

US Olympic & Paralympic Committee Policy



Policy Name: NGB Certification Renewal Policy

Date of Issuance: 3/10/2021

Policy Owner: Chief Ethics and Compliance Officer

Applies to: USOPC Certification Verification Group, NGB Oversight and Compliance Committee, and NGBs

Purpose:

To support a culture of strong governance, ethics, and compliance among NGBs and throughout the US Olympic and Paralympic community by creating a USOPC-level certification process for all NGBs.

Policy Statement:

The USOPC believes in having a culture of strong governance, ethics, and compliance among NGBs and throughout the US Olympic and Paralympic community. To support this culture, the USOPC requires all NGBs to be certified in order to remain a member organization. Certification renewals will be ratified by the USOPC Board of Directors, based on the recommendation of the USOPC NGB Oversight & Compliance Committee (Committee).

The certification renewal process will be supported by a USOPC staff cross-functional Certification Verification Group (CVG), led by the USOPC's Chief Ethics & Compliance Officer. The purpose of the CVG is to review each NGB's performance holistically and then, in its reasonable judgment, make a recommendation on the NGB's continued certification. This holistic view and recommendation require the CVG to consider both objective/quantitative and subjective/qualitative information. Building on the NGB Audit process, the CVG certification renewal process is intended to look at both *what* the NGB is doing, as well as *how* the NGB is actually working in practice, consistent with USOPC oversight responsibilities under the Ted Stevens Olympic and Amateur Sports Act and the USOPC Bylaws.

1. NGB Certification, Review, and Renewal

All NGBs recognized as members by the USOPC on January 1, 2021 were considered to be certified. Each NGB's certification will be reviewed and renewed, as appropriate, once every four years on a rolling basis beginning in 2021, in accordance with this policy.

2. Management of the NGB Certification Review and Renewal Process

NGB certification reviews will be managed by the CVG. The CVG will be chaired by the USOPC's Chief Ethics & Compliance Officer. The CVG will include representation from major ongoing NGB touchpoints at the USOPC level, including at least the following departments:

- a. NGB Audit and Organizational Advancement
- b. NGB Compliance
- c. NGB Services
- d. Athlete Services

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- e. Dispute Resolution Unit
- f. Diversity & Inclusion
- g. Paralympics
- h. Sport Performance
- i. Athlete Safety

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

3. Certification Renewal Criteria

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

- a. The NGB's latest audit results.
- b. Developments with the NGB since the time of the last audit to remedy identified issues, and/or which one or more CVG members reasonably believe is significant in evaluating whether an NGB is capable of continuing to perform its obligations as contemplated in the NGB Compliance Standards.
- c. The deeper knowledge that each CVG member brings, in their reasonable judgment, regarding how an NGB is performing on matters related to their functional role against procedures or other specific metrics not included in the NGB Compliance Standards.
- d. Such other, more subjective criteria, not subject to audit but nonetheless important to an NGB's performance as part of the US Olympic and Paralympic community, as may be defined in the reasonable judgment of the CVG. These criteria will include, in all cases, whether an NGB is actively promoting a culture of integrity and a culture of inclusion.

These criteria, including examples of criteria that would typically come into play for particular CVG members, and other specifics of the certification renewal process are set out in more detail in the NGB Certification Procedures and the NGB Audit Standards and Procedures.

The CVG may, in its reasonable judgment, allow limited exceptions for NGBs from meeting one or more of the certification renewal criteria standards in accordance with Section 8.4.2 of the Bylaws. The exception must be included in the CVG's final NGB Certification Renewal Report and submitted for approval as set forth in this policy.

4. Certification Renewal Ratings

Each member of the CVG will assign the NGB a rating for matters related to their functional roles. The rating system is tiered and includes the following ratings:

- a. Green

A green rating indicates that the NGB is performing satisfactorily overall as measured against that CVG member's review criteria.

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b. Yellow

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

c. Red

A red rating indicates that the NGB has such a severe deficiency on one or more of the review criteria that it merits the initiation of the NGB Compliance decertification process under Section 8 of the USOPC Bylaws.

5. Certification Renewal Recommendations

In the case of each NGB's certification recommendation, the CVG will work as a group to develop an overall recommendation. The overall recommendation of the CVG will be based upon the individual recommendations of the CVG members specific to the NGB's performance against the criteria for their functional role.

a. Renewal in Good Standing

- i. To offer a recommendation of Renewal in Good Standing, each CVG member must rate the NGB as "green." A green rating indicates that the NGB is performing satisfactorily overall on the CVG member's review criteria.

