarily responsible for confirming the identified deficiencies have been effectively remediated. A conditional recommendation is resolved in two ways:

- i. If the CRG determines that the NGB's remediation is satisfactory, then the CRG will recommend that the NGB's certification status be updated to Renewal in Good Standing and submit an updated certification recommendation report to the Board of Directors.
- ii. If the CRG determines that the NGB's remediation is not satisfactory, then the conditional recommendation will be revoked, and Compliance may initiate decertification proceedings for the NGB.

### c. Compliance Review and Decertification Proceedings

If any CRG member rates an NGB as red, or if a majority of CRG members rate the NGB as yellow, the certification process will be paused.

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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.

Compliance will conduct its review in accordance with principles and processes outlined in the [Compliance Policy](#) and the Compliance Investigations Procedure and provide appropriate progress updates to the CRG. Following the completion of its review, Compliance will report to the CRG on the status of the issue(s) that led to the initial red ratings and share its determination about resuming the certification review or initiating decertification proceedings.

## 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 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.

## III. CRG Review and Certification Recommendation Reports

### 1. NGB Engagement and Preparation of the Certification Recommendation Report

The CRG's review includes ongoing fact gathering, conferring, and discussion, including between CRG members, the NGB or NGB candidate, NGB Athlete Advisory Councils (AACs), and NGB athlete representatives to the USOPC AAC, so that all parties can have a sense of certification issues as soon as possible.

The CRG will engage in these steps during the certification review process.

#### a. Initial Conversations

The CRG will meet and determine its overall assessment of the NGB or NGB candidate's status based on each CRG member's rating (green/yellow/red) for their department.

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Compliance will share this assessment of the NGB or NGB candidate's status with the NGB or NGB candidate's CEO/ED, Board Chair, and athlete representatives to the USOPC AAC, if applicable.

- ii. Compliance and the NGB or NGB candidate will discuss work toward resolution of identified deficiencies. The CRG will provide a tracking document with information about the deficiencies, the resolution for those deficiencies, and any USOPC resources that may be helpful to remediating the deficiencies. The NGB or NGB candidate will also receive a deadline for submitting documentation of its completed remediation work for consideration as part of its final certification recommendation report.
- iii. For certification renewals, the CRG will make every effort to complete these steps by the end the first quarter of the NGB's renewal year. For initial certification reviews, the CRG will make every effort to complete these steps within 30 days of the second public hearing.

## **b. Draft Certification Recommendation Report**

- i. Following the initial discussions and updates on the NGB or NGB candidate's progress, Compliance will develop the CRG's draft certification recommendation report. This draft report will include details about actions that the NGB or NGB candidate has taken or has agreed to take in response to previously identified deficiencies affecting its certification status.
- ii. Following socialization and approval of the draft report by the CRG, Compliance will share the draft certification recommendation report with the NGB or NGB candidate, including the CEO/ED, Board Chair, and USOPC AAC representatives, if applicable, for review. The NGB or NGB candidate will have a reasonable opportunity to correct any perceived misstatements of fact in the draft certification recommendation report and provide status updates about issues it is working to resolve.
- iii. After making changes as a result of conversations with the NGB or NGB candidate, Compliance will share the draft certification recommendation report with the USOPC Executive Leadership Team for their information, review, and input.
- iv. For certification renewals, the CRG will make every effort to complete these steps by the end of the second quarter of the NGB's renewal year. For initial certification reviews, the CRG will make every effort to complete these steps within 60 days of the second public hearing.

## **c. Final Recommendation Report**

- i. Following the deadline the NGB or NGB candidate was given for remediation actions to be considered as part of its certification review, the CRG will update its recommendation to be consistent with the current state of the NGB and Compliance will finalize the recommendation report.
- ii. When the CRG's recommendation report is finalized, it will be shared with the NGB candidate's CEO/ED, Board Chair, and athlete representatives for their information, and with the USOPC CEO for review and approval. Once the CRG submits its final report to the USOPC CEO, the CRG's recommendation is final.
- iii. For certification renewals, the CRG will make every effort to complete these steps by the end of the third quarter of the NGB's renewal year. For initial certification reviews, the CRG will

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make every effort to complete these steps within 90 days of the second public hearing (i.e., 120 days from the delivery of the Certification Audit report).

## **2. Certification Ratification**

Following approval by the CEO, the Chief Ethics and Compliance Officer will present the CRG's final NGB certification report to the NGB Oversight and Compliance Committee (NGBOC) for review and approval.

Upon approval of the NGBOC, the NGBOC Chair will present the final NGB certification report to the Board of Directors for ratification.

## **3. Publication**

After the Board of Directors' ratification, an NGB candidate officially becomes the certified NGB for their sport while an existing NGB's certification is renewed. The CRG will share the final NGB certification report with the new NGB's CEO and Board Chair before the report is made public. The USOPC will publish the NGB's certification report online fourteen days later, along with the following information:

- Certification term
- Certification status at the time of initial certification decision by the USOPC Board
- Current certification status

An NGB's current status will not cause the certification status at the time of initial certification to be deleted (e.g., an NGB which fulfills its obligations to move from "Renewal with Conditions" to "Renewal in Good Standing" will not have the initial "Renewal with Conditions" status removed from the USOPC webpage). For transparency purposes, that information will remain online, along with the current status, until the time of the NGB's next certification renewal review.

