

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

**Certification Recommendation Report for
Lakeshore National Adapted Sport Organization
Wheelchair Rugby and Boccia
December 7, 2022**



**UNITED STATES
OLYMPIC & PARALYMPIC
COMMITTEE**

Lakeshore National Adapted Sport Organization NGB Certification

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 rugby. The USOPC received an application from one organization, Lakeshore Foundation, which is the home of USA Wheelchair Rugby. Following two public hearings and an audit conducted by the USOPC's NGB Audit team, the USOPC's Certification Review Group (CRG), in accordance with the principles outlined in the USOPC's NGB Certification Policy, began a certification review of Lakeshore Foundation. During the certification review period, Lakeshore Foundation submitted an additional application to become the NGB for the sport of boccia and informed the CRG of a change in its strategy that would see a new wholly owned subsidiary, Lakeshore National Adapted Sport Organization (LNASO), take over the relevant operations from Lakeshore Foundation and be the entity certified as the NGB for wheelchair rugby and boccia. The CRG considered both applications and evaluated LNASO for certification. Based on the findings of NGB Audit's Certification Audit, the information presented by Lakeshore Foundation and LNASO management, and input from CRG members, the CRG recommends that LNASO become the NGB for both wheelchair rugby and boccia with a certification status of Certified with Conditions.

The CRG's review of LNASO found that the organization is meeting many 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 Lakeshore Foundation did not fully meet the NGB Compliance Standards in all areas of evaluation and the organization's bylaws and several of its policies required updates, among other findings, Lakeshore Foundation has taken appropriate action to resolve many of these findings and reach full compliance for LNASO. However, there are some areas where LNASO must take further action to fully meet the NGB Compliance Standards as it begins operations, including gaining tax-exempt recognition from the IRS, demonstrating sufficient athlete representation, and executing on a conflict of interest disclosure process.

The CRG did not identify any operational concerns or cultural issues that raised concerns about how LNASO would conduct its programs or would prevent LNASO's certification. Overall, in the areas in which CRG members had interacted with Lakeshore Foundation as a High Performance Management Organization (HPMO), the CRG had a favorable view of its operations and LNASO's ability to carry forward Lakeshore Foundation's existing wheelchair rugby program as the NGB while adding a boccia program. As a result of this review, the CRG placed the following conditions on LNASO's certification:

- LNASO must obtain tax-exempt status from the IRS¹
- LNASO's Designated Committees must have sufficient athlete representation
- LNASO must execute on its conflicts of interest policy's disclosure process and successfully complete NGB Audit's testing of the disclosure process

As a result of this review, the CRG recommends that LNASO be granted a certification status of Certified with Conditions. In the Certification Agreement, LNASO and the USOPC have agreed that if LNASO does not receive tax exempt status on or before December 31, 2023, it will relinquish its certification status. Other required conditions of certification must be completed within 180 days of the USOPC Board of Directors' ratification of the certification recommendation. If the CRG determines that LNASO 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 LNASO does not receive IRS tax exempt status on or before December 31, 2023, LNASO's conditional certification status will be revoked and LNASO will relinquish its NGB certification. If the IRS grants LNASO tax exempt status but LNASO fails to resolve the specified issues to the CRG's satisfaction within the specified timeframe, its certification rating will be downgraded and the USOPC will discuss whether accountability measures are appropriate to address LNASO's delayed action.

¹ LNASO's agreement to relinquish its certification status if the IRS does not grant it tax exempt status is included in a separate Certification Agreement.

Organizational Overview

Lakeshore National Adapted Sport Organization (LNASO) is a wholly owned subsidiary of Lakeshore Foundation. Formed in 2022, LNASO's mission is "to enable United States athletes to achieve sustained competitive excellence...and to promote and grow the sports of wheelchair rugby [and] boccia..."² LNASO's wheelchair rugby program is the transition of Lakeshore Foundation's long-standing wheelchair rugby program, for which Lakeshore Foundation served as the USOPC's recognized HPMO.

Certification History

Lakeshore Foundation sought NGB status and certification for the sport of wheelchair rugby for the first time in August 2020. Prior to this, the Lakeshore Foundation was recognized as an HPMO for the sport of wheelchair rugby by the USOPC but was not certified. Lakeshore Foundation has operated the wheelchair rugby program since the USOPC began overseeing Paralympic sport in 2001.

