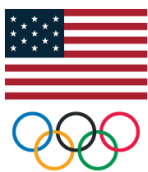


**UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE
CERTIFICATION REVIEW GROUP**



**Certification Recommendation Report for
the National Wheelchair Basketball Association**

December 7, 2022



**UNITED STATES
OLYMPIC & PARALYMPIC
COMMITTEE**

National Wheelchair Basketball Association NGB Certification Executive Summary

In August 2020, the United States Olympic and Paralympic Committee (USOPC) sought applicants for organizations to serve as the National Governing Body (NGB) for the sport of wheelchair basketball. The USOPC received an application from one organization, the National Wheelchair Basketball Association (NWBA). Following two public hearings and an audit conducted by the USOPC's NGB Audit team, the USOPC's Certification Review Group (CRG; formerly the Certification Verification Group), in accordance with the principles outlined in the USOPC's NGB Certification Policy, began a certification review of the NWBA. Based on the findings of NGB Audit's Certification Audit, the NWBA's action to address the findings of the Certification Audit, the information presented by NWBA management in the public hearings, and input from CRG members, the CRG recommends that the NWBA become an NGB with a certification status of Certified with Conditions.

The CRG's review of the NWBA found that the organization is meeting the majority of 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. While the Certification Audit conducted by the USOPC's NGB Audit team found that the NWBA did not fully meet the NGB Compliance Standards in all areas of evaluation initially and needed to revise its bylaws and several of its policies, among other findings, NWBA management presented reasonable action plans and executed them swiftly to address outstanding issues and reach compliance.

In its discussions of the NWBA's interactions with the USOPC, the CRG identified operational concerns that prevented the organization from being certified in good standing. In particular, the CRG had concerns with the NWBA's financial stability based on its 2021 financial statements and its managerial capability based on the ongoing vacancy in the full-time CEO position several months after the departure of its prior CEO. The CRG considers these significant deficiencies and placed the following conditions on the NWBA's certification in a separate Certification Agreement:

- The NWBA must develop a high performance model that is sustainable over the long term and includes, but is not limited to, consideration of identifying a partner organization to support the high performance program
- The NWBA must include the new high performance model in its Board of Directors' approved strategic plan
- The NWBA must demonstrate efforts to increase overall funding for the organization, including through grants (excluding USOPC grants), sponsors, and membership fees
- The NWBA must demonstrate improvements to the organization's cash flow over the course of 2023 by identifying new, stable revenue streams
- The NWBA must name an interim CEO who is not a member of the Board of Directors as soon as possible to serve until a full-time CEO is hired
- The NWBA must begin a CEO search, conclude the search by March 1, 2023, and onboard the new CEO as soon as practicable

As a result of this review, the CRG recommends that the NWBA be granted a certification status of Certified with Conditions. In the Certification Agreement, the NWBA and the USOPC have agreed that if the NWBA does not meet the requirements outlined above by December 31, 2023, it will relinquish its certification status. If the CRG determines that the NWBA has successfully addressed the specified issues within that timeframe and satisfies the requirements of the Certification Agreement, the CRG will recommend that its certification status be upgraded to Certified in Good Standing. If the NWBA fails to resolve the specified issues to the CRG's satisfaction within that timeframe, this conditional certification status will be revoked and NWBA will relinquish its NGB certification.

Organizational Overview

The National Wheelchair Basketball Association was the USOPC-recognized HPMP for wheelchair basketball in the United States and is the United States' member of the International Wheelchair Basketball Federation (IWBF), the international federation for the sport of wheelchair basketball. The NWBA aims to provide "qualified individuals with physical disabilities the opportunity to play, learn and compete in the sport of wheelchair basketball."¹ The NWBA fields men's and women's national teams to represent the United States at the Paralympic Games, the Parapan American Games, and other international competitions. As of 2022, the NWBA had membership of nearly 3,000 across 42 states and over 225 teams.²

Certification History

The NWBA sought NGB status and certification for the first time in August 2020. Prior to this, the NWBA was recognized as an HPMP by the USOPC but was not a certified NGB.

Certification Exceptions³

The NWBA did not request any exceptions from the NGB Compliance Standards in its application for NGB certification.

Athlete Representation Approval and Exceptions⁴

The NWBA did not request any exceptions from the athlete representation requirements of the NGB Compliance Standards.

Certification Review⁵

Governance and Compliance

The CRG determined that the NWBA is fulfilling the Governance and Compliance-related responsibilities of an NGB. The NWBA has adopted and enforces a code of conduct, conflict of interest, and gifts and entertainment policies; has made these policies publicly available on its website; and has defined procedures to address violations of these policies. In December 2021, the CRG paused its certification review while USOPC Compliance investigated allegations of retaliation and poor governance and communication within the NWBA. USOPC Compliance determined that the allegations of retaliation were unsubstantiated, but did put forward recommendations for the NWBA to increase communication to athletes. Accordingly, the CRG determined that the investigation will not impact the NWBA's certification.

