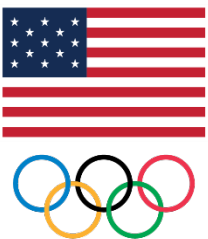


**United States Olympic and Paralympic Committee  
Certification Review Group**



**Certification Renewal Recommendation Report for USA Rugby  
June 19, 2024**



**UNITED STATES  
OLYMPIC & PARALYMPIC  
COMMITTEE**

## **USA Rugby Certification Renewal Executive Summary**

In March 2023, the United States Olympic and Paralympic Committee (USOPC) Certification Review Group (CRG), in accordance with the USOPC's NGB Certification Policy, began a certification renewal review of the USA Rugby Football Union (USA Rugby).<sup>1</sup> The CRG evaluated USA Rugby and, based on input from CRG members, including USA Rugby's progress toward resolving the findings of NGB Audit's 2022 Compliance Audit<sup>2</sup>, recommends a certification status of Renewal with Conditions.

The CRG's review of USA Rugby found that the organization is meeting most 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. A Compliance Audit conducted by the USOPC's NGB Audit team in the first quarter of 2022 identified several areas where USA Rugby was not fully meeting NGB Compliance Standards, including findings related to its athlete representation, management of conflicts of interest, USOPC funding, USA Rugby's background check policy, and managerial capability.

During the CRG's review period, USA Rugby attempted to reach compliance with the NGB Compliance Standards and remediated some of its outstanding audit findings by the time of the CRG's recommendation. However, there are still significant issues that remain outstanding and will be considered conditions of USA Rugby's certification. The conditions of USA Rugby's certification as an NGB are:

- USA Rugby must finalize, approve, and publish revised bylaws that incorporate required elements to comply with the NGB Compliance Standards.
- USA Rugby must demonstrate that it is conducting a timely annual conflict of interest disclosure review process in accordance with the USA Rugby Conflict of Interest Policy.
- USA Rugby's International Athlete Council (IAC) must demonstrate compliance with the NGB Compliance Standards' requirements for internal Athletes' Advisory Councils, including its members completing conflict of interest disclosures and ensuring compliant member composition that matches the IAC's Terms of Reference.
- USA Rugby must address athlete representation findings and ensure that all Designated Committees have 33.3% qualified athlete representation.
- USA Rugby must continue to demonstrate improved financial stability, which will be assessed through its audited financial statements for 2023.
- USA Rugby must demonstrate its managerial capability by addressing all outstanding audit findings in a timely manner, including those which are repeat findings from the 2019 audit.

As a result of this review, the CRG recommends that USA Rugby be granted a certification status of Renewal with Conditions. In accordance with the NGB Certification Policy, USA Rugby must resolve the remaining deficiencies outlined in this report by December 16, 2024. If the CRG determines that USA Rugby has successfully addressed the specified conditions within that timeframe, the CRG will recommend that its certification status be upgraded to Renewal in Good Standing. If USA Rugby fails to resolve the specified issues to the CRG's satisfaction within that

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<sup>1</sup> See Appendix for more information about the certification process, including a link to the NGB Certification Policy.

<sup>2</sup> [NGB Audit Report](#) and [NGB Audit Addendum Report](#).

timeframe, the CRG will assess whether accountability measures, up to and including the initiation of decertification proceedings, are appropriate to address USA Rugby's delayed action.

## **Organizational Overview**

The USA Rugby Football Union, commonly known as USA Rugby, is the USOPC-certified NGB for the sport of rugby. USA Rugby is a member of Rugby Americas North, one of six regional governing bodies under World Rugby, the international federation that oversees rugby's portfolio of major events.<sup>3</sup> USA Rugby is headquartered in Denver, Colorado.<sup>4</sup>

## **Certification History**

USA Rugby was originally certified in January 2021.<sup>5</sup> This is the first time USA Rugby has gone through the certification review process.

## **Certification Exceptions<sup>6</sup>**

USA Rugby did not request any exceptions from the NGB Compliance Standards during its certification review.

## **Athlete Representation Approval and Exceptions<sup>7</sup>**

USA Rugby requested the Athlete Representation Review Working Group (ARRWG) approve additional competitions as qualifying events for 10-Year and 10-Year+ Athlete status to expand the pool of athletes eligible to serve as athlete representatives. All events are elite, international events for which Team USA was chosen in accordance with NGB-led selection procedures. The ARRWG approved the following competitions as qualifying events:

- Rugby World Cup 7s
- Rugby World Cup
- Sevens World Series
- Team USA 15s Test Matches
- 7s and 15s Men's and Women's International Rugby Competitions

The ARRWG also approved USA Rugby sanctioned national and international competitions to be included in the Actively Engaged Athlete definition.

