

U S Olympic & Paralympic Committee Policy



Policy Name: Compliance Policy

Date of Issuance: 6/17/2021

Policy Owner: Chief Ethics & Compliance Officer

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

Purpose:

The purpose of the USOPC's Compliance Policy is to outline the role of the Ethics and Compliance department's Compliance team, led by the Chief Ethics & Compliance Officer.

Policy Statement:

The USOPC promotes a culture of ethics and compliance among National Governing Bodies and Paralympic Sport Organizations (collectively NGBs), within the USOPC, and among individuals and entities that engage with NGBs and the USOPC. To promote this culture, the USOPC's Compliance team is responsible for ensuring NGBs and the USOPC comply with the Ted Stevens Olympic and Amateur Sports Act (the Ted Stevens Act or the Act), their own bylaws and policies, and any other applicable laws or regulations.

Through its [Speak Up Policy](#), the Compliance team also seeks to empower USOPC employees, NGBs, and individuals within the Olympic and Paralympic movements to raise and report any actual or potential code of conduct violations; non-compliance with baseline governance, conflicts of interest, and ethics rules; violations of state or federal law; discrimination claims; and violations of the Ted Stevens Act, and NGB and USOPC Bylaws or policies.

Overview

The Ted Stevens Act gives the USOPC the ability to review all matters related to the continued certification of its members and to take any action it deems appropriate, including placing conditions on continued certification of NGBs. The Act also outlines general requirements of organizations certified by the USOPC as NGBs. The USOPC's Bylaws also include membership requirements, which the NGB and USOPC Compliance team oversees and implements in partnership with NGBs. The Ethics and Compliance team consists of four functional teams: Ethics, NGB and USOPC Compliance, Compliance Investigations, and NGB Audit. This policy is specific to the Compliance functions and provides an overview of the NGB and USOPC Compliance team's and the Compliance Investigations team's core responsibilities.

A. NGB and USOPC Compliance

The NGB and USOPC Compliance team is responsible for developing and implementing the USOPC's internal policies, procedures, and control framework consistent with the requirements set forth in the USOPC's Bylaws and policies, and the Ted Stevens Act. To promote awareness of and compliance with the USOPC's Compliance program, the Compliance team is also responsible for training USOPC employees on an annual basis. The Compliance team also conducts periodic reviews of USOPC policies and procedures, and partners with People & Culture on internal matters involving employee misconduct. The Chief Ethics & Compliance Officer provides regular program updates to the Board of Directors and the USOPC's Ethics and Compliance Committee and provides periodic overviews of Compliance investigations to the Finance, Audit, and Risk Committee.

U S Olympic & Paralympic Committee Policy

The NGB and USOPC Compliance team also oversees NGB compliance, working closely with NGB Services to ensure the USOPC is providing clear and consistent answers to compliance-related questions; provides ethics and compliance training to NGB senior management as necessary; and provides compliance support to NGBs. A significant part of the Compliance team's NGB support is maintaining the NGB Compliance Standards, which provide NGBs with baseline requirements set forth in the Ted Stevens Act and the USOPC Bylaws, as well as USOPC standards for certification as a USOPC NGB. In addition to engagement with NGB senior management on ad hoc matters, a member of the NGB and USOPC Compliance team attends monthly NGB Council meetings, and contributes to content on the USOPC's NGB Hub, a resource portal that includes policy templates, best practices, NGB-related news, and training seminars. The Chief Ethics and Compliance Officer also provides regular program updates to the Board of Directors and to the USOPC's NGB Oversight and Compliance Committee.

B. Certification Verification Process

The certification renewal process is supported by a cross-functional group within the USOPC led by the Chief Ethics & Compliance Officer referred to as the Certification Verification Group (CVG). This group meets on a regular basis to discuss NGBs that are subject to certification renewal or organizations that apply to be certified as an NGB. The CVG reviews an NGB or an applicant organization's performance holistically, then provides a recommendation for its certification status, including renewal in good standing, renewal with conditions, or the initiation of decertification proceedings. The CVG's review is based on a variety of factors including, but not limited to, the NGB's compliance with the USOPC's NGB Compliance Standards; the NGB's most recent audit results; the NGB's efforts to remediate deficiencies identified by the USOPC's Compliance Investigations team or the NGB Audit team; and overall operational effectiveness.

The Compliance team supports the CVG by developing and updating the [Certification Renewal Policy](#) [add link] and the Certification Renewal Procedure [add link]. The Compliance team also drafts reports summarizing the CVG's findings and its certification recommendation for review by NGB leadership, the NGB's USOPC Athletes' Advisory Council representative, USOPC leadership, and the USOPC's Board of Directors and NGB Oversight and Compliance Committee.

C. Compliance Investigations

The Compliance Investigations team is responsible for overseeing, and in some cases conducting, reviews and investigations relating to NGB non-compliance such as code of conduct, governance, or conflict of interest issues that a NGB has not sufficiently addressed or cannot address based on conflicts of interest between the NGB and the reporting party and / or the responding party. The Compliance team receives reports concerning NGB non-compliance from a variety of sources, including individuals within the Olympic and Paralympic movements, and confidential or anonymous reports.