NGB Audit found that the NWBA's bylaws needed updates to include required elements, including those regarding board responsibilities and functions, to fully meet the NGB Compliance Standards. NWBA management submitted revised bylaws that included the previously missing elements for a membership vote at its annual assembly in July 2021. The membership vote carried and the revised bylaws were adopted.

NGB Audit also found that the NWBA's code of conduct, conflict of interest policy, and gift and entertainment policy required revisions to include elements required under the NGB Compliance Standards. The NWBA published revised versions of each of these policies that include all required elements during the second quarter of 2021.

¹ [About](#), NWBA Official Webpage

² *Id.*

³ Refer to the Appendix for additional details on exception requests in the certification process.

⁴ Refer to the Appendix for additional details on athlete representation exception requests.

⁵ Refer to the Appendix for additional details on the review standards. All references to findings by NGB Audit are references to the Certification Audit issued in March 2021.

NGB Audit's testing also identified deficiencies in the NWBA's conflict of interest disclosure process. Of the 10 conflict of interest disclosure forms sampled, NGB Audit found that one form did not include the disclosure of a potential conflict for the individual and one form was incomplete because the individual did not update the form with requested changes after it had been reviewed. NGB Audit tested the NWBA's conflict of interest disclosure process in June 2022 following the organization's collection of annual disclosure forms and found that the revised processes for its new conflicts of interest policy resolved this execution issue.

Financial Standards and Reporting Practices

The CRG determined that the NWBA is fulfilling many, but not all, obligations related to its Financial Standards and Reporting Practices. The NWBA demonstrates financial transparency; maintains audited accounting records; and made its tax documentation and financial statements publicly available on its website.

In its review of the NWBA's general ledger, NGB Audit found that not all of the expenditures made using the NWBA's 2019 USOPC grant funds reconciled with the final grant report submitted to the USOPC and the difference exceeded NGB Audit's variance thresholds. The NWBA reviewed its records and corrected the error in March 2021, immediately after NGB Audit issued the finding. During Q2 2020, the NWBA transitioned from a private accountant to a third-party accounting provider and updated its accounting processes accordingly. The new accounting processes include enhanced electronic tracking, filing, and reporting functionality. These control improvements to the NWBA's accounting system reduce the risk of a similar error occurring for grant fund reconciliations.

Additionally, NGB Audit found that the NWBA did not have evidence that its board of directors had approved a budget. To address this finding the NWBA's board approved a FY2021 budget at its March 2, 2021 meeting and the approval was properly documented in the meeting minutes.

The CRG found that in the NWBA's 2021 audited financial statements, the organization's financial position had deteriorated and the organization was carrying a higher level of debt than it had historically at year-end. In addition, CRG members noted that concerns about cash flow were impacting the NWBA's ability to hire a new full-time CEO. As a result, the CRG has significant concerns with the organization's ability to financially sustain the sport of wheelchair basketball and has made its recommendation for the NWBA's certification conditional on an increase overall funding for the organization, including through grants, sponsors, and membership fees, in 2023. The NWBA must also demonstrate improvements to its cash flow in 2023, including by identifying new, stable revenue sources, as a condition of this certification.

Athlete Protections and Rights

The NWBA maintains and enforces an athlete safety program consistent with the requirements of relevant federal law, as well as with the policies and standards of the USOPC and the U.S. Center for SafeSport (the Center). The USOPC is not aware of any non-compliance issues with the anti-doping rules and requirements of the USOPC and the U.S. Anti-Doping Agency.

The NWBA has complied with applicable athlete safety and the Center requirements. The USOPC is not aware of any cases it has received in the past four years concerning the NWBA 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 the NWBA that the USOPC was required to report.

In October 2021, the Center conducted its most recent Administrative Audit of the NWBA's implementation of policies required by the Center's SafeSport Code and Minor Athlete Abuse Prevention Policies. The

NWBA received a rating of “Implemented” in all areas of the audit, which resulted in no findings.⁶ In April 2022, the Center conducted its most recent Event Audit for the NWBA, resulting in no findings.⁷

In its Certification Audit, NGB Audit found that the NWBA’s background check policy and anti-doping policy were missing elements required under the NGB Compliance Standards, including the timing of background checks and who is required to have a background check. The NWBA published revised versions of its background check policy and the anti-doping policy in July 2021 and January 2022, respectively. The NWBA’s background check and anti-doping policies now fully meet the NGB Compliance Standards.

Sport Performance

The NWBA is fulfilling many of its obligations in Sport Performance. The organization has established clear selection procedures for international competition and successfully fulfilled those selection procedures. In its review, the CRG found that the NWBA does not make a significant investment in its high performance programs beyond the funding it receives from the USOPC for that purpose. To that end, the CRG requires that the NWBA develop a sustainable high performance model, including identifying a partner organization to support the high performance program, as a condition of this certification.

NGB Audit found that the NWBA’s classification policies and procedures required minor improvements to comply with the NGB Compliance Standards. The NWBA’s own actions were not solely responsible for its non-compliance and it had actively worked to comply; rather, the IWBF’s requirements were not compliant with the International Paralympic Committee’s requirements and that has forced the NWBA to remain out of compliance in some areas while the IWBF conforms to the IPC Code requirements. The IWBF is now compliant with the IPC Code and this finding has been closed.

