

US Olympic & Paralympic Committee Procedure



Procedure Name: NGB Certification Renewal Procedure

Governing USOPC Policy: 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 outline the procedures for carrying out the NGB Certification Renewal Policy (the Policy).

Overall Objective:

The certification review and renewal process is managed by a USOPC cross-functional Certification Verification Group (CVG), led by the USOPC's Chief Ethics & Compliance Officer (CECO).

The purpose of the CVG is to validate each NGB holistically and then, in its reasonable judgment, make a recommendation on the NGB's continued certification. A 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, governed by these procedures, 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.

Statement of Procedures:

1. CVG Certification Renewal Schedule

- a. Beginning in 2021 approximately one-fourth of the NGBs will be scheduled for certification review each year.
- b. The recurring 4-year certification renewal schedule will be set by the CECO in conjunction with the NGB Audit team. See Appendix A for the 2021-2024 certification renewal schedule.

2. CVG Member Expectations

- a. As outlined in the Policy, the CVG will include representation from at least the following departments:
 - i. NGB Audit
 - ii. NGB Compliance
 - iii. NGB Services
 - iv. Athlete Services
 - v. Dispute Resolution Unit
 - vi. Diversity & Inclusion
 - vii. Paralympics
 - viii. Sport Performance
 - ix. Athlete Safety

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The USOPC Office of Athlete Ombudsman will be invited to provide information and input throughout the CVG review process but will not participate in making any formal CVG recommendations on an NGB's certification renewal.

- b. CVG members should challenge each other on their respective NGB certification recommendation and seek to inform each other's impressions with relevant information and perspective as a group. All members of the CVG should understand and support a CVG member's certification recommendation. The CVG as a whole owns the overall decision on an NGB's renewal status.
- c. In the course of their day-to-day work, all CVG members should look for ongoing opportunities to collaborate and work together on their approach to any 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 CVG's formal certification renewal process.

3. CVG Meeting Expectations

- a. The CECO will maintain an ongoing, regular meeting cadence for the CVG. The CVG should meet no less frequently than monthly.
- b. Meeting minutes should be maintained, but there is no expectation that the minutes be made public.
- c. Each year, in addition to reviewing the NGBs that are up for certification renewal in that year, the CVG will also spend time reviewing and discussing the NGBs that will be coming up for review in subsequent years for any early identification of themes or areas of concern that, if not addressed, could result in significant (yellow) or severe (red) deficiencies. Any potential issues identified should be discussed with the NGB and plans developed to remediate any issues as soon as possible rather than waiting for the formal certification renewal process for that NGB.
- d. The CVG will note NGB best practices seen during the Certification Renewal Process and work with NGB Services to share them regularly with all NGBs.
- e. The CECO will also lead proactive continuous improvement meetings with the CVG and the NGBs so that the Certification Renewal Process can be as robust as possible. These meetings should occur periodically, but no less frequently than annually. The CECO will also gather feedback from the CEO and the Board to help inform the continuous improvement meetings.

4. CVG Review Criteria and Examples

The CVG review of each NGB's certification will consist of the following review criteria:

- a. The NGB's **latest audit** results.
 - i. Timing of Audits – The NGB Audit team will factor in the certification renewal schedule in setting up its NGB audit schedule – ideally, an NGB would be audited in the year prior to certification renewal, though this is not required.
 - ii. The NGB Audit team has established a rating scale for each component of the audit. Green or above will be considered green for CVG ratings, yellow or orange will be considered yellow

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for CVG ratings, and red will be considered red. The NGB Audit team will review all of its findings and determine an overall audit rating for CVG purposes.

- b. **Information to bring the relevant NGB audit current.** Any developments with the NGB since the time of the last audit to bring the audit current, 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 Audit Standards.
- c. The deeper knowledge that each CVG member brings, in their reasonable judgment, regarding how an NGB is performing in their area against **procedures or specific metrics not already covered in NGB audits**. Examples of feedback or metrics specific to each functional group are outlined below.
 - i. NGB Audit – NGB cooperation with and responsiveness to the NGB audit process.
 - 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.
 - iii. NGB Services – NGB interactions as they reflect on the NGB’s focus on its mission and support of athletes, and overall governance effectiveness; patterns of similar or repeated concerns expressed by NGB members and others; operational and administrative capabilities to effectively run the organization.
 - iv. Athlete Services - NGB management and implementation of its Athlete Career and Education Program (ACE); NGB interactions on medical and athlete wellness issues as they arise; views on an NGB from its interactions with athletes; 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 NGB members through DRU-managed disputes; patterns of similar or repeated concerns expressed by NGB members and others.
 - vi. Diversity, Equity & Inclusion – NGB’s demonstrated commitment to DE&I goals and principles through its progress on its DE&I action plan, improvement in areas measured by its DE&I scorecard, and in the course of its interactions.
 - vii. Paralympics - NGB compliance and implementation of Paralympic classification policies and procedures, Paralympic selection capacity, and Paralympic sports management.
 - viii. Sport Performance – NGB’s effectiveness in seeking and deploying USOPC athlete support funding; NGB’s leadership in its sport at developmental and grassroots levels.
 - ix. Athlete Safety – Views on an NGB from its interactions with the US Center for SafeSport and athletes and other NGB members generally.
- d. **Other, more subjective and qualitative 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. Such criteria should be documented and explained as part of the CVG’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,

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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. The CVG should be a place for members to exchange experiences, share information about NGBs, and identify issues with an NGB across the areas represented. Areas of subjective measurement should be approached with discipline and transparency to the maximum extent possible, so that NGBs and others understand what is being evaluated and how.