USA Rugby requested that the ARRWG approve less than 33.3% athlete representation for its Referee and Laws Committee. The request for 10% athlete representation, including at least one AAC appointed athlete, was approved with the condition that the terms of reference for the committee continue to operate in an advisory capacity only.

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<sup>3</sup> [About](#), World Rugby Website.

<sup>4</sup> [Membership](#), World Rugby Website.

<sup>5</sup> Refer to the Appendix for details on the initial certification.

<sup>6</sup> Refer to the Appendix for details on exception requests to the NGB Compliance Standards.

<sup>7</sup> Refer to the Appendix for details on athlete representation exception requests.

## **Certification Review<sup>8</sup>**

### ***Governance and Compliance***

The CRG determined that USA Rugby is fulfilling some of the Governance and Compliance-related responsibilities of an NGB, including adopting and enforcing key ethics and compliance-related policies and making them publicly available on its website, and defining procedures to address violations of these policies. Additionally, USA Rugby has not been the subject of any formal complaints filed with the Dispute Resolution Unit within the last four years.

As a result of the 2022 Compliance Audit, USA Rugby is in the process of updating and approving its bylaws and several governance policies to meet the NGB Compliance Standards. USA Rugby updated its conflict of interest policy to meet the NGB Compliance Standards, but the organization must conduct a timely annual conflict of interest disclosure review in accordance with the revised policy. NGB Audit will test the 2024 disclosure review process once completed by USA Rugby to assess compliance. Successfully demonstrating that the NGB can execute against its conflict of interest policy is a condition of certification in good standing.

USA Rugby must also make further improvements in areas related to athlete representation before the CRG will consider recommending a Renewal in Good Standing for USA Rugby. As a condition of this certification renewal, USA Rugby must demonstrate that its Designated Committees have 33.3% athlete representation as required by the NGB Compliance Standards. It must also ensure that its International Athlete Council (IAC) meets all elements of the NGB Compliance Standards, including by ensuring that the IAC's Terms of Reference meet composition requirements and are properly executed and that all IAC representatives complete a conflict of interest disclosure.

Despite the shortcomings identified by the audit, the CRG received generally positive athlete feedback regarding USA Rugby's governance and athletes expressed excitement about the NGB's efforts to bring the Men's and Women's Rugby World Cups back to the United States in 2031 and 2033, respectively.

### ***Financial Standards and Reporting Practices***

The CRG determined that USA Rugby meets most of the NGB Compliance Standards for Financial Standards and Reporting Practices. USA Rugby has made improvements to demonstrate financial operational capability to administer its sport and will continue to be evaluated on its financial and operational transparency.

As a result of findings from the 2022 Compliance Audit, USA Rugby made process adjustments to adequately complete their USOPC funding reports on time in 2023. NGB Audit conducted testing against USA Rugby's 2023 USOPC funding report and found that it successfully met the requirements for reporting on its USOPC grant funding.

The CRG determined that USA Rugby has improved its financial operational capability after emerging from bankruptcy in 2020. However, NGB Audit made a finding related to USA Rugby's financial stability in the 2022 audit, and that finding remains open. Demonstrating improved financial stability and resolving this finding is a condition of the CRG's certification

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<sup>8</sup> Refer to the Appendix for details on the review standards and process for information related to the Compliance Audit.

recommendation, and this will be evaluated through USA Rugby's 2023 audited financial statements.

### ***Athlete Protection and Rights***

USA Rugby 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 NGB has updated its anti-doping policy language to comply with the requirements of the USOPC and the U.S. Anti-Doping Agency. As a result of the 2022 Compliance Audit, USA Rugby has developed and implemented a policy for reporting potential allegations or temporary measures to the USOPC. USA Rugby has also implemented an automated background screening process to verify eligibility status prior to approving or appointing individuals to work at events.

The USOPC is not aware of any cases it has received in the past four years concerning USA Rugby 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 Rugby that the USOPC was required to report.