Lakeshore Foundation submitted an additional application for NGB status and certification for the sport of boccia in August 2021 while the certification review for wheelchair rugby was ongoing. The CRG considered Lakeshore Foundation's applications for NGB certification for both wheelchair rugby and boccia concurrently.

During the certification review, Lakeshore Foundation informed the USOPC of a change in its strategy and its intention to form LNASO as the entity to serve as the certified NGB. LNASO will incorporate the existing USA Wheelchair Rugby program from Lakeshore Foundation and manage the new boccia program. As a result, the CRG continued its review by evaluating LNASO for NGB certification.

Certification Exceptions³

The CRG granted one exception for LNASO related to Paralympic classification for wheelchair rugby:

- Standard D.3 c: NGBs with a Paralympic program must adopt the U.S. Paralympics National Classification Policies & Procedures or establish national classification policies and procedures that comply with the U.S Paralympics National Classification Policies & Procedures and the IPC Athlete Classification Code and International Standards.

LNASO does not have jurisdiction over national classification matters in the U.S. for wheelchair rugby. This responsibility lies with the U.S. Wheelchair Rugby Association, an organization that is independent from the USOPC and LNASO, and therefore not bound by the NGB Compliance Standards. Accordingly, the CRG granted LNASO an exception to Standard D.3 c, specific to wheelchair rugby. LNASO has adopted compliant classification policies for boccia.

Athlete Representation Approval and Exceptions⁴

LNASO did not request any exceptions from the athlete representation requirements during the NGB certification process.

Certification Review⁵

Governance and Compliance

² Lakeshore National Adapted Sport Organization Bylaws at Section 3.1.

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.



The CRG determined that LNASO is prepared to fulfill the Governance and Compliance-related responsibilities of an NGB. LNASO has adopted all required policies; has made these policies publicly available on its website; and has defined procedures to address violations of these policies. Lakeshore Foundation's wheelchair rugby program was not the subject of any compliance-related complaints filed with the USOPC's Dispute Resolution Unit in the four-year review period.

In the Certification Audit, NGB Audit found that the Lakeshore Foundation's bylaws did not include all required elements to meet the NGB Compliance Standards, including a description of board member qualifications, the number and type of board positions, election, selection, and removal procedures for board members, and standing committee requirements. Similarly, NGB Audit also found that Lakeshore Foundation also did not have board composition defined in such a way that provided representation for independent and affiliate members as required by the NGB Compliance Standards. Lakeshore Foundation prepared compliant bylaws that included these elements and the LNASO Board of Directors adopted the bylaws in November 2022.

NGB Audit also found that Lakeshore Foundation did not include the required levels of athlete representation at the board or committee level at the time of its Certification Audit. LNASO's bylaws include the proper requirements for athlete representation and meet the NGB Compliance Standards. LNASO's Board of Directors includes elite athlete representation from both wheelchair rugby and boccia and the organization will continue to populate its committees with sufficient athlete representation as it forms the committees. Significant progress has been made to close this finding, but it will remain open until LNASO populates its committees and NGB Audit can validate that athlete representation meets the NGB Compliance Standards. It is a condition of this certification that LNASO ensure that its committees include sufficient athlete representation to resolve this finding.

NGB Audit also found that Lakeshore Foundation's code of conduct and conflicts of interest policy were missing multiple elements required by the NGB Compliance Standards. LNASO's versions of these policies include all required elements and meet the NGB Compliance Standards. Lakeshore Foundation was also found to have no gift and entertainment policy covering its sport operations, which has been resolved by LNASO adopting a gifts and entertainment policy that includes all elements required by the NGB Compliance Standards.

NGB Audit's Certification Audit also found that Lakeshore Foundation did not have a membership structure that was open to any individual or sports organization that conducts programs in the sport as required by the NGB Compliance Standards. Lakeshore Foundation also did not publish a board roster or board minutes on its website. Lakeshore Foundation published membership guidance and a board roster on its website to partially resolve these findings, though this was prior to LNASO's formation, and the organization will need to transition or create equivalent publications for its membership requirements, board roster, and board minutes for LNASO's website to remain in compliance with the NGB Compliance Standards.