5. Exceptions

The CVG may, in its reasonable judgment, allow limited exceptions for NGBs from meeting one or more of the certification review criteria standards in accordance with Section 8.4.2 of the Bylaws and the Policy.

The CVG may, of its own accord and based on its own members' knowledge, provide a limited exception to a review standard. An NGB may also request an exception by submitting such request, in writing, to the USOPC CECO by the end of the first calendar quarter of the NGB's certification renewal year. The CVG will evaluate the merits of exception requests and approve or reject them, providing feedback to the NGB in the event of an exception request rejection.

The exception must be included in and approved as part of the CVG's final NGB Certification Renewal Report.

6. CVG Certification Recommendations

The CVG will work as a group to develop an overall certification renewal recommendation for each NGB. 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.

For some certification reviews, not every functional group included in the CVG will have had meaningful interactions with the NGB during the period under consideration by the CVG. In such cases, that functional group will not provide an individual rating for the NGB.

a. Renewal in Good Standing

- i. A green rating will result in a recommendation of "Renewal in Good Standing" from the CVG. A green rating from the CVG indicates that the NGB is performing satisfactorily overall. It means that at the time the CVG makes its recommendation to the CEO and the Board, no CVG member has identified a "significant" (yellow) deficiency that, if not resolved, should lead to decertification, or a "severe" (red) deficiency that merits the immediate initiation of the NGB Compliance decertification proceedings.
- ii. One of the USOPC's core principles is to pursue organizational excellence and to hold ourselves and all member organizations accountable. The NGB Certification Renewal Procedures are an important piece of implementing that principle, but a "Renewal in Good Standing" should not be considered the ultimate end goal of the certification renewal process. As stated above, it means the NGB is performing at a "satisfactory" level. It does not necessarily mean that the NGB is performing at a leading level. 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.

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b. Renewal with Conditions

- i. A yellow rating will result in a recommendation of “Renewal with Conditions” from the CVG. A yellow rating from the CVG indicates that at least one CVG member, but less than a majority of CVG members, has identified a significant deficiency on a CVG member’s review criteria that if not resolved in the timeframe set by the CVG should lead to decertification under Section 8 of the Bylaws.
- ii. The NGB will be required to satisfactorily resolve specified issues leading to the yellow rating within a specified time period, which should be tailored to a prompt resolution of the issues and in no case will exceed 180 days after the Board’s final determination. 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. The CVG members giving the yellow rating will be primarily responsible for confirming their identified significant deficiencies have been effectively remediated, while all CVG members must continue to participate in the overall decision as outlined in Section 2 above.
- iii. If the CVG determines that the NGB’s remediation is satisfactory, then the CVG will recommend that the NGB’s renewal certification be updated to Renewal in Good Standing. The CVG member(s) giving the yellow rating(s) will be primarily responsible for confirming their identified significant deficiencies have been effectively remediated, while all CVG members must continue to participate in the overall decision as outlined in Section 2 above.
- iv. In the event the CVG determines that the NGB’s remediation 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 ongoing challenges, opportunities, and other matters that CVG members will routinely encounter in their direct work with an NGB on an ongoing basis. The renewal rating process does not supplant or limit that ongoing work; a “yellow” rating should ideally come as little surprise to an NGB, as it indicates an issue or challenge that hasn’t been resolved as part of ongoing work.

c. Probationary Renewal and Decertification

- i. A red rating from the CVG means that the NGB has a severe deficiency on one or more CVG review criteria. A red rating will trigger the immediate initiation of the NGB Compliance decertification process under Section 8 of the USOPC Bylaws, unless that process is already underway.
- ii. A CVG red rating can occur at any time during the NGB certification renewal process and will arise in one of three ways:
 1. An NGB with a yellow rating does not remediate the issues leading to a yellow rating within the timeframe set by the CVG, unless the NGB is able to show, by clear and convincing evidence that failure to remediate within the timeframe was outside of its control. In this case, the CVG may allow additional time for remediation. If the NGB has not remediated within that additional timeframe, then the NGB Compliance decertification process under Section 8 of the Bylaws will be initiated.