In 2022, the Center conducted its most recent Administrative Audit<sup>9</sup> of USA Rugby's implementation of policies required by the SafeSport Code and the Minor Athlete Abuse Prevention Policies, which resulted in multiple findings that required corrective actions. The Center deemed USA Rugby's corrective actions as complete and compliant on February 16, 2023.<sup>10</sup>

On May 13, 2023, the Center conducted an Event Audit<sup>11</sup> of the USA Rugby High Performance Pathways Talent ID Camp in Belmont, MA, which resulted in multiple findings that required corrective actions due to be completed by August 2023. The Center deemed USA Rugby's corrective actions as complete and compliant on November 9, 2023.<sup>12</sup>

After the 2022 Compliance Audit, USA Rugby was able to provide sufficient evidence of signed athlete agreements for the men's and women's national team athletes, satisfying the Athlete Agreements Compliance Standard.

### ***Sport Performance***

USA Rugby is fulfilling its obligations in Sport Performance. The organization maintains and executes a strategic plan that supports athletes in achieving sustained competitive excellence and grows the sport. In response to the 2022 Compliance Audit, USA Rugby updated its event sanctioning agreement language to incorporate elements required to meet the NGB Compliance Standards.

### ***Operational Performance***

The CRG determined that USA Rugby is meeting most of the Operational Performance standards required for NGBs. The organization is improving its managerial capability to administer its sport and continues to keep current insurance policies.

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<sup>9</sup> [US Center for SafeSport Administrative Audit](#), USA Rugby, November 22, 2022.

<sup>10</sup> [US Center for SafeSport Corrective Actions Update](#), February 16, 2023.

<sup>11</sup> [US Center for SafeSport Event Audit](#), USA Rugby, May 13, 2023.

<sup>12</sup> [US Center for SafeSport Corrective Actions Update](#), November 9, 2023.

As a result of the 2022 Compliance Audit, USA Rugby approved a strategic plan at its March 2022 Board Meeting and updated its whistleblower and anti-retaliation policy to include missing requirements to reach compliance. USA Rugby is in the process of updating its Grievance Policy and Procedures to include required elements to meet the NGB Compliance Standards through a revision of its bylaws.

USA Rugby developed a 2021-2024 Diversity, Equity, and Inclusion (DE&I) Action Plan with the vision to actively support wider representation throughout USA Rugby's governance and community membership while ensuring all NGB members are treated fairly with equal and equitable access to resources and training. USA Rugby submitted its action plan to the USOPC with sufficient detail to meet the NGB Compliance Standards. The action plan is built to drive diversity, promote inclusion, and provide opportunity and access to underrepresented individuals and groups. USA Rugby is also committed to providing anti-discrimination training on an annual basis for staff members, administrators, and contractors. USA Rugby has also consistently met the data submission requirements for the annual diversity scorecard.

## **Conclusion**

USA Rugby is meeting a majority of the NGB Compliance Standards but must address the areas of concern before it is meeting all requirements and expectations of an NGB. While there are no outstanding severe deficiencies that merit the consideration of immediate decertification, based on input from CRG members and the outstanding NGB Audit findings, the CRG has identified significant issues that require remediation before the CRG recommends certifying USA Rugby as a member in good standing. As such, the CRG recommends that USA Rugby's certification as a member organization of the USOPC be granted a rating of Renewal with Conditions. The conditions of this certification are:

- USA Rugby must finalize, approve, and publish revised bylaws that incorporate required elements to comply with the NGB Compliance Standards.
- USA Rugby must demonstrate that it is conducting a timely annual conflict of interest disclosure review process in accordance with the USA Rugby Conflict of Interest Policy.
- USA Rugby's International Athlete Council (IAC) must demonstrate compliance with the NGB Compliance Standards' requirements for internal Athletes' Advisory Councils, including its members completing conflict of interest disclosures and ensuring compliant member composition that matches the IAC's Terms of Reference.
- USA Rugby must address athlete representation findings and ensure that all Designated Committees have 33.3% qualified athlete representation.
- USA Rugby must continue to demonstrate improved financial stability, which will be assessed through its audited financial statements for 2023.
- USA Rugby must demonstrate its managerial capability by addressing all outstanding audit findings in a timely manner, including those which are repeat findings from the 2019 audit.

As part of this Renewal with Conditions rating, USA Rugby will have until December 16, 2024, to meet the conditions of this certification. If USA Rugby successfully meets these conditions by the prescribed date, the CRG will recommend that its certification rating be upgraded to Renewal in Good Standing. If USA Rugby fails to resolve these conditions to the CRG's satisfaction by December 16, 2024, the CRG will assess whether accountability measures, up to and including the initiation of decertification proceedings, are appropriate to address USA Rugby's delayed action.

## **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 effective in late 2020, require the USOPC to certify NGBs.<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup> 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 Safety, 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.

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.