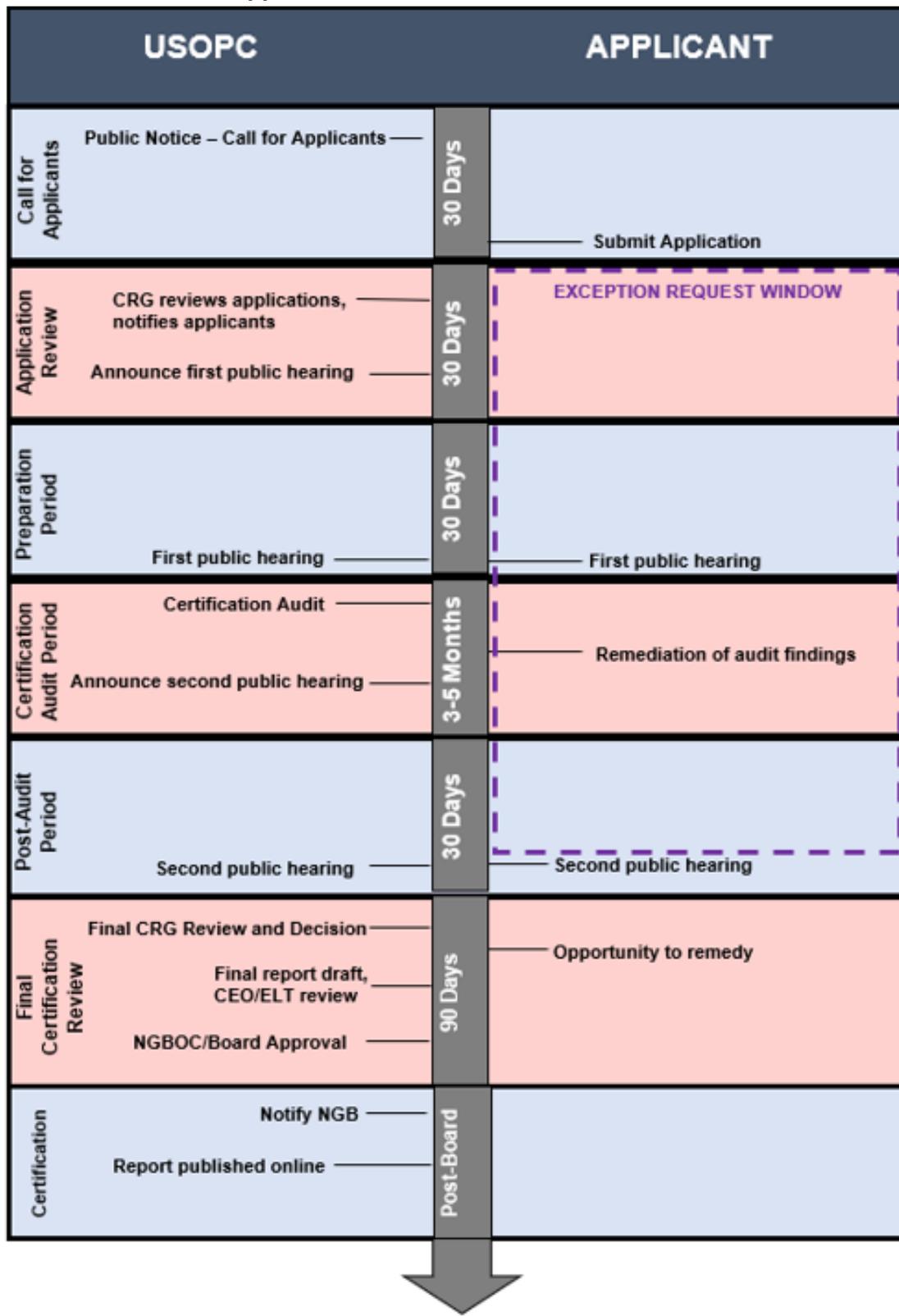
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## ***Revision History***

- June 22, 2020 (initial publication as the NGB Certification Renewal Procedure)
- March 10, 2021 (included additional details about the exception process, updated section relating to internally managed Paralympic sports, removed references to NGB Audit and Organizational Advancement, and removed language also included in Policy)
- September 23, 2021 (re-named NGB Certification Procedure to match new content, added NGB certification application process, updated procedures consistent with changes to the NGB Certification Policy)

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Appendix B: Initial Certification Timeline



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## Appendix B: NGB Certification Review Schedule, 2021-2024

2021	2022	2023	2024
Lakeshore Foundation (Wheelchair Rugby)	American Canoe Association	US Fencing	US Biathlon
National Wheelchair Basketball Association	National Karate-do Federation	US Rowing	US Figure Skating
US Association of Blind Athletes (Goalball)	US Equestrian	US Sailing	US Ski & Snowboard
US Bowling Congress	US Soccer Federation	USA Artistic Swimming	US Speedskating
US Squash	USA Archery	USA Badminton	US Tennis Association
USA Baseball	USA Basketball	USA Pentathlon	USA Bobsled & Skeleton
USA Boccia	USA Climbing	USA Rugby	USA Curling
USA Boxing	USA Diving	USA Shooting	USA Cycling
USA Para Powerlifting (Logan University)	USA Field Hockey	USA Skateboarding	USA Golf
USA Racquetball	USA Gymnastics	USA Surfing	USA Hockey
USA Roller Sports	USA Judo	USA Swimming	USA Luge
USA Water Ski & Wake Sports	USA Table Tennis	USA Taekwondo	USA Softball
	USA Team Handball	USA Track & Field	
	USA Water Polo	USA Triathlon	
	USA Weightlifting	USA Volleyball	
		USA Wrestling	