Upon receipt of such reports, the Compliance Investigations team prioritizes its handling of reports based on risk to athletes, the USOPC, and / or the NGB. Reports will generally fall into one of several categories: inquiries, compliance reviews, or investigations. 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. Compliance reviews include reviews of allegations that a 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. Investigations may be initiated when issues seriously undermine or threaten the integrity of the NGB and / or sport and may include issues that are long-standing or repeated, are substantial in number, and / or allege misconduct at the NGB board or senior management levels. Investigations typically include

U S Olympic & Paralympic Committee Policy

multiple witness interviews and reviews of documentary evidence. The Compliance Investigations team has discretion to recategorize matters at any time based on the unique circumstances of each case.

Where appropriate, a Letter of Concern is sent to the NGB's CEO, Board Chair, and USOPC Athletes Advisory Council Representative documenting the USOPC's concerns and providing an opportunity for the NGB to respond. If the Compliance Investigations team determines that a response is insufficient or lacks a proposed solution to address the USOPC's concerns, the USOPC may undertake an investigation 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.

Investigations may lead to a Demand Letter, which may require a number of accountability measures, including but not limited to additional training, increased financial oversight, reduced or delayed grant money, and ineligibility to participate in USOPC-sponsored extracurricular events at the Olympic and Paralympic Games, and mandatory restructuring of an NGB's Board of Directors or decertification pursuant to Section 8.11 of the USOPC Bylaws. To develop and impose accountability measures, the Compliance Investigations 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. A formal investigation is not required to impose accountability measures and may instead result from an NGB's response to a Letter of Concern or observations of continued practices that, while serious, do not warrant decertification. If a Demand Letter is not fully addressed, the USOPC can initiate decertification proceedings under Section 8 of the USOPC Bylaws.

D. USOPC Integrity Portal

The Compliance team oversees the intake of anonymous and confidential complaints from USOPC employees, NGBs and their employees, other individuals within the Olympic and Paralympic movements, and other third parties. A dedicated online portal will soon be available to these individuals to report matters ranging from board or employee misconduct to misuse of USOPC funds to fraud or corruption involving NGBs, athletes, or other third parties. A member of the Compliance team will review each report and determine which department should receive the report based on the alleged conduct. A Compliance team member will prioritize Ethics and Compliance cases and assign them to an Ethics and Compliance team member for investigation and resolution. Reports sent to other departments will be reviewed and prioritized by USOPC staff within those departments.

E. Escalation

USOPC employees, NGBs and their employees, other individuals within the Olympic and Paralympic movements, and other third parties may report concerns regarding code of conduct violations, violations of state or federal law, or violations of internal procedures, among other matters. USOPC employees may make confidential or anonymous reports by calling the USOPC Ethics Hotline at 1-877-404-9935. As referenced above, third parties such as athletes and NGBs will soon have access to a reporting portal that allows them to send confidential or anonymous reports to the USOPC. Until then, third parties may email compliance@usopc.org to report an issue. USOPC employees and third parties should also refer to the USOPC's Speak Up Policy [add link] and may report issues by whatever means is most comfortable for them.

Complaints related to any of the matters listed below should be immediately reported to the USOPC's Chief Ethics and Compliance Officer at Holly.Shick@usopc.org or at 719.922.9861.

1. Evidence of substantial non-compliance with a grievance procedure affecting an athlete's right to compete.

U S Olympic & Paralympic Committee Policy

2. Matters involving non-compliance with the Ted Stevens Act, USOPC or NGB Bylaws, or the USOPC's Code of Conduct that present a risk to the USOPC, including but not limited to conflicts of interest involving Board of Directors or executive level employees, athlete wellness, and governance practices that affect the day-to-day operations of an organization, e.g., improper use of funds, lack of transparency, fraud.
3. Fraud, misuse, or embezzlement of USOPC funds or property by or bribery or corruption of a member of an NGB or USOPC Board of Directors or USOPC employees.
4. Cheating or gambling by a person employed by or associated with an NGB involving a Protected Competition as defined in Section 1.3 of the USOPC Bylaws.
5. Bribery of an official, referee, umpire, judge, or any other individual who is responsible for interpreting or enforcing rules of sport by a person employed by or associated with an NGB in connection with a Team USA athlete's participation at a Protected Competition.
6. A member of a Board of Directors or executive level employees within the USOPC or an NGB has been arrested or charged with a crime.
7. Bribery of a member of the International Olympic Committee, the International Paralympic Committee, PanAm Sports, the USOPC Board of Directors, or USOPC senior management in connection with a United States host city bid.

Sexual, emotional, and physical abuse, bullying, and hazing must be reported to the [United States Center for SafeSport](#) (SafeSport). Reports relating to alleged doping should be reported to the [United States Anti-Doping Agency](#) (USADA). If the USOPC Compliance team receives complaints that fall within SafeSport's or USADA's jurisdiction, those complaints will be sent to the appropriate organization for review. Reports of alleged criminal conduct will be referred to the appropriate law enforcement authorities, and senior management at the USOPC will also be notified.

U S Olympic & Paralympic Committee Policy

Revision History

June 17, 2021 (initial publication)