UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE
CERTIFICATION REVIEW GROUP

USA WATER SKI & WAKE SPORTS

Certification Renewal Recommendation Report for US Water Ski and Wake Sports

December 16, 2021

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

USA Water Ski and Wake Sports Certification Renewal
Executive Summary

In January 2021, the United States Olympic and Paralympic Committee (USOPC) Certification Review Group (CRG; formerly the Certification Verification Group), in accordance with the USOPC's NGB Certification Policy, began a certification renewal review of USA Water Ski and Wake Sports (USA-WSWS). The CRG evaluated USA-WSWS, and based on input from CRG members as well as NGB Audit's Consultative Review,[1] the CRG recommends a certification status of Renewal in Good Standing.

The CRG's review of USA-WSWS found that the organization is meeting the USOPC's NGB Compliance Standards in the five core areas of evaluation for certification: Governance and Compliance, Financial Standards and Reporting Practices, Athlete Protections and Rights, Sport Performance, and Operational Performance. The Consultative Review conducted by the USOPC's NGB Audit team in November 2020 found that USA-WSWS did not initially meet the NGB Compliance Standards related to required content for its bylaws and multiple of its policies, among other findings, but USA-WSWS has taken action to resolve the findings and fully meet the NGB Compliance Standards at the time of the CRG's certification recommendation.

As a result of this review, the CRG recommends that USA-WSWS be granted a certification status of Renewal in Good Standing for a four-year certification term ending in 2025.

[1] See Appendix for additional information about NGB Audit's Consultative Review and how it differed from a full audit.

Organizational Overview

USA Water Ski & Wake Sports, Inc. (USA-WSWS) is the USOPC-certified NGB for amateur water skiing and wake sports in the United States and is the United States' member of the International Waterski and Wakeboard Federation, the international federation for water skiing and wake sports. USA-WSWS governs nine disciplines of towed water sports, including slalom, team skiing, ski racing, hydrofoiling, kneeboarding, and wakeboarding. USA-WSWS fields multiple national teams to represent the United States at international competitions, including the US Elite Water Ski Team, the US Elite Barefoot Water Ski Team, the US Wakeboard Team, and the US Disabled Water Ski Team.[2] As of 2019, USA-WSWS' membership totaled approximately 15,000.

Certification History

USA-WSWS was originally certified in January 2021.[3] The CRG's certification review was initiated based on USA-WSWS' scheduled quadrennial certification review. USA-WSWS' certification status has not been referred for review outside of the standard NGB certification review schedule.

Certification Exceptions[4]

Following NGB Audit's Consultative Review, USA-WSWS requested an exception from the NGB Compliance Standards related to its background check policy. NGB Audit found that USA-WSWS' background check policy did not include all categories of affiliated individuals required under the USOPC's Responsible Sport Organization Background Check Policy (RSO Policy). In its request, USA-WSWS argued that its volunteer judges should not be considered as relevant "officials" under the RSO Policy as "no individual judge has 'authority, control, or influence' over any competitor."[5]

The CRG considered and denied USA-WSWS' exception request. The CRG disagreed with USA-WSWS' reasoning and determined that judges serve in a position of authority over athletes, as that authority is inherent in judges' roles. Individuals' authority over athletes is a distinction that is specifically addressed in the RSO Policy as a factor for requiring background checks of an individual.[6] While the Policy indicates that its provisions "may not apply to volunteers and others who only have incidental and observable contact with athletes at events,"[7] the CRG determined that judges are not among these categories of volunteers due to their position of authority.

Based on the CRG's denial of USA-WSWS' exception request, NGB Audit's finding related to USA-WSWS' background check policy was considered in the CRG's certification review and USA-WSWS took action to resolve the finding.

Athlete Representation Approval and Exceptions[8]

USA-WSWS has not yet appeared before the Athlete Representation Review Working Group (ARRWG). USA-WSWS will present to the ARRWG before January 1, 2022, when the USOPC's new athlete representation requirements go into effect.

USA-WSWS did not indicate plans to request exceptions from the athlete representation requirements during the certification process.

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[2] About Us, USA Water Ski and Wake Sports webpage

[3] Refer to the Appendix for additional details on the initial certification.

[4] Refer to the Appendix for additional details on exception requests in the certification process.

[5] USA-WSWS' exception request initially included additional categories of volunteers, but the other categories were not individuals for whom background checks would be required under the RSO Policy. As such, the CRG considered only judges in its review of the exception request.

[6] USOPC Responsible Sport Organization Background Check Policy, Section (I)(A)

[7] USOPC Responsible Sport Organization Background Check Policy, Footnote 2

[8] Refer to the Appendix for additional details on athlete representation exception requests.