b. Renewal with Conditions

- i. If any CVG member rates an NGB as "yellow," the CVG renewal recommendation will be Renewal with Conditions, which indicates that the NGB has a significant deficiency on at least one, but less than a majority, of the review criteria.
- ii. The NGB will be required to satisfactorily resolve the specified issues which led to the yellow rating within a specified time period, not to exceed 180 days after the Board's final approval of the recommendation. The CVG will track the NGB's remediation efforts and determine, in its reasonable judgment, whether the deficiencies identified have been satisfactorily resolved within the specified time period.
- iii. If the CVG determines that the NGB's remediation of the specified issues is satisfactory, then the CVG will recommend that the NGB's renewal certification be updated to Renewal in Good Standing.
- iv. In the event the CVG determines that the NGB's remediation of the specified issues is unsatisfactory, then the NGB Compliance decertification process set out in Section 8 of the USOPC Bylaws will begin and the NGB's renewal status will be updated to Probationary Renewal.
- v. Note that the significant level of deficiency giving rise to a CVG member's rating of "yellow" is distinct from the day-to-day challenges, opportunities, and other matters that CVG members will routinely encounter in their direct work with an NGB on an ongoing basis. The review rating process does not supplant or limit that ongoing work; a "yellow" rating should ideally

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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. Additionally, nothing in the CVG process replaces or should impede ongoing efforts by an NGB, with the support of the NGB Services team, to achieve excellence in its performance as an NGB.

c. Probationary Renewal

- i. At any time during the certification renewal process, if any CVG member's assessment of an NGB is "red," or if a majority of CVG members' current assessments of an NGB are "yellow," the CVG will halt the renewal process and the USOPC Compliance team will initiate the decertification process as set out in Section 8 of the USOPC Bylaws.
- ii. If the decertification process has been initiated and not concluded by December of the NGB's certification year, or if the NGB's renewal status has subsequently changed due to its failure to satisfy the deficiencies identified under a Renewal with Conditions status, then the NGB's certification status will be Probationary Renewal until the conclusion of the NGB Compliance decertification process.
- iii. If the Board's final determination is not to decertify but to instead impose probationary conditions that must be remediated within an established timeframe, then the NGB will remain on Probationary Renewal status until conclusion of the process set out in Section 8 of the USOPC Bylaws. Upon successful remediation, the hearing panel will recommend to the Board that the NGB's current status be updated to Renewal in Good Standing. If the probationary conditions are not successfully remediated within the required timeframe, then the NGB will be decertified in accordance with Section 8.

6. CVG Certification Review and Renewal Recommendation Process

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

To provide for thoughtful consideration and review of each NGB's certification renewal and for meaningful NGB engagement and informed participation in the process, the CVG will engage in at least the following steps and timing during the calendar year in which the NGB is scheduled for renewal.

a. Initial Findings and Discussion with NGB

- i. The formal CVG renewal review process will begin with CVG discussions and initial "green/yellow/red" ratings from each CVG member. This will be followed by discussions between the CVG and the NGB. The discussions will cover the CVG's initial assessment of the NGB's current renewal status, the reasons for the initial assessment, and recommended actions the NGB could take, if any, to improve. At this stage, the NGB will have a reasonable opportunity to correct any misstatements of fact in the CVG's findings.

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- ii. Unless the NGB Compliance decertification process has been initiated, the CVG will afford the NGB a reasonable opportunity for input and cooperative effort to address any perceived significant deficiencies (i.e., potential “yellow” findings). The CVG will make available such discussions within the first calendar quarter of the renewal year.

b. Draft NGB Certification Renewal Recommendations

- i. Following the discussion stage, the CVG will prepare a draft NGB certification renewal recommendation report and share it with the NGB for review. This process will be finished no later than the end of the second calendar quarter of the renewal year.

c. Final NGB Certification Renewal Reports

- i. No later than the end of the third calendar quarter of the renewal year, the CVG will finalize its certification renewal report for the NGB, share it with the NGB, and present it to the USOPC CEO for review and approval.
- ii. In cases in which the CVG recommends that an NGB’s renewal status be updated to Renewal in Good Standing after successful remediation efforts, an updated certification renewal report will be presented to the USOPC CEO for review and approval at the appropriate time throughout the year.

7. Final Renewal Recommendations and Ratification

a. NGB Oversight & Compliance Committee

Following approval by the CEO, final NGB certification renewal reports will be presented to the Committee for review, approval, and recommendation to the full Board. This Committee review will take place by the end of the third calendar quarter of the renewal year. In cases where an NGB’s renewal status is to be updated to Renewal in Good Standing after successful remediation efforts, the updated certification renewal report will be presented to the Committee for review, approval, and recommendation to the full Board at the appropriate time throughout the year.

b. Full Board

Based on Committee review, approval, and recommendations, the Committee chair will present final NGB certification renewal reports to the full Board for ratification or modification. This presentation will occur by the end of the fourth calendar quarter of the renewal year. In cases where an NGB’s renewal status is to be updated to Renewal in Good Standing after successful remediation efforts, the updated certification renewal report will be presented to the full Board for ratification or modification at the appropriate time throughout the year.

8. Publication

After Board approval and prior to publication of status, the final Board-approved NGB certification renewal report will be shared with the NGB. For each NGB, the USOPC will publish online the NGB’s certification

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term, certification status at the time of renewal, 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 a separate NGB, whether on an interim basis or as part of the USOPC in-house Paralympic sport management, the management of those sports is not subject to the same CVG ongoing review and recommendation 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)