Operational Performance

The NWBA has demonstrated capacity to administer the sport of wheelchair basketball, maintained adequate insurance to manage its risk, and maintained financial sustainability. However, the CRG is concerned with the organization managerial capability, as the NWBA has not had a full-time CEO or interim CEO since its previous CEO, Will Waller, resigned in June 2022. The CRG believes that a full-time CEO is essential to provide leadership and stability to the organization. As a condition of this certification, the CRG requires that the NWBA appoint an interim CEO as soon as possible, conduct a search for a permanent CEO immediately, conclude the search by March 1, 2023, and onboard the new hire as soon as possible after identifying them .

Some of the NWBA’s operational policies initially did not meet the NGB Compliance Standards in all areas. NGB Audit found that the NWBA’s grievance policy and whistleblower policy did not include elements required by the NGB Compliance Standards. The NWBA published revised versions of these policies to include all required elements in July 2021. Additionally, NGB Audit found that the NWBA’s athlete support criteria were not published and available to athletes, an issue that the NWBA resolved by publishing its athlete support criteria on its website.

NGB Audit also found that the NWBA’s board had not approved the organization’s strategic plan. Meeting minutes indicate that the plan was discussed, but did not include any indication that a vote was taken. To resolve this finding, the NWBA’s strategic plan was re-presented to its board and formally approved at a meeting in March 2021. The NWBA will have the opportunity to revisit this strategic plan when it incorporates the high performance program strategy required as a condition of this certification.

The NWBA has put in place a Diversity, Equity, and Inclusion Action Plan for the 2021-2024 quadrennium. The plan includes four primary goals: promotion and retention of women in the sport, promotion of transgender athlete participation in the sport, creation of a military division for active and retired military

⁶ [US Center for SafeSport Administrative Audit Report](#), October 26, 2021.

⁷ [US Center for SafeSport Event Audit Report – University of Akron: Recreation Center, Akron, Ohio](#), April 22, 2022.

personnel to participate in the sport, and increasing the number of women in leadership at NWBA. The plan includes multiple initiatives to achieve these goals and success measures for the NWBA to assess its progress through 2024.

Conclusion

The NWBA is meeting a majority of the NGB Compliance Standards, but it must address some areas of significant deficiency before it meets all requirements and expectations of an NGB. While there are no outstanding severe deficiencies that merit rejecting its application for NGB certification, the CRG has identified significant issues that require remediation before the CRG recommends certifying the NWBA as a member in good standing. As such, the CRG recommends that the NWBA's certification as a member organization of the USOPC be granted a rating of Certification with Conditions. The conditions of this certification, specified in the Certification Agreement, are:

- The NWBA must develop a high performance model that is sustainable over the long term and includes, but is not limited to, consideration of identifying a partner organization to support the high performance program
- The NWBA must include the new high performance model in its Board of Directors' approved strategic plan
- The NWBA must increase overall funding for the organization, including through grants (excluding USOPC grants), sponsors, and membership fees
- The NWBA must demonstrate improvements to its cash flow over the course of 2023 by identifying new, stable revenue streams
- The NWBA must appoint an interim CEO who is not a member of the Board of Directors as soon as possible to serve until a full-time CEO is hired
- The NWBA must begin a CEO search, conclude the search by March 1, 2023, and onboard the new CEO as soon as practicable

As part of this Certification with Conditions rating, the NWBA will have from the date of the USOPC Board of Directors' ratification of this report until December 31, 2023 to meet the conditions of this certification. If the NWBA successfully meets these conditions, the CRG will recommend that its certification rating be upgraded to Certification in Good Standing. If the NWBA does not take satisfactory action to meet the conditions of this certification before December 31, 2023, the NWBA will relinquish its NGB status without contesting its decertification.

Appendix

Certification 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 NGBs⁸. 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.⁹

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.¹⁰ 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.

In the case of an organization applying to become an NGB for the first time, the USOPC accepts applications from amateur sports organizations seeking to become the NGB for a particular sport during a public call for applications. Following a 30 day application period, the CRG will select an organization to move forward as an NGB candidate. The NGB candidate will participate in two public hearings and an Certification Audit conducted by the NGB Audit team. The CRG uses the information obtained from the organization's application, the public hearing, the Certification Audit, and any interactions with the organization and its management team to inform its certification recommendation.

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 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.

In addition to outlining the requirement that all NGBs receive approval for committees that are considered Designated Committees, various provisions of Section 8.5 of the USOPC Bylaws permit NGBs to seek exceptions related to minimum athlete representation requirements on boards and committees. The Athlete Representation Review Working Group evaluates and approves or denies all requests made under Section 8.5.

⁸ See §220521(a) of the Ted Stevens Olympic and Amateur Sports Act.

⁹ [NGB Certification Policy](#), Section 1.

¹⁰ The CRG uses a four-year lookback period during its review process.