Certification Review[9]

Governance and Compliance

The CRG determined that USA-WSWS is fulfilling the Governance and Compliance-related responsibilities of an NGB. USA-WSWS has adopted and enforces a code of conduct, conflict of interest, gifts and entertainment, and whistleblower policies; has made these policies publicly available on its website; and has defined procedures to address violations of these policies. In addition, USA-WSWS has not been the subject of any compliance-related complaints filed with the USOPC's NGB Compliance team or Dispute Resolution Unit in the recent past.

NGB Audit found that USA-WSWS' bylaws required updates in a number of areas, including board member election and independence requirements, to meet the NGB Compliance Standards. USA-WSWS' code of conduct, statement of ethics, conflict of interest policy, gifts and entertainment policy, and the USA-WSWS AAC Policies and Procedures also needed revisions to include elements required by the NGB Compliance Standards. USA-WSWS revised its bylaws and policies throughout 2021 to resolve these findings and fully meet the NGB Compliance Standards. The USA-WSWS Board of Directors approved all of the revised documents in October 2021.

In addition, NGB Audit also found that USA-WSWS' online board roster required an update to include the board members' terms and the organization's sport discipline boards did not yet include qualified athlete representation. USA-WSWS took appropriate action to resolve these findings as well.

USA-WSWS completed a diversity and inclusion scorecard to provide a snapshot of the diversity of its board of directors, standing committees, staff, membership, national team coaches and athletes, and developmental team coaches and athletes.[10] The scorecard is intended to provide a way to identify opportunities for USA-WSWS to increase diversity, equity, and inclusion (DE&I) in amateur water skiing and wake sports and to assist in creating action plans that best deploy its resources for DE&I success. In 2019, USA-WSWS performed well against its own representation benchmarks for women on its professional staff, in its membership, and as national team athletes; and persons with disabilities as national team coaches and athletes. In these categories, USA-WSWS met at least 85% of its benchmark targets. USA-WSWS performed moderately well against its benchmarks for women as part-time employees and interns as well as persons with disabilities on its board of directors, meeting between 69% and 84% of its benchmark targets. In all other areas where USA-WSWS was measured its benchmarks, including all categories evaluating the representation of people of color and military veterans, USA-WSWS had significant room for improvement, meeting 68% or less of its benchmark targets. USA-WSWS will have the opportunity to address these and other areas of improvement in a DE&I action plan for the 2021-2024 quadrennium.

Financial Standards and Reporting Practices[11]

The CRG determined that USA-WSWS is fulfilling its obligations related to its Financial Standards and Reporting Practices. USA-WSWS demonstrates the financial capability to administer its sport; is financially transparent; maintains audited accounting records; and made its tax documentation and financial statements publicly available on its website.

NGB Audit found that USA-WSWS' internal policies and procedures did not include sufficient written policies documenting its internal controls and other financial processes to fully meet the NGB Compliance

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[9] Refer to the Appendix for additional details on the review standards and process for information related to NGB Audit's Consultative Review of USA-WSWS.

[10] USA-WSWS 2019 Diversity and Inclusion Scorecard

[11] As noted in the Appendix, the NGB Audit team did not test USA-WSWS' financial controls or procedures as part of the Consultative Review process.

Standards. USA-WSWS adopted revised financial policies and procedures to address this finding in October 2021.

Athlete Protections and Rights

USA-WSWS has complied with applicable athlete safety and U.S. Center for SafeSport (the Center) requirements and maintained athlete safety and anti-doping policies. The USOPC is not aware of any cases it has received in the past four years concerning USA-WSWS that should have been reported to the Center but were not reported in accordance with the Center's reporting requirements. For its part, the USOPC has reported all matters to the Center relating to USA-WSWS that the USOPC was required to report. Additionally, NGB Audit verified that USA-WSWS received a rating of "Fully Implemented" for all elements of its program, with the exception of Education and Training, in which it received a "Not Implemented" rating, in its most recent audit by the Center in 2019. USA-WSWS took corrective action and received a closure letter affirming that all issues had been resolved in March 2020.

NGB Audit found that USA-WSWS' background check policy required revisions to include language requiring background checks for all individuals who must be screened under the RSO Policy. The required updates to USA-WSWS' background check policy include the background screening of judges as previously noted. Additionally, USA-WSWS' policies and event membership documents needed updates to include language required by the NGB Compliance Standards. USA-WSWS revised its policies and other documentation to resolve all of these findings and fully meet the NGB Compliance Standards in October 2021.

Sport Performance

USA-WSWS is fulfilling its obligations in Sport Performance. The organization maintains and executes on a strategic plan that is capable of supporting athletes in achieving sustained competitive excellence and growing the sport, established clear selection procedures for international competition, and has successfully conducted trials to fulfill those selection procedures.