NGB Audit's testing also found deficiencies in Lakeshore Foundation's conflict of interest disclosure process, finding that the organization was not documenting its review of conflict of interest disclosures and not all individuals required to submit disclosures under Lakeshore Foundation's policy did so. LNASO has adopted a conflict of interest policy that accounts for these deficiencies and NGB Audit will conduct testing to assess LNASO's execution of the policy after conflict of interest disclosures are collected from its board and Designated Committee members. Successful completion of this testing to close the NGB Audit finding is a condition of this certification.

Finally, LNASO is not currently recognized by the IRS as a tax-exempt not-for-profit corporation as required by the NGB Compliance Standards. LNASO submitted the required application for tax-exempt status in June 2022 and expects to receive confirmation of its tax-exempt status in early 2023, though processing delays from the IRS may extend this timeline. Obtaining tax-exempt status is a condition of this certification, with the CRG requiring that LNASO be a recognized tax-exempt organization no later than December 31, 2023.

Financial Standards and Reporting Practices

The CRG determined that LNASO is prepared to fulfill its obligations related to its Financial Standards and Reporting Practices. LNASO, based on its parent entity Lakeshore Foundation's practices as well as the practices of the wheelchair rugby program prior to its transition from Lakeshore Foundation, demonstrates the financial capability to administer its programs, is financially transparent, and maintains audited accounting records.

In the Certification Audit, NGB Audit found that Lakeshore Foundation only made its IRS Forms 990 available upon request rather than publishing them on its website as required by the NGB Compliance Standards. Lakeshore Foundation resolved this issue promptly by publishing the required documentation and LNASO will continue to publish all required documentation.

Additionally, NGB Audit found that Lakeshore Foundation's financial policies and procedures were missing elements required by the NGB Compliance Standards, including for cash management, banking, and contracting requirements. Lakeshore Foundation has adopted revised versions of the financial policies and procedures that include all elements required by the NGB Compliance Standards to apply to LNASO.

Athlete Protections and Rights

Lakeshore Foundation has complied with applicable athlete safety and U.S. Center for SafeSport (the Center) requirements for its wheelchair rugby program. The USOPC is not aware of any cases it has received in the past four years concerning Lakeshore Foundation 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 Lakeshore Foundation that the USOPC was required to report.

The Center conducted an Administrative Audit of Lakeshore Foundation's wheelchair rugby program in December 2021.⁶ The Center found that Lakeshore Foundation did not implement effective controls to ensure that board members completed SafeSport training on an annual basis and that Lakeshore Foundation did not properly communicate the Minor Athlete Abuse Protection Policies (MAAPP) and reporting mechanism to staff and contractors in 2021.⁷ Lakeshore Foundation agreed on corrective actions with the Center to resolve these findings and the Center affirmed Lakeshore Foundation's full compliance in May 2022.⁸ LNASO will operate using the same athlete safety protocols that were assessed in the Center's audit of Lakeshore Foundation for wheelchair rugby and boccia. The Center will conduct an onboarding review of LNASO as a new NGB beginning in the fourth quarter of 2022.

NGB Audit found that Lakeshore Foundation's background check policy was missing elements by the NGB Compliance Standards, which has been resolved in a revised version of the policy that LNASO has adopted. Additionally, NGB Audit also found that Lakeshore Foundation did not include the anti-doping language required by the NGB Compliance Standards in its documentation provided to athletes. LNASO adopted a code of conduct that includes the required language and fully meets the NGB Compliance Standards.

Sport Performance

Lakeshore Foundation fulfilled its obligations in Sport Performance as the HPMO for wheelchair rugby, and LNASO is well-positioned to continue that success. By continuing Lakeshore Foundation's program for wheelchair rugby, LNASO will execute on a strategic plan capable of supporting athletes in achieving sustained competitive excellence and growing the sport and maintain clear selection procedures for international competition. LNASO worked with the USOPC Paralympic Sport team to create a high-performance plan for boccia during the summer of 2022 that LNASO will execute going forward.