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2. An NGB is given yellow ratings from a majority of CVG members at any time during the NGB certification renewal process.
3. An NGB has a severe deficiency on one or more CVG members' review components.
- iii. If the NGB compliance decertification process is not concluded by December of the NGB's certification year, the NGB's certification renewal will be probationary until the conclusion of the NGB Compliance decertification process.
- iv. 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. The CVG should keep apprised of progress and results of that process on an ongoing basis and assist in ensuring that an NGB's status is tracked by the NGB Oversight & Compliance Committee and in USOPC online resources.

7. Engagement with NGBs and Preparation of NGB Certification Renewal Recommendation Reports

CVG review of each NGB's renewal will be based on CVG discussions and information gathered in advance of and during the NGB's renewal year. CVG work will include ongoing fact gathering, conferring, and discussion, including between CVG members, NGBs, NGB Athlete Advisory Councils ("AACs"), and NGB athlete representatives to the USOPC AAC so that all parties can have a sense of certification renewal issues as early as possible. All issues identified should be addressed and remediated as soon as possible, even if it is prior to the year of renewal.

The CVG will engage in the following steps during the calendar year:

a. Q1.

- i. The CVG will meet and determine its overall assessment of the NGB's current status (green/yellow/red) based on each CVG member's rating for their functional area. This assessment of the NGB's current status will be shared with the NGB, the NGB's AAC, and the NGB's athlete representatives to the USOPC AAC.
- ii. Unless the NGB Compliance decertification process has been initiated, the CVG, the NGB, and the NGB's AAC will collaboratively discuss and work toward informal resolution of any significant deficiencies (yellow ratings).

b. Q2

- i. Following discussions with the NGB and the NGB's AAC and no later than the end of the second calendar quarter, the CVG will develop a draft NGB certification renewal recommendation report. This draft recommendation report should include details about any actions that the NGB has taken or has agreed to take in response to any yellow ratings given by the CVG.
- ii. The CVG will share the draft recommendation report with the NGB including the NGB's CEO, Board Chair, AAC, and athlete representatives to the USOPC AAC for review before the end

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of the second calendar quarter. The NGB will have a reasonable opportunity to correct any alleged misstatements of fact in the draft recommendation report.

- iii. During this period, the CVG should also share the draft NGB certification renewal recommendation report with the USOPC Executive Leadership Team for their information, review and input before being finalized.

c. Q3.

- i. During the third calendar quarter, the CVG will validate that corrective action has been taken and has sufficiently addressed the deficiencies noted in the initial review. Upon validation of corrective action, the CVG will update its rating to be consistent with the current state of the NGB, subject to the process presented in the Policy and these Procedures and draft a final recommendation report.
- ii. When the CVG's recommendation report is finalized, it will be shared with the NGB's CEO, Board Chair, AAC, and athlete representatives to the USOPC AAC for their information, and with the USOPC CEO for review and approval no later than the end of the third calendar quarter. Once the CVG submits its final report to the USOPC CEO, the CVG's recommendation is final.

8. Final Renewal Recommendations and Ratification

Following approval by the CEO, the CVG will present its final NGB certification renewal report to the Board's NGB Oversight and Compliance Committee ("Committee") for review, approval, and recommendation by the end of the third calendar quarter of the renewal year. Previous year NGB certification renewal reports that are ready to be updated to green/Renewal in Good Standing will be presented to the Committee for review, approval and recommendation at the appropriate time throughout the year.

Upon approval of the Committee, the final NGB certification renewal reports will be presented to the full Board for ratification or modification. This final ratification will occur by the end of the fourth calendar quarter of the renewal year. Previous year NGB certification renewal reports that are ready to be updated to green/Renewal in Good Standing will be presented to the full Board for ratification or modification at the appropriate time throughout the year.

9. Publication

After Board approval and prior to publication of status, the final Board-approved NGB report will be shared with the NGB's CEO, Board Chair, AAC, and athlete representatives to the USOPC AAC. For each NGB, the USOPC will publish online the NGB's certification 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. An NGB's current status will not cause the certification status at the time of renewal 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" rating removed from the USOPC webpage). For transparency purposes, that information will remain online, along with the current status, at least until the time of the NGB's next renewal certification review.

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10. 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 NGBs, the management of those sports will be subject to an internal audit.

Revision History

- June 22, 2020 (initial publication)
- 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)

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Appendix A: 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 Paralympic Cycling	USA Archery	USA Badminton	US Tennis Association
US Paralympic Swimming	USA Basketball	USA Pentathlon	USA Bobsled & Skeleton
US Paralympic Track & Field	USA Climbing	USA Rugby	USA Curling
US Squash	USA Diving	USA Shooting	USA Cycling
USA Baseball	USA Field Hockey	USA Skateboarding	USA Golf
USA Boccia	USA Gymnastics	USA Surfing	USA Hockey
USA Boxing	USA Judo	USA Swimming	USA Luge
USA Para Powerlifting (Logan University)	USA Table Tennis	USA Taekwondo	USA Softball
USA Racquetball	USA Team Handball	USA Track & Field	
USA Roller Sports	USA Water Polo	USA Triathlon	
USA Water Ski & Wake Sports	USA Weightlifting	USA Volleyball	
		USA Wrestling	