A representative of the USOPC's Sport Performance team indicated that USA-WSWS does not have extensive interactions with the USOPC, but that there were no concerns with the organization's sport performance programs to date.

Operational Performance

The CRG determined that USA-WSWS has demonstrated the managerial capacity to administer the sport, maintained adequate insurance to manage its risk, and maintained financial sustainability, thereby fulfilling its Operational Performance obligations.

NGB Audit found that there was a lack of clarity in how USA-WSWS provides equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted as required by Section 220524(6) of the Ted Stevens Olympic and Amateur Sports Act (the Act). NGB Audit found that USA-WSWS provides funding to its various sport disciplines, which then distribute funds to elite athletes. USA-WSWS, however, was unable to substantiate how this funding is regulated or monitored to ensure compliance with the Act. USA-WSWS updated its policy manual to more explicitly indicate how USA-WSWS athletes can qualify for support, consistent with gender equity requirements of the Act and the NGB Compliance Standards.

In addition, NGB Audit also found that USA-WSWS' grievance procedures must be revised to include multiple elements that are required by the NGB Compliance Standards. USA-WSWS revised its grievance procedures to fully meet the NGB Compliance Standards and published the revised procedures in October 2021.

Conclusion

The CRG has concluded that USA-WSWS is performing satisfactorily overall based on input from the CRG, the results of the NGB Audit team's Consultative Review completed in November 2020, and USA-WSWS' work to resolve the concerns identified by the Consultative Review. USA-WSWS fully addressed all deficiencies identified in the Consultative Review and there are no outstanding areas of concern affecting its certification status. Accordingly, the CRG recommends that USA-WSWS' certification as a member organization of the USOPC be renewed with a certification status of Renewal in Good Standing.

Appendix

Certification Renewal Process

The USOPC believes in a culture of strong governance, ethics, and compliance among the NGBs that, as member organizations of the USOPC, make up the Olympic and Paralympic movement. Recent amendments to the Ted Stevens Olympic and Amateur Sports Act, which became law in late 2020, require the USOPC to certify NGBs.[12] The USOPC determined that as of January 1, 2021, all member organizations would be certified and their certifications would be reviewed for renewal on a rolling basis every four years.[13]

Governed by the USOPC's NGB Certification Policy, the NGB certification review process is supported by a cross-functional body of professionals at the USOPC, the Certification Review Group (CRG), who interact with NGBs in their day-to-day work. These professionals evaluate an NGB's operations across multiple functional areas to provide a holistic review of an NGB's performance and culture. In addition to enumerated standards for NGB performance described in the Act, the Bylaws, and the USOPC's NGB Compliance Standards, the CRG considers departmental observations about an NGB's operations that may not be identified in a formal audit scenario but are relevant to consider when evaluating an NGB's overall performance.

Certification Standards, Exceptions, and Review Components

As described in Section 8.4.1 of the USOPC Bylaws, NGBs must satisfy certification requirements in five core areas: Governance and Compliance, Financial Standards and Reporting Practices, Athlete Protections and Rights, Sport Performance, and Operational Performance. The USOPC's Implementation Guide for NGB Compliance Standards provides NGBs with specific guidance for how they will be evaluated in each of these core areas.

Section 8.4.2 of the USOPC Bylaws permits an NGB to submit a request for limited exceptions to any of the NGB Compliance Standards which, as a result of its overall structure or other extenuating circumstances, cannot or need not be reasonably met. The CRG evaluates all requests received and grants or denies such limited exceptions.

Various provisions of Section 8.5 of the USOPC Bylaws permit NGBs to seek exceptions related to minimum athlete representation requirements on boards and designated committees as well as exceptions or additions to which of its committees are considered designated committees. The Athlete Representation Review Working Group evaluates and approves or denies all requests made under Section 8.5.

Consultative Reviews

The NGB Compliance Standards were published in 2020; however, NGBs are not required to fully comply with the NGB Compliance Standards until January 1, 2022.

To provide time for NGBs that are scheduled for certification renewal in 2021 to fully comply with the NGB Compliance Standards, the NGB Audit team conducted Consultative Reviews for those NGBs rather than a full audit, which typically includes testing and more detailed reviews of internal controls and use of USOPC grant money. The Consultative Reviews assessed the NGBs' policies and procedures to assist them in focusing on areas reviewed under the NGB Compliance Standards in preparation for the certification renewal process.

NGB Audit completed a Consultative Review of USA-WSWS in November 2020. All references to NGB Audit's assessment of USA-WSWS' performance are derived from this Consultative Review.

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[12] See §220521(a) of the Ted Stevens Olympic and Amateur Sports Act.

[13] NGB Certification Policy, Section 1.