

# US Olympic & Paralympic Committee Procedure



**Procedure Name:** Compliance Investigations Procedure

**Governing USOPC Policy:** USOPC Compliance Policy

**Date of Issuance:** 3/3/2023

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

**Applies to:** USOPC Staff, Board of Directors, Committees, and Volunteers, and NGBs

## Purpose:

To outline procedures for reviewing reports of alleged non-compliance with the Ted Stevens Olympic and Amateur Sports Act (the Ted Stevens Act), USOPC and NGB bylaws, policies, and procedures, and any other applicable laws or regulations.

## Procedure Statement:

The USOPC's Compliance team is committed to conducting inquiries, compliance reviews, and investigations with the highest level of integrity, while maintaining objectivity, impartiality, and fairness. The USOPC's Compliance team also performs its work independent of any activities or persons that are the subject of a compliance review or investigation.

## Investigation Standards

### A. Report Intake

The USOPC Compliance team receives reports of alleged non-compliance with the Ted Stevens Act, USOPC and NGB bylaws, policies, and procedures, and / or any other applicable laws or regulations through the Integrity Portal, the Integrity Hotline, and by reports made directly to a Compliance team member. Once the Compliance team receives a report, the Compliance team will initiate a review of the information. The USOPC Compliance team will refer all, or a portion, of the report to a USOPC Compliance Investigations team member or to outside counsel. Where appropriate, and in accordance with the [USOPC Athlete Safety Policy](#), the USOPC will refer the matter to the US Center for SafeSport and / or law enforcement. Except where there is a conflict of interest, all reports alleging retaliation for reporting a concern regarding athlete safety will be referred to the US Center for SafeSport and forwarded to the USOPC Office of Security and Athlete Safety. For reports involving allegations that the Chief Ethics and Compliance Officer (CECO), anyone reporting to the CECO, or anyone to whom the CECO reports has engaged in misconduct that otherwise would be investigated by the USOPC Ethics and Compliance team, the Ethics and Compliance team will be recused, and the matter will be handled independently by the USOPC's Ethics and Compliance Committee in accordance with the procedures outlined in the [USOPC Ethics Procedures](#).

The Compliance team prioritizes its handling of reports by considering the risk to athletes, the USOPC, and / or the NGB. Reports of alleged non-compliance will be evaluated in a consistent, timely, and confidential manner. However, the timing and scope of the review will depend on the circumstances of each case and may change throughout the course of the review.

### B. Report Categories and Resolution

Reports will generally fall into one of several categories: allegations, inquiries, compliance reviews, or investigations.

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## **1. Allegations**

Allegations may include claims or concerns that are not actionable by the USOPC, or concerns that qualify for referral to the NGB, the U.S. Center for SafeSport, or another USOPC department for response and resolution.

## **2. Inquiries**

Inquiries may include questions that can be answered quickly or issues that can typically be addressed with research, discussions with the complainant, and / or a review of any documentary evidence, including governing documents and relevant correspondence.

## **3. Compliance Reviews**

Compliance reviews include reviews of allegations that an NGB's or the USOPC's actions violated the organization's bylaws, policies, or procedures, and / or the Ted Stevens Act, as well as reviews to determine whether an investigation or other action is necessary. After a Compliance team member reviews an NGB's applicable policies, procedures and / or actions, and after the conclusion of any interviews where necessary, the Compliance team member will provide a response to the complainant and / or the NGB.

## **4. USOPC and Outside Counsel Investigations**

Investigations may be initiated when issues seriously undermine or threaten the integrity of the USOPC, NGB and / or sport and may include issues that are long-standing or repeated, are substantial in number, or allege misconduct at the USOPC or NGB board or senior management levels. Investigations typically include multiple witness interviews and reviews of documentary evidence. The Compliance team has discretion to recategorize matters at any time based on the unique circumstances of each case. The Compliance team applies a preponderance of the evidence standard in determining whether an individual, the USOPC, or an NGB is non-compliant. The time needed to complete a Compliance Investigation is difficult to estimate, as timing depends on the number of witnesses interviewed, the availability of witnesses, and the number of issues involved. Investigations conducted by the Compliance team may take up to 12 months to complete, barring any events that may cause delays such as Delegation Events or holidays.

Where appropriate, the Compliance team will send a Letter of Concern to the NGB's CEO, Board Chair, and Team USA Athletes' Commission Representative documenting the USOPC's concerns and providing an opportunity for the NGB to respond. If the Compliance team determines that a response is insufficient or lacks an acceptable proposed solution to address the USOPC's concerns, the Compliance team may undertake an investigation on its own or may engage outside counsel to conduct additional fact finding and make recommendations to determine what steps should be taken to address and resolve the NGB's non-compliance. In cases involving alleged USOPC non-compliance, the Compliance team will document its concerns with USOPC leadership and provide an opportunity for that person or persons to respond. Similar to the approach to NGB compliance matters, the Compliance team may conduct an investigation or refer a matter to outside counsel if the Compliance team concludes that USOPC leadership's response is insufficient or does not fully resolve the Compliance team's concerns.

