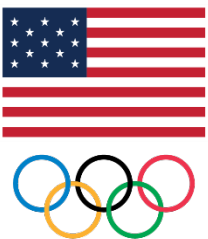


**United States Olympic and Paralympic Committee
Certification Review Group**



**Certification Renewal Recommendation Report for USA Swimming
June 23, 2023**



**UNITED STATES
OLYMPIC & PARALYMPIC
COMMITTEE**



USA Swimming Certification Renewal Executive Summary

In January 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 USA Swimming.¹ The CRG evaluated USA Swimming and, based on input from CRG members and the results of NGB Audit's 2022 Compliance Audit², recommends a certification status of Renewal in Good Standing.

The CRG's review of USA Swimming 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.

CRG members agreed that USA Swimming is presently meeting the requirements and expectations for an NGB. In its discussions of USA Swimming's interactions with the USOPC, the CRG did not identify any operational concerns or cultural issues that would prevent the organization's continued certification. Overall, in the areas in which CRG members had interacted with USA Swimming, the CRG had a generally favorable view of USA Swimming's operations.

As a result of this review, the CRG recommends that USA Swimming be granted a certification status of Renewal in Good Standing for a four-year certification term ending in 2027.

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

² [NGB Audit Report](#) and [NGB Audit Addendum Report](#).



Organizational Overview

USA Swimming is the USOPC-certified NGB for the sport of swimming, and is an affiliated organization of US Aquatic Sports, the US member to World Aquatics, the international federation that oversees the aquatic disciplines. USA Swimming’s vision is “to inspire and enable [its] members to achieve excellence in the sport of swimming and in life.”³ USA Swimming is divided into four zones, which contain groupings of a total of fifty-nine Local Swimming Communities that oversee over 3,100 club and team programs.⁴ The NGB serves over 400,000 members and is headquartered in Colorado Springs, Colorado.⁵

Certification History

USA Swimming was originally certified in January 2021.⁶ The CRG’s certification review was initiated based on USA Swimming’s scheduled quadrennial certification review. USA Swimming’s certification status has not been referred for review outside of the standard NGB certification review schedule.

Certification Exceptions⁷

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

Athlete Representation Approval and Exceptions⁸

USA Swimming requested that the Athlete Representation Review Working Group (ARRWG) approve additional competitions as qualifying events for 10-Year and 10-Year+ status to expand the pool of athletes eligible to serve as athlete representatives. All of these events are sanctioned international events for which Team USA was chosen in accordance with NGB-led selection procedures. The ARRWG approved the competitions as qualifying events back to 2011 to ensure strong record availability and consistency across the three competitions:

- FINA Long Course World Championship⁹
- Pan Pacific Swimming Championships
- World University Games

In addition, USA Swimming’s House of Delegates, a governing body with the ability to change Bylaws as well as elect members of the Board of Directors, is considered a Designated Committee requiring 33.3% athlete representation. The ARRWG accepted the NGB and AAC request that the votes of athlete representatives in the House of Delegates be weighted as needed given the extraordinary size of the House of Delegates (about 600 members). The weighted vote of the athlete members ensures that the athlete voice is maintained at the 33.3% level regardless of the number of athletes in attendance at a House of Delegates meeting.

³ [About](#), USA Swimming Website.

⁴ *Id.*

⁵ *Id.*

⁶ Refer to the Appendix for details on the initial certification.

⁷ Refer to the Appendix for details on exception requests to the NGB Compliance Standards.

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

⁹ FINA is the previous name of World Aquatics. This name change occurred in December 2022, so past Long Course World Championships may be recorded under this title.



Certification Review¹⁰

Governance and Compliance

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

In the 2022 Compliance Audit, NGB Audit found that while USA Swimming met requirements in practice, its bylaws did not include some details regarding athlete representation criteria. USA Swimming took corrective action by updating its Bylaws and Rulebook to expressly state the athlete representation criteria and ensure that the composition requirements for Designated Committees were also updated in its Operating Policy Manual. After USA Swimming's Board of Directors and House of Delegates approved these documents, NGB Audit verified the revisions met the requirements of the NGB Compliance Standards and resolved the finding.

The CRG received positive athlete feedback regarding USA Swimming's governance practices, noting that the internal AAC is functioning well with increasing levels of engagement by athletes over time. The athletes noted some initial concerns with having enough athlete participation to meet the representation requirements; however, they noted sufficient levels of athlete engagement in the process. The athletes shared positive feedback on their overall communication with USA Swimming and said that staff are sincerely interested in listening to athletes.

Financial Standards and Reporting Practices

The CRG determined that USA Swimming demonstrates financial operational capability to administer its sport and is financially and operationally transparent, maintaining accountability to its members and to the USOPC.

Athlete Protection and Rights

USA Swimming 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). It also maintains an anti-doping program consistent with the requirements of the USOPC and the U.S. Anti-Doping Agency.

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

In 2021, the Center conducted its most recent Administrative Audit of USA Swimming's implementation of policies required by the SafeSport Code and the Minor Athlete Abuse Prevention Policies, which resulted in findings and direction for corrective actions relating to

¹⁰ Refer to the Appendix for details on the review standards and process for information related to the Compliance Audit.



policy language. The Center deemed USA Swimming’s corrective actions as complete and compliant on February 6, 2023.¹¹

On July 25-27 2022, the Center conducted its most recent Event Audit¹² of USA Swimming at the Philips 66 National Championships in Irvine, California, which resulted in no findings or directions for corrective actions.

Sport Performance

USA Swimming 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. USA Swimming established clear selection procedures and executed them effectively to name and train Team USA athletes for Delegation Events.

Operational Performance

The CRG determined that USA Swimming is meeting all the Operational Performance standards. The organization demonstrates managerial capability to administer its sport, keeps current insurance policies, demonstrates financial sustainability, maintains grievance procedures, and enforces a whistleblower and anti-retaliation policy. As a result of the 2022 Compliance Audit, USA Swimming updated its National Board of Review Procedures to include additional details to fully meet the NGB Compliance Standards.

USA Swimming developed a 2021-2024 Diversity, Equity, and Inclusion (DE&I) Action Plan with aims to provide resources to its members, to identify and lead in reducing barriers, to create opportunities for inclusion, and to increase fairness throughout the sport of swimming. USA Swimming submitted its action plan to the USOPC with sufficient detail to meet the NGB Compliance Standards. The action plan includes four objectives with details relating to specific initiatives, target groups, timelines, and success measures. Objectives include increasing communication, transparency, and engagement; increasing DE&I awareness and education; increasing swimming literacy and career opportunities for diverse communities; and expanding partnerships and programs to increase diversity and membership growth.

Conclusion

The CRG concluded that USA Swimming is performing satisfactorily based on input from the CRG members and the results of the NGB Audit team’s 2022 Compliance Audit, and there are no outstanding areas of concern affecting its certification status at this time. Accordingly, the CRG recommends that USA Swimming’s certification as a member organization of the USOPC be renewed with a rating of Renewal in Good Standing.

¹¹ [US Center for SafeSport Corrective Actions Update](#), February 6, 2023.

¹² [US Center for SafeSport Event Audit Report – USA Swimming](#), July 25-27, 2022.



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.¹³ 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.¹⁴

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.¹⁵ 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.

¹³ See §220521(a) of the Ted Stevens Olympic and Amateur Sports Act.

¹⁴ NGB Certification Policy, Section 1.

¹⁵ The CRG uses a four-year lookback period during this review process.