Operational Performance

⁶ [US Center for SafeSport 2021 Administrative Audit Report – USA Wheelchair Rugby](#), December 13, 2021.

⁷ *Id.*

⁸ [US Center for SafeSport Corrective Actions Update – USA Wheelchair Rugby](#), May 31, 2022.

LNASO has demonstrated, through the Lakeshore Foundation staff's track record with wheelchair rugby, the managerial capacity to administer its sports, maintain adequate insurance to manage its risk, and maintain financial sustainability, thereby positioning itself to fulfill its Operational Performance obligations as an NGB.

NGB Audit found that Lakeshore Foundation's grievance policy and whistleblower policy did not include all elements required by the NGB Compliance Standards. LNASO has adopted and published revised versions of these policies that include all required elements as of November 2022. Additionally, NGB Audit found that Lakeshore Foundation did not have an anti-discrimination policy or statement as required by the NGB Compliance Standards. LNASO published a compliant anti-discrimination statement to resolve this finding.

NGB Audit also found that USA Wheelchair Rugby's performance criteria for athlete support was not published online or in an athlete handbook. Lakeshore Foundation published performance criteria online and provided more specific information to athletes in direct communications, which NGB Audit verified. LNASO will continue this practice.

Lakeshore Foundation implemented a Diversity, Equity, and Inclusion (DEI) Action Plan for its fiscal year 2022 in October 2021 with a goal of expanding the organization's DEI objectives beyond workforce matters to certain governance, policy development, and business practice implementation, including its sport programs that LNASO will administer. LNASO will have an opportunity to present its own DEI Action Plan in FY2023 and continue building its DEI initiatives.

LNASO has not yet adopted a strategic plan for the organization as required by the NGB Compliance Standards. LNASO's board of directors met for the first time in November 2022, and it is reasonable that the new board must take time to create a strategic plan that matches its vision for the organization. NGB Audit will return to evaluate LNASO's compliance in 2023.

Conclusion

The CRG has concluded based on its evaluation of the organization, the results of the NGB Audit team's Certification Audit of Lakeshore Foundation, and LNASO's subsequent actions to address issues by adopting compliant policies and practices prepared by Lakeshore Foundation in anticipation of the subsidiary's formation, that LNASO is prepared to meet most of the requirements in the five core areas of evaluation for NGB certification. Furthermore, the CRG is confident that LNASO will perform well based on the USOPC's previous interactions with the Lakeshore Foundation and its staff, who will continue to operate LNASO. However, the CRG identified areas where, based on LNASO's recent formation, LNASO has not yet demonstrated compliance with the NGB Compliance Standards and cannot yet be considered as a member in good standing. Accordingly, the CRG recommends that LNASO's certification as a member organization of the USOPC be granted with a status of Certified with Conditions. The conditions of this certification are:

- LNASO must obtain tax-exempt status from the IRS on or before December 31, 2023
- LNASO's Designated Committees must have sufficient athlete representation
- LNASO must execute on its conflicts of interest policy's disclosure process and successfully complete NGB Audit's testing of the disclosure process

If LNASO does not receive tax exempt status on or before December 31, 2023, it has agreed to relinquish its certification status. Other required conditions of certification must be completed within 180 days of the USOPC Board of Directors' ratification of the certification recommendation. If the CRG determines that LNASO has successfully addressed the specified issues within that timeframe and satisfies the Certification Agreement, the CRG will recommend that its certification status be upgraded to Certified in Good Standing. If LNASO does not receive IRS tax exempt status on or before December 31, 2023, LNASO's conditional certification status will be revoked and LNASO will relinquish its NGB certification. If the IRS grants LNASO tax exempt status but LNASO fails to resolve the specified issues to the CRG's satisfaction within the



specified timeframe, its certification rating will be downgraded and the USOPC will discuss whether accountability measures are appropriate to address LNASO's delayed action.

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 NGBs⁹. 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.¹⁰

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.¹¹ 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 a 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.

⁹ See §220521(a) of the Ted Stevens Olympic and Amateur Sports Act.

¹⁰ [NGB Certification Policy](#), Section 1.

¹¹ The CRG uses a four-year lookback period during its review process.