Following an investigation, the Compliance team will provide the USOPC's or NGB's leadership with an overview of the investigation's findings, copying the relevant NGB's Athletes' Commission Representative. A Community Report summarizing the investigation's findings, requirements, and recommendations may also be sent to NGB community members, including staff, athletes, and / or other members.

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## C. Accountability Measures

For NGBs, an investigation may lead to a Demand Letter, which may require a number of recommendations and / or accountability measures, including, but not limited to, additional training; increased financial oversight; reduced, or delayed, grant money; ineligibility to participate in USOPC-sponsored extracurricular events at the Olympic and Paralympic Games; mandatory restructuring of an NGB's Board of Directors; or decertification pursuant to Section 8.11 of the USOPC Bylaws. Similarly, for investigations involving USOPC matters, the Compliance team may require specific reforms to address findings.

To develop and impose NGB accountability measures, the Compliance team works closely with internal stakeholders who provide insight into the most effective measures that will ensure NGBs resolve deficiencies and implement long-term strategies and solutions to mitigate risk. If the Compliance team determines that accountability measures are necessary, the USOPC will work with the NGB to provide guidance and support, including assisting in providing resources (e.g., internal training or referral to third party training) to resolve the deficiency.

A formal investigation is not required to impose accountability measures. Instead, accountability measures may result from the USOPC response or an NGB's response to a Letter of Concern or observations of continued practices that, while serious, do not warrant decertification in the case of an NGB. If at any point the USOPC Compliance team determines that accountability measures are not fully addressed, the USOPC can initiate decertification proceedings for NGBs under Section 8 of the USOPC Bylaws. If the USOPC fails to address required reforms, those issues will be escalated to an executive team member, the CEO, or the Ethics and Compliance Committee as appropriate.

## D. Confidentiality

Reports submitted to the USOPC Compliance team are confidential and may be submitted anonymously. The USOPC Compliance team will make every effort to keep the identities of the reporting parties and witnesses confidential. However, USOPC Compliance may disclose an individual's identity or identifying information where the USOPC is required by law to report a matter to law enforcement.

Reports filed with the USOPC Compliance team, whether filed confidentially or anonymously, may be referred to an NGB for resolution if the matter is more appropriately resolved by the NGB.

## E. Protection Against Retaliation

As set forth in the USOPC's [Code of Conduct](#) and [Speak Up Policy](#) the USOPC has a zero-tolerance policy for retaliation against individuals who make good faith reports of potential ethical, policy, or legal violations, or who cooperate with reviews or investigations of those reports. Any such retaliation can be reported as described in the [Speak Up Policy](#) and the [Compliance Policy](#) in the same way as any other potential policy violation and will be reviewed in accordance with the procedure outlined above.

## F. Interference

If the USOPC concludes there is evidence that an NGB, a USOPC team member, or any other individual obstructs a review or an investigation, or an NGB or USOPC team member otherwise demonstrates that they are not fully committed to cooperating with a review or investigation, the USOPC may draw an adverse inference from that conduct and may use that inference in reaching its conclusions.

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## G. Reporting

The USOPC Compliance team will review reports of alleged non-compliance that are reported through the Integrity Portal, or Integrity Hotline, or through any other means. Individuals who wish to report a claim of alleged non-compliance should refer to the USOPC [Speak Up Policy](#) and [Compliance Policy](#) for more information.

## H. Other Investigations

The USOPC has other departments that also conduct investigations; however, their work differs substantially from the Compliance team’s work. The Office of Security and Athlete Safety investigates and resolves certain allegations of Prohibited Conduct as defined in the SafeSport Code that are not within the United States Center for SafeSport’s (the Center) exclusive jurisdiction or where the Center declines jurisdiction. For more detailed information concerning the Office of Security and Athlete Safety’s policies, jurisdiction, and investigation procedures go to the USOPC’s [Athlete Safety](#) site on TeamUSA.org.

The USOPC’s People and Culture team works with third parties and in some cases with the Legal Department to investigate alleged workplace misconduct, including theft of USOPC property, unauthorized disclosure of confidential or privileged USOPC information, and falsification of USOPC reports or records, among other matters. Please refer to the USOPC [Code of Conduct](#) and the USOPC’s Team Member Handbook located on the People and Culture section of the USOPC’s SharePoint site for additional information.

## Procedure History

Publication Type	Procedure Approver	Enabling Action	Publication Date	Next Scheduled Review	Summary of Changes
Initial Publication	Chief Ethics and Compliance Officer	Approval, December 16, 2021	December 16, 2021	N/A	N/A – initial publication.
Procedure Update	Ethics and Compliance Committee	Committee Vote, March 3, 2023.	March 3, 2023	March 2024	Updated policy reference links; added reference to procedures for handling complaints regarding the Ethics and Compliance team; added report category for allegations; added reference to timing, response, and reporting requirements; streamlined formatting.